



# Strategic & Corporate Committee

**Agenda:** *Strategic & Corporate Committee*

**Date:** *Tuesday 6 February 2007*

**Time:** *6.00 pm*

**Part:** *One of Two*

### **Outline of Meeting Protocol & Procedure:**

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

### **Recommendation only to the Full Council (“R” Items):**

Note: This Committee to function on the basis of referral with considerations to encompass functions and responsibilities from any other Committee.

### **Principal Considerations:**

- Municipal Strategy
- Objectives Setting
- Policies and Codes Development
- Corporate Management
- Corporate Planning
- Woollahra Planning
- Community Services

### **Committee Membership:**

- All Councillors

### **Quorum:**

- The quorum for a committee meeting is 8 Councillors.

# WOOLLAHRA MUNICIPAL COUNCIL

## Notice of Meeting

30 January 2007

To: The Mayor, Councillor Keri Huxley, ex-officio  
Councillors Anthony Boskovitz  
John Comino  
Claudia Cullen  
Christopher Dawson  
Marcus Ehrlich  
Tanya Excell  
Wilhelmina Gardner  
Julian Martin  
Andrew Petrie  
Geoff Rundle  
Isabelle Shapiro  
David Shoebridge  
Fiona Sinclair King  
John Walker

Dear Councillors

### **Strategic & Corporate Committee Meeting – 6 February 2007**

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Strategic and Corporate Committee** to be held in the **Committee Rooms, 536 New South Head Road, Double Bay, on Tuesday 6 February 2007 at 6.00 pm.**

Gary James  
General Manager

# **Additional Information Relating to Committee Matters**

**Site Inspection**

**Other Matters**

## Meeting Agenda Part One of Two Parts

<b>Item</b>	<b>Subject</b>	<b>Pages</b>
1	Leave of Absence and Apologies	
2	Late Correspondence	
3	Declarations of Interest	

### **Items to be Submitted to the Council for Decision with Recommendations from this Committee**

R1	Cranbrook School DA – DA508/2006	1
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## **Meeting Agenda Part Two of Two Parts**

<b>Item</b>	<b>Subject</b>	<b>Pages</b>
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**Items to be Submitted to the Council for Decision  
with Recommendations from this Committee**

R1	Cranbrook School DA – DA508/2006 – Annexure 2 to 10	211
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**Item No:** R1 Recommendation to Council  
**Subject:** **Cranbrook School DA**  
**Author:** P Kauter, Executive Planner  
A Coker, Director Planning and Development  
**File No:** DA508/2006  
**Reason for Report:** To consider the independent traffic report and additional information in relation to the Development Application by the Cranbrook School for a new Preparatory and Junior school

**Recommendation:**

THAT, subject to the withdrawal of the appeal to the Land and Environment Court, Council as the consent authority, grant development consent under section 83B of the *Environmental Planning and Assessment Act 1979* to DA 508/2005/1 by the Cranbrook School for Staged Development on land at 6 and 6A Kent Road Rose Bay incorporating the following:-

- Land uses comprising Junior and Preparatory School
- Indicative building envelopes
- A maximum gross floor area for the school buildings of 6,300 square metres
- A landscaping concept
- Vehicular access, egress and circulation layout (not construction)
- 70 off-street car parking spaces (not construction)
- Siteworks comprising: demolition of former bowling club, site remediation and removal of identified trees and vegetation and drainage,

subject to the conditions set out in section 15 of this report.

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**1. BACKGROUND:**

The Council at its meeting on 25/9/06 considered DA508/2006 for the staged development of 6 & 6A Kent Road Rose Bay by Cranbrook School for a new preparatory and junior school. Stage 1 of the proposal sought consent for:

- Land uses comprising junior and preparatory school (460 students and 45 staff)
- Indicative building envelopes
- A maximum gross floor area for the school buildings of 6,300<sup>m</sup><sup>2</sup>
- A landscaping concept
- Vehicular access, egress and circulation layout
- 70 off-street car parking spaces
- Siteworks comprising demolition of the former bowling club, site remediation and removal of identified trees and vegetation.

The application was considered by the Strategic and Corporate Committee on 18 September 2006 and by Council on 25 September 2006. The assessment report presented to the Strategic and Corporate Committee describes in detail the development site, the relevant planning controls and the proposed development. The report and plans are attached as **annexure 1**. The Council resolved as follows:

*That consideration of the matter be deferred to allow the applicant and staff to confer on the following matters, and that Council initiate parts A1 and K:*

- A1 Preparation of an independent comprehensive traffic report addressing in detail the following matters:*
- 1. a full traffic count and analysis,*
  - 2. the impact on traffic in New South Head Road during peak times and out of peak times, (3 or 4 times during different periods)*
  - 3. the loss of parking spaces,*
  - 4. the safety of pedestrians and students,*
  - 5. the traffic impacts of bus movements to and from Cranbrook School,*
  - 6. the issue of the RTA traffic lights at the New South Head Road and Kent Road intersection having particular regards to the programming for turn movements, adequacy of waiting bays, queuing and additional delays experienced by residents in Kent Road as a consequence of the changes to the traffic lights,*
  - 7. Pick up and set down issues including the staggering of times and the effect of the use of car pooling and supervised management of the pick up and drop off process,*
  - 8. Exploring the benefits/viability of bus pick up and set down being re-routed to Lyne Park rather than to the school site.*
  - 9. review of the variances with the applicant's report,*
  - 10. the impact on traffic in Iluka Street, Elanora Street and Manion Avenue.*
- A2 The applicant to provide an Operational Traffic Management Plan for Council's approval at DA stage, covering the issues in part A1 of the recommendation including bus turning circles, loss of parking and the effects of proposed changes to Kent and New South Head Roads.*
- B. Landscaping to be further examined including issues of low water use having regard to water conservation, the use of Australian native plants and the adequacy of the proposed screening.*
- C. Further examination of the set backs to the New South Head Road properties including the original position of the round about.*
- D. The tennis courts to be synthetic tennis courts in order to reduce noise and to be predominately green in colour.*
- E. Dilapidation reports to be prepared for No 4A Kent Road, Rose Bay.*
- F. Consideration being given to moving the music and multi-purpose rooms away from adjoining properties.*
- G. The provision of public art.*
- H. The use of the tennis courts to be conditioned that they are not to be used prior to 7.30am or after 7.00pm on week days, prior to 8.00am or after 5.00pm on Saturdays and prior to 10.00am and after 2.00pm Sundays.*
- I. That the design of all buildings incorporate state of the art design principles to minimise water and energy uses.*

- J. *Restrictions on the hours of use of the gymnasium.*
- K. *That legal advice be obtained on Council's ability to grant approval of the application under the amended legislation given that the application was lodged with Council prior to the legislation being amended.*

In response to part A1 of Council's resolution the traffic and transport consultants, Masson Wilson Twiney (MWT) were commissioned to provide the independent comprehensive traffic report. That report, *Cranbrook School Development Review 11 January 2007* is attached as **annexure 2**.

The School's response to items A2 to J is attached and marked **annexure 3**.

It should be noted that the applicant has lodged a class 1 appeal with the Land & Environment Court against the deemed refusal of the DA. The appeal has been set down for hearing on 5, 6 & 7<sup>th</sup> March 2007. The court has appointed Mr Geoff Goodyer as its expert town planner and Graham Atkins as its noise expert. The court has agreed that the parties are to provide their own experts with regard to traffic and parking issues.

The following parts of this report provide a response to each part of the Council's resolution of 25 September 2006.

## **2. CONSIDERATION OF TRAFFIC REPORT (Resolution A1):**

### **2.1 A full traffic count and analysis**

New surveys of vehicle movements were conducted at the intersection of New South Head Road with O'Sullivan Road, Elanora Street, Kent Road, Newcastle Street and Dover Road and also at the intersection of Iluka Street and Manion Avenue.

The surveys were conducted on:

- Saturday 4/11/06 between 10.00am and 1.00pm
- Saturday 11/11/06 between 7.00am and 1.00pm
- Thursday 9/11/06 between 7.00am and 9.30am, and
- Thursday 9/11/06 between 2.00pm and 5.00pm.

Section 3 of the traffic report provides information on weather conditions and peak hour flows. Table 3.1 of the report provides the data on the surveyed peak hour two way traffic volumes. Table 3.2 provides a comparison of Saturday traffic volumes using the survey results obtained by Colston Budd Hunt and Kafes (CBHK) and Mason Wilson Twiney (MWT). The CBHK surveys were taken in July with no sport and August 2004 with winter sport. The CBHK figures for winter sport are much higher than the summer sport figures obtained by MWT. It is concluded from this comparison that Elanora Street, Iluka Street and Manion Avenue are at their busiest during winter sport activities.

Section 3.2 of the MWT report examines existing traffic conditions for the intersections along New South Head Road. That analysis, indicates that the signalised intersections all operate with an 'A' level of service with average delay times between 2 and 9 seconds. Detailed analysis is provided for each turning movement in and out of the intersection of Kent Road and New South Head Road. The analysis indicates levels of service for both Saturday AM, Thursday AM and Thursday PM as follows:

- Right into Kent A level of service
- Left out of Kent B level of service
- Right out of Kent C (B for Thursday PM) level of service
- Left into Kent A level of service

The survey results and analysis of the unsignalised intersection of Elanora Street with New South Head Road indicate that vehicles turning right out of Elanora Street experience significant delays during peak periods but drivers are able to turn when traffic is stopped due to the operation of the signalised intersections along New South Head Road.

Section 3.4 of the report and table 3.7 provide a comparison between the weekday traffic survey results of the CBHK and MWT reports. The survey results indicate that traffic volumes on New South Head Road, measured by MWT were found to be generally lower than the survey results measured by CBHK. These differences are particularly noticeable during the morning peak hour, eg. New South Head Road west of Kent Road, 2,949 vehicles per hour (vph) by MWT and 3,330vph by CBHK. The report does not speculate on the reasons for these differences.

Due to the differences between the survey results MWT re-ran the computer model using the higher CBHK figures to examine intersection operating conditions. This resulted in similar delays, degrees of saturation and levels of service except for the right turn out of Kent Road in the morning peak, however, MWT conclude that the actual difference between conditions using the different survey results is negligible.

The survey data produced by MWT taken during summer, as compared to the CBHK data taken during winter, does not bring into question the veracity of the figures used by CBHK in their original traffic report.

## **2.2 The impact on traffic in New South Head Road during peak times and out of peak times, (3 or 4 times during different periods)**

### **2.2.1 Kent Road**

The resolution did not specifically ask that the impact of traffic on Kent Road be assessed. However, since the greatest traffic impacts will be on Kent Road, the consultants considered this issue.

Section 4.1 of the report indicates that the proposed development would generate 121 to 140 weekday arrivals and departures in the morning and 108 to 124 weekday arrivals and departures in the afternoon. The report analyses the impact that this additional traffic will have during both peak and non-peak periods. It concludes that the most significant impacts on traffic volumes will occur on Kent Road, as it would be the main access for the school. In the morning peak it is expected that traffic volumes in Kent Road will increase from 276vph to 596vph and in the afternoon peak from 243vph to 531vph. There would also be commensurate increases in traffic volumes in New South Head Road. However, traffic volumes in Dover Road, Elanora Street and Iluka Street will decrease. The MWT report considers that the additional traffic volumes in Kent Road would be acceptable because:

- Kent Road already acts as a collector providing access to the Royal Sydney Golf Club
- It has signalled control access from New South Head Road
- There will be a distinct peaking in activity with the peak volumes occurring over a very short period during school terms only
- The peak volumes would occur only between New South Head Road and the school driveway, a distance of 110m across five property frontages

- Kent Road is subject to a 40kmh speed zone
- The number of heavy vehicles is very low, and
- Residents would not be affected during the most sensitive times, being night time and Sundays.

On Saturdays the school uses the nearby ovals for sporting activities. Winter is the busiest time of year for sporting activity. The MWT report indicates that the proposed development would not significantly alter the level of activity associated with winter sport, rather it would alter the distribution of traffic to and from the school because of changed access arrangements. For the purposes of their assessment MWT estimate that the traffic generated by winter sport will be about 300 vehicle trips per hour. Following analysis of how this additional traffic will be distributed across the local network they conclude that traffic volumes on Kent Road would be expected to remain well below the 500vph threshold beyond which residential amenity would be expected to decline. Volumes on Elanora Street, Iluka Street and Manion Avenue would be reduced below the existing levels on sporting days.

### ***2.2.2 Intersections with New South Head Road***

MWT also examined the impact of the additional traffic on the operation of the affected intersections during weekday AM and PM peaks and during the Saturday 'midday' peak with New South Head Road. This analysis included the intersections of New South Head Road, O'Sullivan Road, Kent Road, Newcastle Street and Dover Road. The analysis, contained in table 4.4 of the report, indicates that the additional traffic will result in only a marginal change to overall operation and that the intersections will continue to operate with satisfactory levels of service on both weekdays and Saturdays. Average delays will range from 2 to 9 seconds and the level of service will remain at 'A'.

### ***2.2.3 Intersections of Kent Road and Elanora Street with New South Head Road***

The detailed analysis of each turning movement in and out of the Kent Road and New South Head Road intersection, contained in table 4.5 of the report, indicates that with the additional traffic and the upgrading of the intersection, levels of service and intersection delays will remain the same as existing, or slightly better. Since there will be less traffic generated into and out of Elanora Street average delays at this intersection will be slightly less than at present.

The MWT report confirms that the proposal will have acceptable traffic impacts on the local network and on the operation of both the signalised and unsignalised intersections with New South Head Road.

## **2.3 The loss of parking spaces**

The MWT report at 5.1.2 states:

*During the school hours, 20 school staff currently park on Kent Road. The relocation of these vehicles onto the school site would make more on-street spaces available for other users. The removal of the 20 staff cars would more than offset the loss of seven spaces on Kent Road for weekday parking conditions during school hours.*

*The loss of seven on-street spaces on Kent Road is not expected to significantly impact on the availability of parking. It would be possible to reinstate lost parking on Kent Road on weekends if Council so required.*

Based on these comments the loss of parking spaces on Kent Road as a consequence of proposed changes to the road alignment is acceptable.

## 2.4 The safety of pedestrians and students

The MWT report at 5.3 states:

*It is understood that the retractable bollards at the eastern end of internal road would be in place during the school day, so that vehicles would not be able to access the internal road. Car access from Kent Road would be limited to the 15 parking spaces at the eastern end of the site. The internal road would therefore be a pedestrian zone during the school day. This would ensure that students and vehicles were separated during the school day, which is satisfactory, assuming that any vehicles parked in the spaces adjacent to the internal roadway would not be moved during the day. This needs to be clarified.*

The school has clarified this issue in its *Operational Traffic Management Plan, January 2007*. This plan is attached as **annexure 4**. At section 1.8 it advises that the proposed retractable bollards will be controlled by a new building management system which will be set up to automatically allow for pick-up and drop-off each day during school term or sports time or manually by reception for emergencies.

To restrict vehicular access to the internal road and maintain pedestrian safety, the eastern bollards will be upright, except during the follow hours:

- 7.00am to 8.40am Monday to Friday during school term, for staff access and for student drop-off
- 2.30pm to close of school activities
- On Saturdays for sporting activities and car parking

The western bollards will remain upright at all times during school term and will only be lowered on Saturdays to facilitate a one way movement of vehicles departing the sporting venues via the internal road and Kent Road. During weekdays these bollards will therefore stop vehicles entering or leaving the site from Iluka Street.

Therefore, to ensure student safety during normal school hours there will be no vehicular access to the internal road beyond the bollards between the hours of 8.40am to 2.30pm. The school also advises that staff will not be permitted to move their vehicles parked in the fulltime staff parking spaces along the internal road between the hours of 7.30am and 4.00pm.

The MWT report also advises:

*A pedestrian footpath is proposed to link to Kent Road, immediately to the north of the driveway, which would satisfactorily separate pedestrians from vehicles.*

*Two marked pedestrian crossings (zebra crossings) are planned near the eastern end of the internal road, on either side of the roundabout. The roadway around the eastern roundabout is proposed to be fenced, so that pedestrians would cross only at the marked crossings.*

***Eastern Marked Crossing***

*A number of car parking bays are proposed on the approach to the eastern marked crossing. These include three angle parking bays closest to the crossing (to be used as forward in, reverse out) and five parallel bays which would be accessed via a reverse park manoeuvre. These spaces are located within the zone that would typically be subject to "No Stopping" restrictions for a marked crossing, to assist visibility between drivers and pedestrians. The bend in the road would assist visibility of pedestrians on the crossing for drivers entering the school, but cars parked in the angled bays would restrict visibility to pedestrians waiting on the kerb or about to step onto the crossing. Also, should the cars in the angle bays reverse out to then exit the site in a forward direction (without travelling around the roundabout), they would reverse across the pedestrian crossing. The safety of pedestrians would be compromised by the presence of the angled parking spaces.*

In response to this concern the school has advised that the three spaces to the east of the eastern pedestrian crossing will be allocated to the three most senior staff of the school to ensure proper use of these spaces and to prevent the use of these spaces by visitors. They will be allocated to Head of Junior School, Deputy Head of Junior School and the Director of Early Learning. To ensure that vehicles do not reverse over the pedestrian crossing staff will be required to reverse out of each space to the east and to circulate around the roundabout to exit. This means that these spaces will be accessed before school hours and will remain that way until after school hours. The specific arrangements for the management of these spaces are set out in section 1.7 of the School's Operational Traffic Management Plan.

***Western Marked Crossing***

*The marked crossing on the western side of the roundabout crosses four lanes of the road (two travel lanes and two queuing lanes). This is contrary to current practice, which limits marked crossings to two lanes only. It is recommended that the layout be amended to reduce the crossing distance.*

In response to this issue the school has advised that:

- The designated footpath on the northern side of the driveway provides a safe entrance to the school
- The pedestrian crossings will be well sign posted
- There will be a 10kph speed limit on the internal road
- An amended plan is proposed where the parking space closest to the western pedestrian crossing is moved to the other end of that series of spaces.

The MWT also advises:

*The angle parking spaces on the northern side of the internal road are located within the area which would usually be subject to "No Stopping" restrictions, and cars parked in these spaces would restrict visibility between drivers and pedestrians about to cross the road. As noted previously, it is not clear whether these spaces would be in use during the morning and afternoon drop off and pick up activity, but as they would be used during Saturday sporting activity, pedestrian safety would be compromised. The parking/queuing lane extends through the marked crossing, which is not satisfactory.*

In response to this issue the school advises:

*The roadway adjacent to these 90 degree spaces will operate as a slow moving set-down/pick-up lane. Access into the on-site parking to the 21 spaces along the internal roadway will only be permitted before 7.30am and after 4.00pm. Cars will not be allowed to move into or out of these spaces during set-down and pick-up operation, or throughout the day. These spaces will be allocated to fulltime staff who do not leave the site between 7.30am and 4.00pm.*

These arrangements are described in section 1.3 of the Operational Traffic Management Plan.

## **2.5 The traffic impacts of bus movements to and from Cranbrook School**

The MWT report at 5.5 states:

*Buses would not be used for transporting boys to and from the school on a daily basis, but would be used occasionally for school excursions. CBHK has provided information regarding the existing bus services used by the junior school, including for camps, swimming carnival, cricket and excursions. These activities are infrequent and would not have any significant impact on the overall operation of the surrounding road network. It is recommended that bus activity be managed so that it does not coincide with the morning drop off or afternoon pick up activity.*

*The internal road is not designed to allow buses to enter and then exit from Kent Road. It is understood that buses would access the school from Iuka Street and exit to Kent Road. If the diameter of the western roundabout was increased to 25-30m, it would be large enough to accommodate bus turning movements, which would allow all bus activity to take place to and from Kent Road only. We recommend that this be investigated because the narrow width of Iuka Street renders its use by buses undesirable.*

The school has submitted an amended design for the internal road. The amended design increases the diameter of the western roundabout to allow buses to enter and leave the site from Kent Road. The amended design is illustrated in a series of diagrams numbered A and 1-6. These diagrams are attached as **annexure 5**.

The school also advises:

*Attachment 6 details the swept paths for bus entry to the site, bus turning capacity and potential bus parking locations on the internal roadway. 12.5metre long buses have been accommodated and can circulate along the access road. With some minor modification of the western roundabout, buses are able to circulate around the western internal roundabout in a single manoeuvre. The access driveway and on-street parking adjacent the driveway in Kent Road will be managed by a qualified traffic marshal when buses are required at the school. The parking space on the western side of Kent Road at the school entry will be marked out by "witches hats" to prevent vehicles parking there while buses exit the site. No other parking spaces on the school's land or on the street will be affected.*

Since the entry and exit of buses to the site is infrequent the proposal to restrict parking in one kerb side space adjacent to the entry is acceptable. The amended plan otherwise satisfactorily accommodates bus entry and egress to and from the site via the internal road.

**2.6 The issue of the RTA traffic lights at the New South Head Road and Kent Road intersection having particular regards to the programming for turn movements, adequacy of waiting bays, queuing and additional delays experienced by residents in Kent Road as a consequence of the changes to the traffic lights**

The MWT report discusses the operation of the New South Head Road and Kent Road intersection at 4.4 and concludes:

*The results indicate that with the additional traffic and the upgrading of the intersection, delays and Levels of Service would be maintained at present levels or slightly better.*

The proposed impact of the development on the operation of the New South Head Road and Kent Road intersection with the proposed additional lane in Kent Road and lengthened right hand turn lane in New South Head Road is satisfactory.

**2.7 Pick up and set down issues including the staggering of times and the effect of the use of car pooling and supervised management of the pick up and drop off process**

The MWT report discusses this issue in section 5.4 and recommends a number of aspects of the pick up and set down operations to be clarified including:

- Exactly where the pick up and drop off takes place
- What happens if a boy was not ready to be collected when the driver reaches the pick up zone
- The widening of the outside diameter western roundabout from 20m to 23.6m
- Provision of two separate pick up areas

In relation to student waiting areas the report states:

*Taking the school bags into account, and the need for students to pass freely from the waiting area to the kerb, it is considered that the space available as suggested by the plans would not be sufficient to satisfactorily accommodate the peak number of students and maintain free and easy access to the cars.*

*However as noted above, it is not clear from the plans or the Pick Up and Drop Off Traffic Management Plan what area would be used by the boys waiting for their parents. If additional space was available, the Level of Service would be improved above that determined above.*

*This should be clarified.*

The Operational Traffic Management Plan sets out how traffic, parking, internal traffic circulation, set down and pick up will operate. Arrangements for set-down and pick-up are described in sections 2.1 and 2.2 of this plan.

The set down process will operate over a period from 7.00am to 8.40am with the peak activity period expected to be between 8.00am and 8.30am as follows:

- All vehicles enter from Kent Road and proceed to the designated drop off areas (the retractable bollards will be down during this period).
- The designated drop off area for years 3-6 will be on the southern side of the internal road, adjacent the junior school and the drop off area for kindergarten to year 2 will be on the northern side of the internal road adjacent the preparatory school

- Vehicles exit via Kent Road
- The internal road will be fully signposted with speed limit, pedestrian crossing and parking restriction signs
- The internal road speed limit will be 10km/h
- The set down process will be supervised by staff during periods of peak traffic flow.

The pick-up process will operate from 2.30pm to 3.30pm with pick-ups staggered for each class year as follows:

- |                   |        |              |
|-------------------|--------|--------------|
| • Cars queue      | 2.30pm |              |
| • Kindergarten    | 2.40pm | 50 students  |
| • Years 1-2       | 2.55pm | 100 students |
| • Years 3-4       | 3.05pm | 155 students |
| • Years 5-6       | 3.15pm | 155 students |
| • Pickup complete | 3.30pm |              |

The pick up process will operate as follows:

- All vehicles enter from Kent Road and proceed to the designated pick up area on the northern side of the internal access road.
- Staff wearing identifying jackets for high visibility will manage and control the operation
- Staff will assist kindergarten to year 2 boys into their vehicle
- Staff will be trained targeting RTA certification
- If a student is not ready the pick up vehicle will be instructed to rejoin the queue
- Parents will be issued with a name card to be attached to each pick up vehicle and clearly visible
- As cars pull up staff will read the name on the card and call out the boy's name and supervise his pick up
- All students will enter their vehicles from the curbside
- Staff will keep the pick up queue moving
- If a student is not ready to be picked up the vehicle will be instructed to rejoin the queue
- The internal road will provide queuing room for 50 vehicles

MWT estimate that the 98<sup>th</sup> percentile length of queue which forms will be 28 cars. They recommend that the western roundabout be designed to permit two travel lanes and that two separate pick up areas be provided to improve operational efficiency. The design of the western roundabout has been amended to provide for two travel lanes (and for bus turning) but the school proposes to retain one student marshalling and loading area on the northern side of the internal road.

The school advises:

*Boys will wait in areas designated on the northern side of the internal roadway. See attachment 3. There are adequate covered areas in the 'student marshalling area' for boys to wait at the pick up zone. Boys will be marshalled in the prep school area quadrangle and under the covered verandahs. Vehicles will circulate along the internal access road and proceed through to the supervised student pick-up area.*

The proposed landscaped courtyard student marshalling area has dimensions of about 36m x 18m and has an area of 648 m<sup>2</sup>. The covered student loading area and covered verandahs have an area of about 247m<sup>2</sup>. Since the MWT report estimates that the number of students waiting for pick up would peak at around 185 at 3.00pm it is essential that the marshalling and waiting areas will have sufficient capacity to accommodate this number. The student loading area has dimensions of 24m x 5.5m but allowing for a clear area along the kerb MWT have estimated that the available area is 120m<sup>2</sup>. This area would not adequately accommodate 185 students so it could be expected that students would also need to wait in the adjoining covered verandahs and/or courtyard marshalling areas which have more than sufficient capacity. Since student marshalling and pick will be supervised and students will be organised in their pick up groups according to class year and pick up time it is likely that the proposed arrangements will operate in a satisfactory manner.

The operational traffic management plan also includes a number of strategies to minimise the number of cars queuing at any given time. The strategies include:

- Encouraging parents to allow older children to use public transport
- Encourage car pooling to increase the number of students per car by advertising in school newsletters and having the school receptionist organise car pooling lists to link families able to participate in a scheme
- Informing parents of the traffic management plan for the set-down and pick up of students.

To summarise:

- pick up will take place from the designated marshalling and pick up area on the north side of the internal road
- if a boy is not ready to be picked up the pick up vehicle will be directed to proceed and rejoin the queue
- the western roundabout is proposed to be widened to provide for a queuing lane and traffic lane
- only one pick up area is proposed but having regard to the generous marshalling space, adjoining covered verandahs and on site supervision of the process it is likely to function in a satisfactory manner.

With the revised design of the internal road system and the proposed traffic management strategies the proposed arrangements for set-down and pick-up are likely to operate in a satisfactory manner.

## **2.8 Exploring the benefits/viability of bus pick up and set down being re-routed to Lyne Park rather than to the school site**

The MWT report comments on this reason at 5.5 as follows:

*The option of rerouting buses to Lyne Park rather than the school site is not considered to be warranted by the number of buses which would access the school. The information presented by CBHK regarding bus use indicates that there are a number of "one off" events each year which would generate buses, including the school camp (16 bus trips per day on two days), music camp (6 bus trips per day on two days) and swimming carnival (28 bus trips on one day). During Terms 1 and 4, cricket generates 3 buses picking up and dropping off on Fridays (12 vehicle trips). Relocating the buses to Lyne Park would require (on occasions) a significant number of boys to cross New South Road to access the buses. Excursions throughout the year average less than two buses per month over 40 weeks.*

*Should buses be relocated to Lyne Park, significant numbers of students would need to be walked across New South Head Road to access the buses. The increase in risk exposure by the students is not considered to be justified by the relatively small number of buses involved. A preferred arrangement would be for bus drop offs and pick ups to take place within the school. Such movements should be timed not to coincide with the before and after school arrival/departure period.*

Based on this assessment it is considered that Lyne Park should not be used for bus pick up and set down.

## **2.9 Review of the variances with the applicant's report**

The MWT report discusses variances at 3.4 and includes the following comments:

*The results indicate that the traffic volumes on New South Head Road were typically higher during the CBHK surveys than the MWT surveys. This is particularly noticeable during the morning peak hour, when the volume on New South Head Road near Kent Road was about 380 vehicles per hour more than during the MWT survey.*

.....

*The SCATES model produces similar results using both the MWT and CBHK survey results. The exception to this is the intersection of O'Sullivan Road, for which SCATES produces a Level of Service E. The CBHK surveys found a significantly higher volume of traffic turning right from O'Sullivan Road than the MWT survey, which caused SCATES to increase the allocation of green time to this movement. This in turn reduced the time available for other movements, leaving other movements with insufficient capacity. It is unclear why there was such a difference between the surveyed volumes on these movements.*

.....

*The MWT and CBHK results are similar for the delays and degrees of saturation of the existing movements into and out of Kent Road. The reported Level of Service differs only for the right turn out of Kent Road during the morning peak, which is the result of a simple rounding of the average delay up in one instance and down in the other, while the actual difference between the conditions being reported by SCATES would be negligible.*

The variances between the CBHK and MWT survey results are relatively small and may be attributed to the fact that the surveys were conducted in different years and in different seasons. Generally the MWT survey results show lower traffic volumes than those surveyed by CBHK for the applicant.

## **2.10 The impact on traffic in Iluka Street, Elanora Street and Manion Avenue**

The MWT report at section 4.3 states as follows:

*Weekday morning and afternoon peak volumes can be expected to decline on Elanora Street and Iluka Street. This is the result of the relocation of some school drop off and pick up traffic activity from the bowling club to Kent Road. The traffic activity associated with staff would be more than offset by the reduction in student activity. Traffic volumes in Manion Avenue would not be affected during the weekday before and after school periods.*

On Saturdays Iluka and Elanora Streets and Manion Avenue are affected by school sporting activities with the most significant impacts occurring in winter associated with the use of the school's ovals and Woollahra Ovals 2 and 3 for rugby and soccer. The CBHK surveys suggest that winter sport activity generates an additional 90vph into and out of Elanora Street between 11.45 and 12.45, the "midday" peak hour. MWT examined the sporting activities taking place on the playing fields and have, for the purpose of their assessment, estimated that the traffic generated by winter sport would be 300 vehicle trips per hour. Existing and future Saturday midday peak two way volumes are set out in table 4.3 of the MWT report. MWT state:

*The results demonstrate that during winter sport, traffic volumes on Kent Road, would be expected to remain well below the 500 vehicles per hour threshold beyond which residential amenity would be expected to decline. Volumes on Elanora Street, Iluka Street and Manion Avenue would be reduced below existing levels on sporting days, with the proposed traffic management plan.*

This is because the proposed traffic management arrangements provide for sporting traffic to enter the school from either Kent Road or Iluka Street, via Elanora Street and depart to Kent Road. The internal roadway will also provide parking for up to 105 vehicles on site during Saturday sporting activities. The MWT report states:

*Thus, the existing departing volumes would be redistributed to Kent Road and a proportion of the entering traffic would be distributed to Kent Road....*

### **3. OPERATIONAL MANAGEMENT PLAN (Item A2)**

Part A2 of the Council's resolution asked the applicant to provide an Operational Traffic Management Plan for Council's approval at DA stage, covering the issues in part A1 of the recommendation including bus turning circles, loss of parking and the effects of the proposed changes to Kent and New South Head Roads.

That plan has been provided and is attached at **annexure 4**.

The plan adequately addresses on site operational traffic management issues.

### **4. LANDSCAPING (Item B.)**

The Statement of Environmental Effects submitted with the original application included a landscape concept design and statement prepared by Taylor Bremmer landscape architects. These documents are attached as **annexure 6**. They set out the landscape strategy and proposed plant species, as well as trees to be removed. The key elements of the landscape strategy are:

- Retention of significant trees
- Incorporation of avenue planting along the internal circulation road
- Integration of existing trees and new planting with buildings to continue the landscape character of the site
- Introduction of grass and landscape berms to extend local topography around new buildings, and
- Detailed planting schemes surrounding the school building envelopes.

Item B of the resolution directed that landscaping be further examined including issues of low water use having regard to water conservation, the use of Australian native plants and the adequacy of the proposed screening.

Taylor Brammer Landscape Architects, in letter dated 21 December 2006, responded to this issue. Their response is attached as **annexure 6A**.

They state:

*The landscape plan illustrates the principles of the design approach to the external plant selection for the school. Australian and cultural planting is used across the site. Integrating the existing landscape character and introducing hardy and robust Australian native species such as the Tuckeroo (*Cupaniopsis anarcardiodes*) supplemented with London Plane Trees (*Platanus X hybrida*) that are suited to the existing conditions on the site. The philosophy of the planting is that the landscape will be self-sufficient in regards to water demand with the exception of extreme climatic variation. All species have been selected being mindful of their suitability to the site and robust public domain locations and their resilience in the light of current climatic conditions, particularly in regards to low water use.*

*To the north western boundary a dense screen hedge has been proposed consisting of the native plant, Lilly Pilly (*Syzygium 'Aussie Southern'*). The mature height of this species is between 4 and 5 metres and forms a dense evergreen screen. This hedge has been selected to be proportion to the one storey built form and provide privacy to both the adjacent properties and to the school. This species is also well suited to the site and prevailing climatic conditions, requiring low water use when established. Note is made of the extensive use of rainwater tanks on the site and the availability of water for the landscape should it be required.*

#### **Summary of Proposed Key Vegetation**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Native/Exotic</b>	<b>Water Requirements</b>	<b>Establishment Period</b>
Cupaniopsis anarcardiodes	Tuckeroo	Native	low	6 months
Platanus X Hybrida	London Plane	Exotic	Low (originally from Persia)	6 months
Syzygium australe	'Aussie Southern'	Native	low	6 months
Glochodian ferdinandi	Cheese Tree	Native	low	6 months

The stage 1 application seeks consent, among other things, for the landscaping concept. The proposed concept using mostly native species has been assessed by Council's Trees and Landscape Officer who considers the concept to be satisfactory in terms of tree preservation and landscaping.

If required, additional landscaping conditions can be imposed on the Stage 2 development application.

#### **5. SETBACKS (Item C.)**

Part C of the resolution directs that we undertake a further examination of the set backs to the New South Head Road properties, including the original position of the roundabout.

##### **5.1 Building and Tennis Court Setbacks**

The submitted plans show that the proposed single storey year 1 and year 2 classrooms would be setback 3 metres from 687 to 693 New South Head Road, the tennis courts would be set back about 2 metres from 679 to 683 New South Head Road and that the outer kerb line of the eastern roundabout would be set back about 2 metres from the rear boundary of No. 4A Kent Road.

The assessment report (annexure A) assessed the adequacy of the proposed setbacks against the relevant provisions of the DCP for School and College Development (Schools DCP). The relevant provisions of the DCP state:

*Buildings situated near property boundaries are to comply with the minimum setback requirements applicable to residential buildings as contained in the Council's Residential Development Control Plan. This requirement may be varied depending on the nature of adjoining development and amenity issues including privacy, noise generation, overshadowing and views.*

If the side boundary setback requirements of RDCP 2003 are used the single storey year 1 and 2 classrooms would need to be setback 2.1 metres. If the northern boundary is treated as a rear boundary RDCP 2003 requires a setback of 25% of the site depth or 87 metres. It is clear that it would be unreasonable to strictly apply the setback applicable to rear boundaries. A better approach, and the approach adopted in the assessment report, was to assess the suitability of the proposed setbacks considering the objectives of the DCP to retain reasonable levels of amenity having regard to privacy, noise generation, overshadowing and views.

The assessment report concluded that the setbacks were satisfactory.

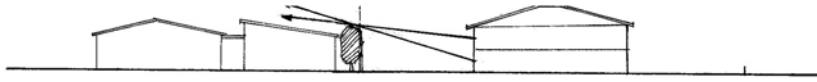
This issue was also examined by the Court appointed expert Mr Geoff Goodyer. Copy of his report is attached as **annexure 7**. He also considers that the matter should be assessed having regard to the relevant objectives of the DCP but considers that setbacks should be increased. He states:

*In my opinion the proposed setbacks of the Year 1 and Year 2 classrooms from the NSHR properties would be appropriate if the relationship was one of side boundary to side boundary. However, given the context of the development and the NSHR properties, which have principal open spaces adjoining the subject site and outlooks towards the subject site (away from New South Head Road), a greater setback would maintain reasonable amenity for those properties and provide a better relationship between the sites.*

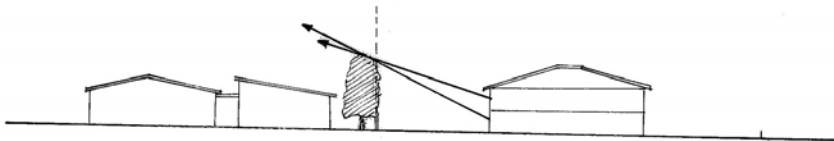
*There is no numerical standard as to exactly what greater setback is required for the Year 1 and Year 2 classrooms. However, I would suggest a 6 metre setback would provide the appropriate relationship between the sites. In my opinion, 6 metres would reduce the impact by providing greater separation between the buildings and the NSHR properties and providing a landscaped area similar in width to a small residential rear yard.*

The following diagram illustrates the relationship between existing and proposed buildings with a 3 metre setback and a 6 metre setback.

### 3m setback



### 6m setback



It will be noted that the additional 3 metre setback does not substantially alter site lines. However, the setback will impact on the potential landscaping that could be provided between the school buildings and the New South Head Road properties. Council's Urban Design Team Leader also examined this issue and reported as follows:

*The DA for the Cranbrook School proposes a 3.0 metre setback of the Preparatory School from the northern boundary and a somewhat lesser distance from the tennis court fencing along the same boundary. The Court's expert witness Geoff Goodyer has recommended that the setback adjacent to the new building be increased to 6m, the reason being that, if this boundary is interpreted as a rear boundary, then this setback more closely resembles a small back yard than the proposed 3m. However, in my opinion, the critical issue here is whether the proposed setback will provide adequate space for planting/trees to visually screen the new building and also permit access to natural light and ventilation for the Preparatory School.*

*The diagram above indicates that in either scenario (3m or 6m), the planting of either small or medium sized evergreen trees along the boundary will visually screen the development from both the ground and upper levels of the houses along New South Head Road. However, with the 3m setback, the planting is constrained between the fenceline and the 600mm deep roof overhang. The proposed Lillypillys have a canopy spread of between 3 and 5 metres and would require constant pruning to maintain clearance from the gutterline. They would also block the northern light from the classrooms. This situation would be improved if an increased setback was provided and in this regard I consider that a 4m setback is adequate.*

*I support Mr Goodyer's recommendation to reduce the size of the tennis courts to provide for an increased setback of the tennis court fencing from the property boundary. This boundary line should also be planted with shrubs/trees to ameliorate the visual impact of the development from the immediate neighbours.*

In the absence of a relevant and appropriate numerical standard the setbacks for the school buildings and tennis courts should be determined having regard to the impacts of the proposed development on amenity, including privacy, noise, overshadowing and views.

The cross sections demonstrate that there is very little difference in view impact if the buildings are set back 3m or 6m. Overshadowing is not an issue since the buildings will be located to the south of the New South Head Road properties. Privacy can be adequately dealt with in either case by controlling window sill heights, glazing and/or by privacy screens. The court appointed noise expert has advised that in general classroom building layout provides self-shielding for noise associated with classroom teaching activities, subject to detailed design features. Therefore, an increased setback is unnecessary for noise related reasons.

However, the 3m setback provides only a 2.4m setback from the eaves to the boundary and will limit the nature and density of landscaping in this area. If the area is densely planted this planting may limit access to northern sunlight to the year 1 and 2 classrooms. For these reasons it is recommended that the school buildings be setback at least 4m from the northern boundary.

The landscape concept plan prepared by Taylor Brammer indicates that the proposed 4-5m high Lilly Pilly screen hedge is to be planted along the full length of the northern boundary including that area between the tennis court fencing and the New South Head Road properties. Both the court appointed expert and Council's Urban Design Team Leader are of the opinion that an additional 1 metre setback would be desirable to facilitate the planting and maintenance of this area. For this reason it is recommended that the tennis court fencing be set back an additional metre. It appears from the information provided by Mr Goodyer that this can be readily accommodated without having to amend the location or design of the internal road.

## 5.2 Setback of the eastern roundabout

The proposed roundabout and pathway are partly located directly on the boundary with No. 4A Kent Road and about 6.5m from that building at its closest point. Consequently, there is no opportunity to provide landscaping along about half of the rear boundary of No. 4A Kent Road. The concept landscaping plan does not show any landscaping along this boundary.

The Court appointed expert Mr Goodyer has indicated that in his opinion the proximity of the roundabout to No. 4A Kent Road and the lack of any opportunity to screen it with planting is such that it will have an unacceptable visual impact. He considered opportunities to relocate the roundabout to enable screen planting to be provided. He suggested two options as follows:

1. Move the roundabout about 12 metres to the west
2. Move the roundabout about 26 metres to the south (south of the Melaleuca trees)

Both of these options would require substantial replanning of the proposed development. Option 2 may be seen to shift the problem from No.4A Kent Road to No. 8 Kent Road and raise matters of interest to potential objectors. These options could not be readily included in the current proposal unless a replacement application was made under clause 55 of the EPA Regulation 2000.

Another option suggested by the applicant is to relocate the roundabout about 10m south west. This proposal produces a better geometry for the internal road and would provide sufficient space for screen landscaping to be provided along the rear boundary of No. 4A Kent Road. This proposal is illustrated in **annexure 8**. However, it would require the removal of at least 4 mature paperbark (Melaleuca) trees. The court appointed planning expert Mr Goodyer placed considerable weight on the fact that these trees are local indigenous species, representative of the original vegetation and that the Schools and Colleges DCP states, "the Council will encourage the retention of all significant trees located on site". He concluded that it is desirable that these trees be retained.

Nevertheless, it is open to Council to make a judgement on this issue having regard to the broader planning issues that need to be balanced in this case. Subject to replacement planting it would be reasonable to move the roundabout to the south for the following reasons:

- It would provide an opportunity to move the roundabout away from the rear boundary of No. 4A Kent Road and provide landscape screening along the rear boundary
- It would minimise, to a small extent, the noise impact of the roundabout on No. 4A Kent Road
- It may facilitate the recommended 1 metre additional setback of the year 1 and 2 classrooms from the New South Head Road properties.

Appropriate conditions are recommended.

#### **6. TENNIS COURTS (Item D.)**

Part D of the resolution asks that the tennis courts be synthetic in order to reduce noise, and to be predominantly green in colour.

The school has agreed with these suggestions and will be happy to accept appropriate and relevant conditions of consent.

#### **7. DELAPIDATION REPORTS (Item E.)**

Part E of the resolution asks that dilapidation reports be prepared for No. 4A Kent Road, Rose Bay.

The assessment report recommended that a condition be imposed requiring a dilapidation survey of Council property and infrastructure that may be affected by the proposed development. It did not propose a condition requiring a dilapidation report for 4A Kent Road. This is because the scope of civil works near that property is not substantial and the risks of property damage are very low. However, the school has indicated that it is happy to accept a condition requiring a dilapidation survey of No. 4A Kent Road before the commencement of any work on the site, subject to the owner's agreement to allow access to the property for that purpose. Accordingly, an appropriate condition is recommended. See condition B.3A.

#### **8. MUSIC AND MULTI-PURPOSE ROOMS (Item F.)**

Part F of the resolution directed that consideration be given to moving the music and multi-purpose rooms away from adjoining properties.

The rationale of this was that these rooms may contain noisy activities that may be audible from the adjoining residential properties at 2 and 4A Kent Road and 693 New South Head Road.

In response to the issue the school advises:

*The DA is a masterplan DA. Detailed planning will be submitted with the Phase 2 DA. The indicative masterplan DA has one possible location of the music and multipurpose rooms on the masterplan. The school is very conscious of the need to sound proof its music and multi-purpose rooms so that students (who are much closer than neighbours) are not affected eg. Learning a cello next to drums would be impossible if the rooms were not acoustically treated to prevent noise disturbance. The school has acoustically treated its music rooms at the Bellevue Hill campus and will do the same at Dangar.*

*An indicative alternative plan (attachment 3) shows alternate placement of the music and multi-purpose rooms. Wherever located, the music rooms will be sound proofed to a high standard.*

The report of the Court appointed noise expert, Graham Atkins, is attached as **annexure 9**. It advises:

*In general the classroom building layout provides self-shielding for noise associated with classroom and teaching activities. Albeit confirmation is required with respect to window locations. Undercroft areas and playground areas to demonstrate that noise impacts can be controlled. To control classroom breakout noise windows may need to be closed and alternative ventilation provided. Clarification is required to confirm that alternative ventilation, if required, is practical and would be installed.*

Our original assessment report concluded that the location of the music and prac rooms should be reversed and that their use be subject to a condition to limit noise to background levels. Condition A.11 of the report provided that the applicant is to detail all proposed noise mitigation strategies to allow the windows of the music room to remain closed to meet the adopted criteria of the Industrial Noise Policy Laeq, 15 min noise level not to exceed the background noise level (RBL) by more than 5dB(A).

In practice, the most sensitive noise receivers will be other students in class and for this reason it is likely that the school will want to sound proof these rooms to a higher standard. However, the standard adopted by condition A.11 is adequate to protect the acoustic amenity of adjoining properties. In these circumstances the precise location of the music and multi-purpose rooms is not critical but since the school has agreed to this re-location condition A.11.6 is maintained.

## **9. PUBLIC ART (Item G.)**

Item G of the resolution relates to the provision of public art.

In response to the issue the school has advised:

*WMC advise that the WMC Public Art Policy has recently been finalised and the establishment of a committee is expected to be completed by expression of interest, late January 2007. The Policy covers how private developments impact on the public domain and how they could be enhanced or build community spirit through the display of public art in a manner that is consistent with the school's own requirements for the site.*

*With regard to the proposed DA, the School will consult the public art committee once it is finalised, on suitable public art options for the site and will endeavour to work with the community to arrange displays of community art.*

*The School does currently display works of art, eg. Browyn Oliver sculpture and art by Justin O'Brien and a fountain and structure at Bellevue Hill to honour a past student.*

Council cannot legally impose a condition of consent requiring the provision of public art. However, the school is amenable to working with council on this issue. An appropriate advising is recommended. See advising K.11.

## **10. USE OF TENNIS COURTS (Item H.)**

Part H of the Council's resolution provided that the use of the tennis courts be conditioned that they are not to be used prior to 7.30am or after 7.00pm on week days, prior to 8.00am or after 5.00pm on Saturdays and prior to 10.00am and after 2.00pm Sundays.

The School has advised that it agrees to a condition of consent on the DA being granted that limits the use of the tennis courts to these hours.

An appropriate condition is proposed. See condition I.3.

## **11. WATER AND ENERGY CONSERVATION (Item I.)**

Part I of the resolution provides that the design of all buildings incorporate state of the art design principles to minimise water and energy uses.

The School has positively responded to this issue as follows:

*The school is committed to state of the art design on this site. Minimising water use is a key objective of the school for this site to make efficient use of water and energy. The school is currently actively pursuing a comprehensive water harvesting project on the Bellevue Hill campus and has installed 5 water tanks to capture storm water for reuse, one of which is located at Dangar to capture water from the roof of the old bowling club building. A further 6 are planned. A grey water-recycling pilot was successfully completed in 2006 that captures boarding house grey water, treats it and enables its reuse. The project has Dept of Health accreditation and the School will extend the use of this grey water in 2007. The School plans to apply the principles of energy efficiency at the Dangar site, as stated in the Statement of Environmental Effects (in full) lodged with the Dangar Masterplan DA. Energy efficiency is economically and environmentally sensible and the school will incorporate energy efficient design in its buildings. Adherence to energy efficient principles is important educationally; we will incorporate our practical example of energy efficiency in teaching and learning programmes. At the Bellevue Hill campus, works in 2006 have included power factor correction, installation of a pool cover with continued investigation into more efficient energy use. Energy efficiency offers a worthy teaching and learning focus for boys.*

*At the sit of the proposed DA, design principles and guidelines including awning and eaves on the northern elevation and consideration of the best energy efficient location of windows and the use of materials in construction will occur. The school will carefully consider its reliance on air conditioning and other mechanical equipment to minimise adverse environmental effects and noise. The subsequent staged DAs will respond in detail on energy efficiency.*

In the light of this commitment it would be appropriate to attach a condition of consent requiring that the detailed design of buildings for the stage 2 DA include water and energy conservation measures. More detailed requirements can be specified as conditions of consent to stage 2 of the development.

See conditions A.9C and A.9D.

## **12. USE OF GYMNASIUM (Item J.)**

Part J of the resolution directed that consideration be given to restrictions on the hours of use of the gymnasium.

The school, in relation to this issue, has advised:

*The gymnasium is proposed by Cranbrook to be located 50 metres from any boundary. The gym will be acoustically treated to minimise noise. The School's acoustic consultant Neil Gross of Wilkinson Murray has assessed the impact in his report dated 17/8/06 of productions and light entertainment in the gym and concludes that with small areas of closed 6mm windows and air conditioning, the Liquor Administration Board criteria can be met at all residential locations.*

Condition A.11 of the assessment report set out a number of requirements in relation to noise. In relation to the gym it stated:

*11.5 The applicant forwarding to Council an acoustic analysis of the octave frequency band background noise level and the octave frequency band for L<sub>10</sub> noise level emitted from all proposed amplified equipment intended to be used in the gymnasium. The report must include the type of amplified equipment to be installed and all proposed noise mitigation strategies so that the use of the gymnasium meets the LAB Noise Criterion. The gymnasium is to be designed and the activities are to be limited to ensure LAB Noise Criterion is not exceeded. The acoustic analysis is to be submitted with the subsequent stage 2 development application.*

The Court appointed noise expert, Graham Atkins advises:

*The gymnasium is located to maximise distance separation and shielding to residential properties. With appropriate building noise control design I consider that noise emanating from the gymnasium could be controlled. Clarification is required to confirm that sound locks, building materials selections and alternative ventilation, if required, are practical. In addition the Site Operational Management Plan should address the activities associated with the gymnasium and its usage.*

The matters raised by the Court appointed expert are more appropriately assessed with the stage 2 application which will contain detailed information on the building design, construction and noise mitigation measures. At this stage it is not necessary to specify or limit the hours of use of the gym since this can be done, if necessary, as a condition of consent to the stage 2 development application.

### **13. LEGAL ADVICE (Item K.)**

Part K of the resolution asked for legal advice on Council's ability to grant approval of the application under the amended legislation relating to staged development. This request was made in the context that the subject development application was lodged with Council under the original staged development provisions contained in sections 80(4) and (5) of the EPA Act.

The development application was lodged on 16/8/05. The staged development legislation was amended on 30/9/05. The amending legislation repealed sections 80(4) and (5) and replaced them with new provisions contained in section 83B of the EPA Act.

Dr Lindsay Taylor's advice on this matter is attached as **annexure 10**.

In summary, it advises that there were no savings and transitional provisions and that as a result Council must apply the law as it stands at the time of its determination. It concludes that Council can grant consent to the subject development application as a 'staged development application' under the EPA Act, as amended, despite the fact that the development application was lodged prior to the amendments to the staged development provisions of the EPA Act.

## 14. CONCLUSION

Our original assessment report, presented to the Strategic and Corporate Committee on 18/9/06 concluded, among other things that:

- The proposed land use was permissible and was not illogical having regard to the nature of the locality and adjoining land uses
- The proposal will be sympathetic having regard to the specific environmental characteristics of the land
- The development will have an impact on the amenity of surrounding residential properties, however, the scale of buildings and intensity of land use are considered on balance to be acceptable
- Traffic generation and parking demands are addressed by the proposed internal road and through traffic management plans for both the drop-off and pick-up periods
- The use of the school's 4 playing fields will not increase
- On balance the proposal is considered to represent an appropriate form of development for the site and will be in the public interest.

The proposal, however, generated a large number of objections raising the need for a further examination of a number of issues. Council, on 25/9/06 deferred the application for the preparation of an independent comprehensive traffic report and to examine issues relating to:

- A2. an Operational Traffic Management Plan
- B. landscaping and screening
- C. setbacks of buildings and of the eastern roundabout
- D. the tennis courts
- E. dilapidation report for 4A Kent Road
- F. internal configuration of rooms to mitigate potential noise impacts
- G. public art
- H. tennis court hours
- I. sustainable design
- J. use of the gymnasium
- K. changes to the staged development provisions of the EPA Act.

This report has presented the findings of the independent MWT report and responded to each of the issues raised in Council's resolution of 25/9/06. The traffic report concludes that, subject to satisfactory resolution of design and management issues, the proposed development will have satisfactory impacts on the surrounding road system. The management and design issues have been addressed as follows:

1. *Layout and operation of the two internal roundabouts, including line marking and how queuing through them would be arranged.*

The two internal roundabouts will operate in a satisfactory manner subject to the design changes recommended by conditions A.8 and A.9A and subject to the procedures set out in the Operational Traffic Management Plan being implemented. See condition A.9B.

2. *The proposed use of the additional roadway lane adjacent to the 90 degree parking spaces*

The additional lane during weekdays will be used as slow moving drop-off and pick-up lane. The 90 degree parking spaces will be occupied by staff parking during student drop-off and pick-up times. On Saturdays the additional roadway will be used for parking. The 90 degree parking space closest to the western pedestrian crossing will be moved to ensure safe operation of the pedestrian crossing.

3. *How parking spaces would be allocated to staff*

The three angled parking spaces adjacent the eastern roundabout will be allocated to the three most senior staff and they will exit in an easterly direction so there will be no reversing over the adjacent pedestrian crossing. The access restricted staff parking on the internal road between the retractable bollards will be allocated to staff that will not have to move their vehicles during school hours. These arrangements are set out in the Operational Traffic Management Plan referred to in condition A.9B.

4. *How parking on the internal road will be managed to enable use by visitors during the day.*

There will be no public/visitor access beyond the bollards to the internal road during school hours. Visitors will be required to use the visitor parking spaces located along the eastern side of the eastern bollards.

5. *What space would be available for students to wait in prior to being picked up and how waiting would be managed to minimise pick-up times.*

There will be a waiting and marshalling area of about 36m x 5.5m with additional covered and uncovered areas adjacent. Arrangements for pick-up and drop-off are contained in the School's Operational Management Plan. See condition A.9B

6. *What would a driver be directed to do if a student was not present at the pick-up point*

The driver will be directed to rejoin the queue

7. *A detailed queuing analysis to demonstrate that pick up and drop-off traffic will not queue back out onto Kent Road.*

The traffic report estimates a maximum queue length of 28 vehicles. The internal road has a capacity to queue to 50 vehicles.

8. *Design details for the pedestrian crossings demonstrating that visibility to/from them and parking adjacent to them would comply with relevant Australian standards and RTA technical specifications*

The design concerns raised by MWT have been addressed by the Operational Management Plan and by the removal the 90 degree parking space closest to the west side of the western pedestrian crossing.

9. *Details showing how occasional bus visits to the site could be accommodated on the site without buses having to use Iluka Street*

The design of the internal road will be amended to accommodate buses on site.

The matters raised in Parts A2 to K of Council's resolution can be, or have been satisfactorily addressed as follows:

*A2. – Provide an Operational Traffic Management Plan*

See annexure 4 and condition A.9B.

*B. – Landscaping*

Native and low water use landscaping is proposed. An additional condition is recommended. See condition A.9D.

*C. - Setbacks*

Condition A.7 requires that the buildings and tennis courts be setback an additional metre and that the eastern roundabout be relocated away from the boundary with 4A Kent Road.

*D. – Surface of Tennis Courts*

Condition A.9F specifies that a suitable synthetic surface be provided.

*E. – Dilapidation Reports*

Condition B.3A requires that a dilapidation report be required for 4A Kent Road.

*F. – Location of multi-purpose and music rooms*

Condition A.11.6 requires that the position of these rooms be reversed.

*G. Public Art*

The school is willing to work collaboratively with Council in relation to the provision of public art. Advising K.11 is recommended.

*H. – Tennis Court Hours*

Condition I.3 restricts the hours of use of the tennis courts.

*I.- ESD Design Principles*

Condition A.9C requires that the buildings incorporate water and energy conservation measures.

*J. – Hours of the Gymnasium*

These should be determined with the stage 2 development application when full design and acoustic details are available.

*K. – Legal Advice on Staged Development*

The advice indicates that Council may grant consent to the subject application.

The additional information that has been obtained as a consequence of the September 2006 resolution does not alter our original conclusion that the proposed development is satisfactory for approval. However, some conditions have been amended and others added to address the particular issues that have been the subject of additional consideration.

Condition B.2 has also been amended to permit construction vehicles, associated with the work involved in stage 1 to use Elanora and Iluka Streets. This is because the existing preparatory school, Dickens House, will continue to operate during stage 1 work. Vehicular access will not be available from Kent Road during this stage.

New and amended conditions are indicated by underlined and ~~strikethrough~~ text.

**5. RECOMMENDATION: Pursuant to Section 80(4) of the Environmental Planning and Assessment Act, 1979**

THAT, subject to the withdrawal of the appeal to the Land and Environment Court, Council as the consent authority, grant development consent, under section 83B of the *Environmental Planning and Assessment Act 1979*, to Development Application No. 508/2005 by the Cranbrook School for Staged Development on land at 6 and 6A Kent Road Rose Bay incorporating the following:-

- Land uses comprising Junior and Preparatory School
- Indicative building envelopes
- A maximum gross floor area for the school buildings of 6,300 square metres
- A landscaping concept
- Vehicular access, egress and circulation layout (not construction)
- 70 off-street car parking spaces (not construction)
- Siteworks comprising: demolition of Bowling club, site remediation and removal of identified trees and vegetation and drainage,

subject to the following conditions:

**A. General Conditions**

**A.1 Conditions**

Consent is granted subject to the following conditions imposed pursuant to section 80 of the *Environmental Planning & Assessment Act 1979* (“the *Act*”) and the provisions of the *Environmental Planning and Assessment Regulation 2000* (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to section 79C of the *Act*.

Standard Condition: A1

**A.2 Definitions**

Unless specified otherwise words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

*Applicant* means the applicant for this Consent.

*Approved Plans* mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

*AS* or *AS/NZS* means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

*BCA* means the Building Code of Australia as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

*Council* means Woollahra Municipal Council

*Court* means the Land and Environment Court

*Local native plants* means species of native plant endemic to Sydney's eastern suburbs (see the brochure titled "Local Native Plants for Sydney's Eastern Suburbs published by the Southern Sydney Regional Organisation of Councils).

*Stormwater Drainage System* means all works, facilities and documentation relating to:

- a) The collection of stormwater,
- b) The retention of stormwater,
- c) The reuse of stormwater,
- d) The detention of stormwater,
- e) The controlled release of stormwater; and
- f) Connections to easements and public stormwater systems.

*Owner* means the owner of the *site* and successors in title to the *site*.

*Owner Builder* has the same meaning as in the *Home Building Act 1989*.

*PCA* means the *Principal Certifying Authority* under the *Act*.

*Principal Contractor* has the same meaning as in the *Act* or where a *principal contractor* has not been appointed by the *owner* of the land being developed *Principal Contractor* means the *owner* of the land being developed.

*Professional Engineer* has the same meaning as in the *BCA*.

*Public Place* has the same meaning as in the *Local Government Act 1993*.

*Road* has the same mean as in the *Roads Act 1993*.

*SEE* means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

*Site* means the land being developed subject to this consent.

*WLEP 1995* means *Woollahra Local Environmental Plan 1995*

*Work* for the purposes of this consent means:

- a) the use of land in connection with development,
- b) the subdivision of land,
- c) the erection of a building,
- d) the carrying out of any work,
- e) the use of any site crane, machine, article, material, or thing,
- f) the storage of waste, materials, site crane, machine, article, material, or thing,
- g) the demolition of a building,
- h) the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- i) the delivery to or removal from the *site* of any machine, article, material, or thing, or

- j) the occupation of the *site* by any person unless authorised by an *occupation certificate*.

**Note: Interpretation of Conditions** - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

Standard Condition: A2

### A.3 Total or partial consent (s.83B of the Act)

Consent is granted for the following specific part or aspect of the development:

- a) Demolition of existing buildings and structures, other than those associated with the former bowling club; construction of the internal road, school buildings, carpark and landscaping – this consent does not authorise the carrying out of these works unless consent is subsequently granted following a further development application for such works pursuant to s.83B(3)(a) of the Act
- b) Siteworks comprising: demolition of the buildings and structures associated with the former bowling club, site remediation and removal of identified trees and vegetation and drainage – no further development consent is needed for these works pursuant to s.83B(3)(b) of the Act

Standard Condition: A4

### A.4 Approved Plans and supporting documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with the plans and supporting documents listed below as submitted by the Applicant and to which is affixed a Council stamp “Approved DA Plans” **unless modified by any following condition**. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
E19153FJ-ASSMP	Acid Sulphate Soil Management Plan	Environmental Investigation Services	August 2005
Report No 05148 version C	Acoustic Report	Wilkinson Murray	July 2005
DA004 (01)	Architectural Plans		
DA100 (01)	Existing locality and site analysis	PD Mayoh P/L	July 05
DA1000 (01)	Ground floor plan	PD Mayoh P/L	July 05
DA1000 (01)	Ground floor plan (enlarged)	PD Mayoh P/L	July 05
DA1000 (01)	First floor plan (enlarged)	PD Mayoh P/L	July 05
DA150 (01)	Elevations – prep school	PD Mayoh P/L	July 05
DA151 (01)	Elevations – junior school	PD Mayoh P/L	July 05
DA160 (B)	Kent Street ramp engineering section	PD Mayoh P/L	Aug 06
DA201 (01)	Roof plane and building height plane study	PD Mayoh P/L	July 05
DA 600 (01)	Shadow diagrams	PD Mayoh P/L	July 05
DA 002 (01)	Locality plan of proposed development	PD Mayoh P/L	July 05
C01 (B)	Services plan	LHO Group	28.08.06
C02 (B)	Stormwater drainage concept plan, discharges & flood levels	LHO Group	28.08.06
C03 (D)	Stormwater concept plan sheet 1	LHO Group	28.08.06
C04 (D)	Stormwater concept plan sheet 2	LHO Group	28.08.06
C05 (A)	Longitudinal section and details	LHO Group	28.08.06
C06 (A)	Sediment & erosion control plan	LHO Group	28.08.06
E19153FJ-RAP	Contaminated Land - Remedial Action Plan (Stage 3)	Environmental Investigation Services (EIS)	August 2005
LC01/01 (D)	Landscape Plan Cranbrook School	Taylor Brammer	02.08.2005

	Arborist Report Development Impact Assessment Report	Earthscape Horticultural Services	July 2005
04264	Stage 1 Development Application Statement of Environmental Effects	JBA Urban Planning Consultants	August 2005
	Stormwater Management Plan		
	Traffic Report	Colston Budd Hunt & Kafes P/L	August 2005
SK/4667/jj			18 August 2006
NT02899-V3	Roadworks and Services	Hyder Consulting	4 August 2005
	Pick Up and Drop Off Traffic Management Plan – Dangar Precinct	Cranbrook School	Received with JBA letter 25 August 2006
	The Sporting Programme Student Management Plan	Cranbrook School	Received with JBA letter 25 August 2006
	Staff carpark access procedure	Cranbrook School	Received with JBA letter 25 August 2006
	<u>Cranbrook School Proposed Dangar Development Operational Traffic Management Plan</u>	<u>Cranbrook School</u>	<u>22 January 2007</u>
	<u>Dangar Precinct Masterplan Traffic Scheme A – September 2006 Revision 1</u>	<u>PD Mayoh P/L</u>	<u>25 September 2006</u>

**Note:** Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with the original copy Council will provide you will access to its files so you may review our original copy of the approved plan.

**Note:** These plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A5

#### **A.5 School student enrolment numbers**

Student numbers are not to exceed:

- 150 for the preparatory school
- 310 for the junior school

This condition is imposed to limit the intensity of the use of the school.

#### **A.6 Building - height**

The two (2) storey buildings being reduced in height so as to conform with the 9.5m control under clause 12 of Woollahra Local Environmental Plan 1995 so that the school buildings represent a distinctive but uniform group of buildings in the context. In this regard the objection submitted under State Environmental Planning Policy No. 1 – Development Standards in respect of the height of the gymnasium is not considered to be well founded.

#### **A.7 Building and Tennis Court Setbacks**

All buildings, including the proposed store, year 1 and 2 classrooms and Prac room are to be set back at least 4m from the northern site boundary. The tennis courts are to be set back at least 3m from the northern site boundary. This condition has been imposed to ensure that there will be adequate room for site landscaping, privacy screening and maintenance and to provide adequate sunlight access to the school buildings.

### **A.8 Design of Eastern Roundabout**

The design of the proposed internal road is to be amended in accordance with Traffic Scheme A – September 2006 Revision 1, 25.9.06 prepared by PD Mayoh Pty Ltd. This condition is imposed to set the eastern roundabout away from the rear boundary of No. 4A Kent Road, to provide for the provision of screen landscaping in the setback area and to protect the amenity of that property.

### **A.9A Design of the Internal Road**

The design of the internal road is to be amended as follows:

- (a) The diameter of the western roundabout is to be increased to permit a 12.5m bus to negotiate the roundabout in a single movement.
- (b) The proposed disabled parking space on the eastern side of the eastern pedestrian crossing is to be relocated to one of the parallel visitor parking spaces in the Kent Road entry area.
- (c) The most eastern 90 degree parking space adjacent the western pedestrian crossing is to be relocated to the western end of that parking area.

This condition is imposed to provide for bus entry to and from the site from Kent Road and to improve pedestrian safety.

### **A.9B Operational Traffic Management Plan**

The site is to be operated in accordance with the key planning principles and procedures set out in the Operational Traffic Management Plan, January 2007. In particular:

- (a) the three parking spaces on the eastern side of the eastern pedestrian crossing are to be allocated to senior school staff and vehicles from these spaces are to reverse in an easterly direction and exit the site by negotiating the eastern roundabout.
- (b) There is to be no public vehicular access (except in emergencies) to the internal road past the retractable bollards on school days between the hours of 8.40am and 2.30pm.
- (c) Arrangements are to be made to restrict parking in the parking space on the western side of Kent Road adjacent to the school entry when necessary to permit the safe movement of buses into and out of the site.
- (d) The internal road is to be appropriately sign posted with a 10kmh speed limit in accordance with SKC 04 Issue P1, Internal Signage.
- (e) Student drop-off and pick-up is to be managed by staff in accordance with the management process outlined in section 2 of the plan.

This condition is imposed to ensure that there will be safe and efficient arrangements for student drop-off and pick-up and for the safe entry and egress of all vehicles.

### **A.9C Ecologically Sustainable Building Design Principles**

The proposed buildings are to be designed to minimise water and energy use. The stage 2 DA is to be accompanied by a report from an appropriately qualified or experienced expert in environmentally sustainable building design illustrating the sustainability features of the proposed development.

### **A.9D Ecologically Sustainable Landscaping Principles**

The Amended Master Landscape Plan required by condition C.1 is to incorporate ecologically sustainable planting of native species, water harvesting and recycling to minimise water use. The stage 2 DA is to be accompanied by a report and details from an appropriately qualified or experienced expert in sustainable development and landscape design illustrating how sustainable landscaping principles will be incorporated in the development.

### **A.9E Landscaping along rear boundary of No.4A Kent Road**

The Amended Master Landscape Plan required by condition C.1 is to include the provision of advanced screen planting, using native species, along the rear boundary of No. 4A Kent Road to provide a buffer between the roundabout and 4A Kent Road. Details are to be submitted with the Stage 2 Development Application.

### **A.9F Surface of Tennis Courts**

The tennis courts are to have a synthetic surface to reduce noise and are to be predominately green in colour. Details are to be provided with the Stage 2 development application.

### **A.9 Gymnasium building – design**

The external design of the gymnasium building is to be articulated to reduce its perceived scale and bulk. Details are to be incorporated within the subsequent stage 2 development application.

### **A.10 Screen hedge landscaping**

The screen hedge landscaping along northern boundary being extended along the eastern boundary (to the rear of 4A Kent Road) and along the southern and northern side boundaries of 4A and 8 Kent Road respectively to provide a buffer between the adjoining properties and the internal road.

### **A.11 Noise attenuation**

**11.1** The noise mitigation strategies provided in the Noise Impact Assessment Report prepared by Wilkinson Murray Pty. Limited (Report No. 05148 dated July 2005) for Noise from Site Access (vehicle movement), Noise from Outdoor Play Areas, Noise Assessment of Playing Fields and Noise Assessment from Classrooms & Outdoor Teaching Areas being fully implemented.

**11.2** The applicant is to detail all proposed noise mitigation strategies to allow the windows of the music room to remain closed to meet the adopted criteria INP Laeq, 15 min noise level not to exceed the background noise level (RBL) by more than 5dB(A). Such details to be provided with the subsequent stage development application.

**11.3** The applicant being required to submit to Council an acoustical assessment, prepared by a suitably qualified acoustic consultant, regarding the operation of all mechanical plant and equipment associated with the proposed development. All noise mitigation strategies shall be detailed within the report.

**11.4** The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997.

**11.5** The applicant forwarding to Council an acoustic analysis of the octave frequency band background noise level and the octave frequency band for L<sub>10</sub> noise level emitted from all proposed amplified equipment intended to be used in the gymnasium. The report must include the type of amplified equipment to be installed and all proposed noise mitigation strategies so that the use of the gymnasium meets the LAB Noise Criterion. The gymnasium is to be designed and the activities are to be limited to ensure LAB Noise Criterion is not exceeded. The acoustic analysis is to be submitted with the subsequent stage development application.

**11.6** The location of the music room and the prac room being reversed, in accordance with the Plan, Revised Prep School Layout – Music and Multi - Purpose relocated to west plan, prepared by Mayoh Architects, to increase the separation between the music room and the adjacent residential properties.

#### **A.12 Ancillary Aspect of the Development (s80A(2) of the Act)**

The owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's "Specification for Roadworks, Drainage and Miscellaneous Works" dated January 2003 unless expressly provided otherwise by these conditions at the *owner's* expense.

**Note:** This condition does not affect the *principal contractor's* or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.

Standard Condition: A8

#### **A.13 Conditions of consultation – Traffic Generating Development (SEPP 11)/Roads Act 1993 Section 138**

Compliance with the following general conditions ~~been sought~~ approved by the NSW Roads and Traffic Authority's Sydney Regional Development Advisory Committee: ~~and Council concurs with the imposition of these condition(s):~~

- (a) The design and construction of the right turn lane and modification of the Traffic Signals on New South Head Road shall be in accordance with Authority requirements. Details of these requirements should be obtained from the Authority's Project Services Manager, Traffic Projects Section, Blacktown (Ph 01 8814 2144)

Detailed design plans of the proposed right turn lane and traffic signal reconstruction are to be submitted to the Authority for approval prior to the issue of a Construction Certificate. The applicant shall note that these traffic signals shall be modelled in line with the proposed Lyne Park traffic signals and include a SCATES assessment of the road and signal network between O'Sullivan Road and Dover Road.

The developer is to be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RTA.

- (b) All pick up/set down of students is to occur on site.
- (c) All works in relation to the development are to be at no cost to the Authority.

#### **A.14 Prescribed Conditions**

Prescribed conditions in force under the *Act* and *Regulation* must be complied with.

**Note:** It is the responsibility of those acting with the benefit of this consent to comply with all prescribed conditions under the *Act* and the *Regulation*. Free access can be obtained to all NSW legislation at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

Standard Condition: A30

#### **A.15 Rainwater Reuse**

Council encourages re-use of stormwater through the use of rainwater tanks.

Rainwater tanks topped up by mains water must be designed and installed in accordance with the requirements of Sydney Water authority outlined within the document "Guidelines for rainwater tanks on residential properties". This document is available from <http://www.sydneywater.com.au>.

Rainwater tanks must be designed and constructed in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004). In particular, Section 4.4.4 – "Rainwater use", 5 "Water Sensitive Urban Design", 5.4 "Rainwater tanks".

### **B. Conditions which must be satisfied prior to the demolition of any building or construction**

#### **Heritage**

##### **1.1 Oral history program**

The applicant must undertake the research of oral history of key persons associated with the former Rose Bay Bowling Club. The oral history must be undertaken according to the guidelines of ethical practice of the Australian Association of Oral History. The final document transcriptions must be lodged with Woollahra Municipal Council for inclusion in the Local History Library.

##### **1.2 Interpretation Plan**

The applicant must prepare an interpretation plan according to the NSW Heritage Office guidelines for interpreting heritage places and items. The plan must be approved and implemented prior to issue of final building certificate.

##### **1.3 Moveable heritage**

All memorabilia including fixed honour boards and memorials must be conserved and safeguarded against damage until a suitable repository is found. The memorabilia must be considered for use in interpretation of the former Rose Bay Bowling Club. A photographic archival record of the building and landscape elements to be demolished is to be submitted, to the satisfaction of Council's heritage officer, prior to the commencement of demolition work. The photographic archival recording is to be bound in an A4 format and is to include the following:

Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties.  
Postcard sized photographs of:

- (a) each elevation,
- (b) each structure and landscape feature;

- (c) internal or external details if nominated in Council's heritage officer's assessment
- (d) report; and
- (e) views to the subject property from each street and laneway or public space.

Each photograph is to be mounted, labelled and cross-referenced in accordance with recognised archival recording practice. One original coloured photographic set and a coloured photocopy are to be submitted to the satisfaction of Council's heritage officer prior to the commencement of demolition work and prior to the issue of a construction certificate. The original will be retained by Council and the coloured photocopy will be provided to the Woollahra Local History Library.

Standard Condition: B4

## B.2 Construction Management

A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition or excavation ~~or construction~~ works. The plan must:-

**a) describe the anticipated impact of the construction works on:**

- local traffic routes
- pedestrian circulation adjacent to the building site
- and on-street parking in the local area, and;

**b) describe the means proposed to:**

- manage construction works to minimise such impacts,
- provide for the standing of vehicles during construction,
- provide for the movement of trucks to and from the site, and deliveries to the site, and;

**c) show the location of:**

- any site sheds and any anticipated use of cranes and concrete pumps,
- any areas of Council property on which it is proposed to install a Works Zone (Construction Zone),
- structures to be erected such as hoardings, scaffolding or shoring,
- any excavation, and;

**d) include:**

- Traffic marshalling of plant (number of trucks on site at any time)
- Rotation of trucks – trucks to not enter and exit the site during morning and afternoon peak hours and school pick-up and drop-off times
- Size of trucks
- ~~Access to and from site restricted to Kent Road~~

The Plan must make provision for all materials, plant, etc. to be stored within the development site at all times during work. ~~construction~~. Structures or works on Council property such as hoardings, scaffolding, shoring or excavation need separate approval from Council. ~~Standing of cranes and concrete pumps on Council property will need approval on each occasion.~~

Note: A minimum of four weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

### **B.3 Dilapidation Report – Council Infrastructure**

A dilapidation survey of Council property and infrastructure must be conducted prior to any works on the site and submitted in report format. The scope of investigation must incorporate all roadway, road pavement, footpath, kerb and gutter drainage infrastructure within Kent Road (extending from New South Head Road intersection to the site entry) and Iluka Street (extending from the New South Head Road intersection extending to the site entry).

The Report must be prepared by a qualified and practicing Civil Engineer and submitted to Council prior to the commencement of works (including excavation, demolition and stripping of the site).

Information within the report must consist of (but not limited to) photographs with reference to the exact location and features of any damage and a detailed survey plan showing relative levels to AHD of infrastructure adjoining the area of excavation.

Similarly, a second Dilapidation Report encompassing the same area and satisfying the above criteria must be carried out at the completion of the works and submitted to Council, prior to the release of the Occupation Certificate.

#### **B.3A Delapidation Report 4A Kent Road**

A practicing structural engineer must prepare a full dilapidation report on the structural condition of all existing structures at 4A Kent Road, Rose Bay. The Report must be completed and submitted to Council prior to the commencement of any demolition or civil works.

A second dilapidation report, recording the structural condition of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

### **B.4 Protection of services**

Prior to any excavation works, the location and depth of all services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The developer must meet all costs of any adjustment, relocation or reinstatement of any services.

### **B.5 Payment of Security, Levies and Fees (S80A(6) & S94 of the Act, Section 608 of the Local Government Act 1993)**

The person(s) with the benefit of this consent must pay the following long service levy, security, development levy, and fees prior to the commencement of work authorised by condition A.3 of this consent.

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under Building and Construction Industry Long Service Payments Act 1986			
<b>Long Service Levy</b> Use Calculator: <a href="http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm">http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm</a>	Contact LSL Corporation or use their online calculator	No	

<b>SECURITY</b>			
under section 80A(6) of the Environmental Planning and Assessment Act 1979			
<b>Property Damage Security Deposit -</b> Making good any damage caused to any property of the <i>Council</i> as a consequence of the doing of anything to which the consent relates.	\$50,000	No	T600
<b>Infrastructure Works Bond -</b> Completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.	\$59,000 (drainage) \$158,000 (works on Council property)	No	T600
Security Administration Fee	\$158	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	\$267,158 Plus any relevant indexed amounts and long service levy		

### **Building & Construction Industry Long Service Payment**

The Long Service Levy under Section 34 of the *Building & Construction Industry Long Service Payment Act, 1986*, must be paid and proof of payment provided to the *Certifying Authority* prior to the issue of any *Construction Certificate*.

**Note:** The Levy can be paid directly to the Long Services Payments Corporation or to Council. Further information can be obtained from the Long Service Payments Corporation's website <http://www.lspc.nsw.gov.au/> or by telephoning the Long Service Payments Corporation on 13 14 41.

#### **How must the payments be made?**

Payments must be made by:

1. Cash deposit with Council,
2. Credit card payment with Council, or
3. Bank cheque made payable to Woollahra Municipal Council.

The payment of a security may be made by a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;
- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

#### **How will the section 94A levy be indexed?**

To ensure that the value the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2005 sets out the formula and index to be used in adjusting the s.94A levy.

#### **Do you need HELP indexing the levy?**

Please contact our customer service officers. Failure to correctly calculate the adjusted the development levy will delay the issue of any Part 4A Certificate and could void any Part 4A Certificate (construction certificate, subdivision certificate, or occupation certificate).

**Deferred periodic payment of section 94A levy under the Woollahra Section 94A Development Contributions Plan 2005**

Where the applicant makes a written request supported by reasons for payment of the section 94A levy other than as required by clause 3.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- a) the reasons given;
- b) whether any prejudice will be caused to the community deriving benefit from the public facilities;
- c) whether any prejudice will be caused to the efficacy and operation of this plan; and
- d) whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;
- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or outstanding component of the section 94A levy will be adjusted in accordance with clause 3.13 of the plan. The applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

Standard Condition: C5

**B.6 Tree Protection and Work Methods**

All works are to be carried out in accordance with the recommendations of the Development Impact Assessment Report, prepared by Earthscape Horticultural Services, dated July 2005. Tree Protection Zones, as detailed within this report are to be installed prior to any works, including demolition, commencing on the site.

**C. Conditions which must be satisfied prior to the issue of any construction certificate**

**C.1 Amended Master Landscape Plan**

An Amended Master Landscape Plan, prepared by a qualified Landscape Architect or Landscape Designer, to a scale of 1:100 or 1:200, conforming to the conditions of this Development Consent is to be submitted to Council for approval prior to issue of the Construction Certificate. The plan must detail all trees to be removed and those to be retained. All subsequent detailed landscape plans are to comply with this Master Plan.

**C.2 Stormwater Management Plan**

A Stormwater Management Plan for the site must be submitted with the application for a Construction Certificate. This Condition is imposed to ensure site stormwater is disposed in a controlled and sustainable manner.

The Stormwater Management Plan must be in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004). This is available from Council's website <http://www.woollahra.nsw.gov.au>.

The plan must generally be in accordance with the drainage plans and documentation prepared by LHO Group (Refer to Job No. 0300-056 Dwgs C01(B), C02(B), C03(D) and C04(D) and C05(A) dated 28<sup>th</sup> August 2006 subject to the following amendments;

- The proposed OSD system must be deleted. The site is located within an area that is exempt from the OSD requirement and would have a detrimental impact on flood levels if it were implemented.
- No consent is granted for the installation of rainwater tanks as part of Stage 1 of the works upon the site. The rainwater tank details are to be submitted for assessment with the stage 2 development application.

Stormwater run-off from the proposed development must drain directly to Councils in ground drainage infrastructure located within Iluka Street. New drainage systems must be designed in accordance with Section 6 - "Connection to drainage system" of Council's Draft Stormwater Drainage Management DCP.

A detailed Stormwater Management Plan must be produced by a suitably qualified civil or hydraulic engineer. The plan must be at a scale of 1:100 and based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, *Australian Rainfall and Run-off*, 1987 edition or most current version thereof. It must include (as appropriate for the site and determined by the Hydraulic Consultant):

- All pipe layouts, dimensions, grades, lengths and material specifications
- All invert levels reduced to Australian Height Datum (AHD)
- Location and dimensions and of all drainage pits
- Point of connection to Councils drainage infrastructure
- Overland flow paths over impervious areas.
- Copies of certificates of title, showing the creation or existence of private easements to drain water by gravity, if required.
- Subsoil drainage details (layout, grades, material), clean out points and discharge point.

### **C.3 Roads Act Approval**

The applicant must apply to the RTA for an approval under Section 138 of the Roads Acts for any kerb realignment works required on the southern side of New South Head Road, west of Kent Road that is required to maintain the status quo for the retention of parking at this location. This application must be lodged prior to the issue of the Construction Certificate for this site.

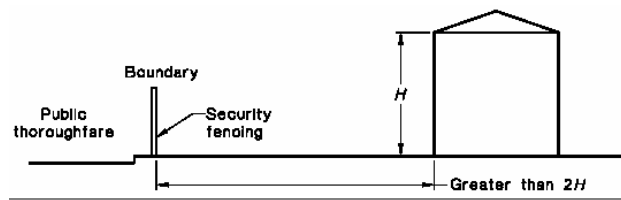
### **C.4 Design of Roundabouts**

The entry/exit to the circulation road and the roundabouts and other turning manoeuvres must be adjusted to cater for any private buses which are to be utilised by the school to ensure that bus access to and from the school will be limited to Kent Road only. Amended plans showing these adjustments must be lodged prior to the issue of the Construction Certificate for this site.

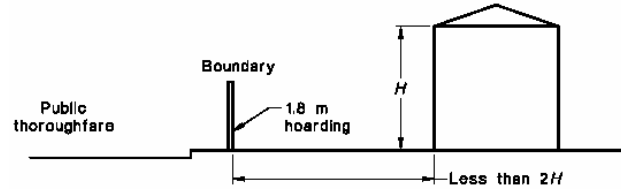
## **D. Conditions which must be satisfied prior to the commencement of any development work**

### **D.1 Security Fencing, Hoarding and Overhead Protection**

Security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.



Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8 m adjacent to the thoroughfare.

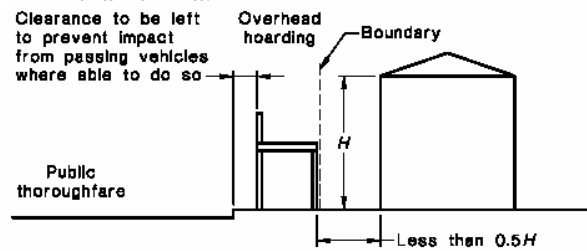


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either —

- the vertical height above footpath level of the structure being demolished is less than 4.0 m; or
- the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must —

- extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- have a clear height above the footpath of not less than 2.1 m; terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5 m above the platform surface; and
- together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The *principal contractor* or *owner builder* must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

The *principal contractor* or *owner builder* must ensure that Overhead Protective Structures are installed and maintained in accordance with WorkCover NSW Code of Practice - Overhead Protective Structures, gazetted 16 December 1994, as commenced 20 March 1995.

This can be downloaded from:

<http://www.workcover.nsw.gov.au/Publications/LawAndPolicy/CodesofPractice/ohheadprotstruc.htm>.

Security fencing, hoarding and overhead protective structure must not obstruct access to utilities services including but not limited to man holes, pits, stop valves, fire hydrants or the like.

**Note:** The *principal contractor* or *owner* must allow not less than two (2) weeks from the date of making a hoarding application for determination. Any approval for a hoarding or overhead protection under the *Roads Act 1993* will be subject to its own conditions and fees.  
Standard Condition: D11

## D.2 Site Signs

The *Principal Contractor* or *owner builder* must ensure that the sign required by clauses 98A and 227A of the *Regulation* is erected and maintained at all times.

“Erection of signs

- (1) For the purposes of section 80A (11) of the *Act*, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) 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:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) 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
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) 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.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the *Act*, to comply with the technical provisions of the State’s building laws.”

**Note:** *PCA* and *principal contractors* must also ensure that signs required by this clause are erected and maintained (see clause 227A which imposes a penalty exceeding \$1,000).

**Note:** If *Council* is appointed as the *PCA* it will provide the sign to the *principal contractor* or *owner builder* who must ensure that the sign is erected and maintained as required by Clause 98A of the *Regulation*.  
Standard Condition: D12

## D.3 Toilet Facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) must be a standard flushing toilet, and
- b) must be connected to a public sewer, or
- c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
- a) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

In this condition:

**accredited sewage management facility** means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the *Local Government (Approvals) Regulation 1993*.

**approved by the council** means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

**public sewer** has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

**sewage management facility** has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

**Note:** This condition does not set aside the requirement to comply with Workcover NSW requirements.  
Standard Condition: D13

## E. Conditions which must be satisfied during any development work

### E.1 Maintenance of Vehicular and Pedestrian Safety and Access

The *principal contractor* or *owner builder* and any other person acting with the benefit of this consent must:

- a) Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.
- b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
- c) Not use the road or footway for any *work*.
- d) Keep the road and footway in good repair free of any trip hazard or obstruction.
- e) Not stand any plant and equipment upon the road or footway.

This condition does not apply to the extent that a permit or approval exists under section 73 of the *Road Transport (Safety and Traffic Management) Act 1999*, section 138 of the *Roads Act 1993* or section 94 of the *Local Government Act 1993* except that at all time compliance is required with:

- a) Australian Standard AS 1742 (Set) Manual of uniform traffic control devices and all relevant parts of this set of standards.
- b) Australian Road Rules to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

**Note:** Section 73 of the *Road Transport (Safety and Traffic Management) Act 1999* allows the Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. Any road closure requires Police approval.

**Note:** Section 138 of the *Roads Act 1993* provides that a person must not:

- (a) erect a structure or carry out a work in, on or over a public road, or
  - (b) dig up or disturb the surface of a public road, or
  - (c) remove or interfere with a structure, work or tree on a public road, or
  - (d) pump water into a public road from any land adjoining the road, or
  - (e) connect a road (whether public or private) to a classified road,
- otherwise than with the consent of the appropriate roads authority.

**Note:** Section 68 of the *Local Government Act 1993* provides that a person may carry out certain activities only with the prior approval of the council including:

Part C Management of Waste:

- “1 For fee or reward, transport waste over or under a public place
- 2 Place waste in a public place
- 3 Place a waste storage container in a public place.”

Part E Public roads:

- “1 Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
- 2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.”

Any work in, on or over the Road or Footway requires *Council* Approval and in the case of classified roads the NSW Roads and Traffic Authority. Road includes that portion of the road uses as a footway.

Standard Condition: E7

### E.2 Maintenance of Environmental Controls

The *principal contractor* or *owner builder* must ensure that the following monitoring, measures and controls are maintained:

- (a) Erosion and sediment controls,
- (b) Dust controls,
- (c) Dewatering discharges,
- (d) Noise controls;
- (e) Vibration monitoring and controls;

(f) Ablutions;

Note 1: See [http://www.epa.nsw.gov.au/small\\_business/builders.htm](http://www.epa.nsw.gov.au/small_business/builders.htm) for additional information.

Standard Condition: E11

### E.3 Erosion and Sediment Controls – Maintenance

The *principal contractor or owner builder* must maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The Soil and Water Management Plan required under this consent;
- b) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- c) “*Managing Urban Stormwater - Soils and Construction*” published by the NSW Department of Housing 4th Edition (“*The Blue Book*”).

Where there is any conflict *The Blue Book* takes precedence.



**Note 1:** A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.

**Note 2:** Section 257 of the Protection of the Environment Operations Act 1997 provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. **Warning**, irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.

Standard Condition: E15

### E.4 Disposal of site water during construction

The *principal contractor or owner builder* must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from *Council* under section 138(1)(d) of the *Roads Act 1993*;
- b) That *water pollution*, as defined by the *Protection of the Environment Operations Act 1997*, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water;
- c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

**Note:** This condition has been imposed to ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not concentrate water such that they cause erosion and water pollution.

Standard Condition: E17

### E.5 Filling of site

To the extent that this consent permits filling of the site such fill must be *virgin excavated natural material* (“*VENM*”).

*VENM* means “*Virgin excavated natural material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human-made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphidic ores or soils.*”

**Note:** This definition is the same as in Schedule 1 of the *Protection of the Environment Operations Act 1997*, Appendix IX: Types of waste.

**Note:** Sulphidic ores and soils are commonly known as Acid Sulphate Soils.

**Note:** If a person transports waste to a place (the site) that cannot lawfully be used as a waste facility for that waste: (a) the person, and, (b) if the person is not the owner of the waste, the owner, are each guilty of an offence under section 143 of the *Protection of the Environment Operations Act 1997*.

**Note:** A person who is the owner or occupier (principal contractor) of any land that cannot lawfully be used as a waste facility and who permits the land to be used as a waste facility is guilty of an offence under section 144 of the *Protection of the Environment Operations Act 1997*.

**Note:** Additional information is available from the following websites:

**Illegal waste dumping** - <http://www.epa.nsw.gov.au/waste/dumping.htm>

**Is that fill legal?** <http://www.epa.nsw.gov.au/resources/012648web.epa%20fill.dl%20bro.pdf>

Standard Condition: E18

## **E.6 Check Surveys - boundary location, building location, building height and stormwater drainage system relative to Australian Height Datum**

The *Principal Contractor* must ensure that a surveyor registered under the *Surveying Act 2002* carries out check surveys and provides survey certificates confirming the location of the stormwater drainage system relative to the boundaries of the *site* and to Australian Height Datum complies with this consent.

**Note:** This condition has been imposed to ensure that development occurs in the location and at the height approved under this consent.

Standard Condition: E20

## **E.7 Placement and use of Skip Bins**

The *principal contractor* or *owner builder* must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless:

- a) Activity Approval has been issued by Council under section 94 of the *Local Government Act 1993* to place the waste storage container in a public place, and
- b) Where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*, and

**Note:** Waste storage containers must not be located on the footpath without a site specific activity approval.

Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.

Standard Condition: E21

## **E.8 Prohibition of burning**

There must be no burning of any waste or other materials. The burning of CCA (copper chrome arsenate) or PCP (pentachlorophenol) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.

**Note:** Pursuant to the *Protection of the Environment Operations (Control of Burning) Regulation 2000* all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.

Standard Condition: E22

## **E.9 Dust Mitigation**

Dust mitigation must be implemented in accordance with “*Dust Control - Do it right on site*” published by the Southern Sydney Regional Organisation of Councils.

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.

- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

**Note 1:** “*Dust Control - Do it right on site*” can be down loaded free of charge from Council’s web site [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) or obtained from Council’s office.

**Note 2:** Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) and [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) . Other specific condition and advice may apply.

**Note 3:** Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.

Standard Condition: E23

#### **E.10 Compliance with Council’s Specification for Roadworks, Drainage and Miscellaneous Works Road works and work within the Road and Footway**

All work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council in connection with the *development* to which this consent relates must comply with Council’s *Specification for Roadworks, Drainage and Miscellaneous Works* dated January 2003.

The *owner, principal contractor or owner builder* must meet all costs associated with such works.

This condition does not set aside the need to obtain relevant approvals under the *Roads Act 1993* or *Local Government Act 1993* for works within Roads and other public places.

Note: A copy of Council’s “*Specification for Roadworks, Drainage and Miscellaneous Works*” can be down loaded free of charge from Council’s website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

Standard Condition: E24

#### **E.11 Public footpaths**

A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footpaths fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of Council's document "Standard Specifications for Roadworks, Drainage and Miscellaneous Works dated Jan 2003.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Australian Standard AS1742-3 2002 “*Traffic Control Devices for Work on Roads*”. Should the applicant propose to direct pedestrians onto the road pavement of a State road then an application is to be made to the RTA for a Road Occupancy Licence. Licence approval is to be submitted to Council.

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

#### **E.12 Compliance with Australian Standard for Demolition**

Demolition of buildings and structures must comply with Australian Standard AS 2601—1991: *The Demolition of Structures*, published by Standards Australia, and as in force at 1 July 1993.

Standard Condition: E2

#### **E.13 Requirement to notify about new evidence**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifying Authority.

Standard Condition: E4

#### **E.14 Hours of Work –Amenity of the neighbourhood**

- a) No *work* must take place on any Sunday or public holiday,
- b) No *work* must take place before 7am or after 5pm any weekday,
- c) No *work* must take place before 7am or after 1pm any Saturday, and
- d) No piling, piercing, cutting, boring, drilling, rock breaking, rock sawing, jack hammering or bulk excavation of land or loading of material to or from trucks must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday.
- e) No rock excavation being cutting, boring, drilling, breaking, sawing, jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

**Note:** The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council.

**Note:** Each and every breach of this condition by any person may be subject to separate penalty infringement notice or prosecution.

**Note:** The delivery and removal of plant, equipment and machinery associated with wide loads subject to RTA and Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.

**Note:** Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2000*.

**Note:** EPA Guidelines can be downloaded from <http://www.epa.nsw.gov.au/noise/nlg.htm>.

**Note:** see [http://www.epa.nsw.gov.au/resources/ci\\_build\\_sheet7.pdf](http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf)

Standard Condition: E6

#### **E.15 Compliance with erosion and sediment control plan**

The Soil Erosion and Sediment Control plan prepared by LHO Group (Refer to Job No. 0300 – 0056 Dwg C06 dated 28<sup>th</sup> August 2006) and the Remedial Action Plan by EIS (Refer E19153FJ-RAP dated August 2005), must be implemented during site works and construction activities. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the accredited certifier and Council officers on request.

#### **E.16 Sediment removal from vehicle wheels**

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, must be installed to prevent mud and dirt leaving the site and being deposited on the street.

#### **E.17 Display of Council's warning sign for soil and water management**

Throughout the demolition, remediation and construction period, Council's warning sign for soil and water management must be displayed on the most prominent point of the building site, visible both from the street and site for the duration of works on the site.

A copy of the sign is available from Council.

#### **E.18 Stockpiles**

Stockpiles of topsoil, sand, aggregate, soil or other material must not be located on any drainage line or easement, natural watercourse, footpath or roadway, or within the dripline of any Street Tree. Stockpiles within the construction site must be protected with adequate sediment controls, in accordance with Council's Code for Sediment Control.

### **E.19 Location of building operations**

Building operations such as brick cutting, washing tools or brushes and mixing mortar must not take place on public roadways or footways or in any other location which could lead to the discharge of materials into the stormwater drainage system.

Footpaths, gutters and roadways must be swept regularly to keep them free from sediment.

### **E.20 Disposal of site water during construction**

The disposal of site water (includes groundwater, seepage, dewatering and stormwater trapped in excavations) must be in accordance with the requirements contained within Council's "Stormwater Development Control Plan and Local Approvals Policy". **Disposal of site water to Council's stormwater system is not permitted. The applicant is advised to liaise with Sydney Water regarding a Trade Waste Agreement.**

### **E.21 Disposal of site water during construction**

The disposal of site water (includes groundwater, seepage, dewatering and stormwater trapped in excavations) must be in accordance with the requirements contained within Council's "Guidelines for the disposal of site water during construction".

The pumping of site water to Council's stormwater system will require consent under Section 138 of the Roads Act – 1993. An "Application to carry out works in a public road" form will need to be completed and submitted together with detailed plans and work specifications concerning the water treatment procedures, rate of discharge and point of discharge to Council's stormwater system. These details must be prepared by a suitably qualified environmental engineer who must certify that the method of treatment is appropriate to prevent water pollution, as defined by the Protection of the Environment Operations Act 1997. Pumping water to the roadway must not commence until this consent has been issued. Four weeks should be allowed for assessment of the application.

**In the event that the water cannot be treated appropriately, the applicant is advised to liaise with Sydney Water regarding a Trade Waste Agreement.**

### **E.22 Compliance with the construction management plan**

All excavation, demolition and construction work and traffic movements must be carried out in accordance with the approved construction management plan. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the PCA or Council on request.

### **E.23 Site fencing**

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

### **E.24 Storage of materials and plant on Council's footpath**

Building, excavation or demolition materials and plant must not be stored on Council's footpath and/or roadway unless prior written approval has been obtained from Council's Development Engineer.

### **E.25 Remediation work**

Pursuant to clause 17 of *State Environmental Planning Policy No 55 - Remediation of Land*, notice of completion of a category 1 remediation work must be given to the council within 30 days after the completion of the work

This notice must be in accordance with clause 18 of SEPP 55.

**Note:** category 1 remediation work is defined in clause 9 of SEPP 55.  
Standard Condition: D3

The site shall be remediated and validated in accordance with 'Column 1-Health based investigation levels' for residential sites with gardens accessible soils as published in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (the NEPM).

Any variations to the proposed Remedial Action Plan shall be approved in writing by Council prior to the commencement of such works.

A Validation and Monitoring Report being submitted to Council demonstrating that the clean-up criteria and objectives stated in the Remedial Action Plan have been achieved.

All fill imported onto the site is to be validated by the supplier to ensure the imported material is suitable for the proposed land use and that it is not contaminated. Validation documentation from the supplier is to be submitted to Council. Any sampling and analysis of the fill material is to be in accordance with the NSW EPA's Sampling Design Guidelines 1995.

Prior to the disposal of contaminated soil from the site, such soil shall be classified in accordance with the provisions of both the Protection of the Environment Operations Act 1997 and the NSW EPA Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

#### **E.26 Acid sulfate soils**

The soil and groundwater monitoring program, contingency procedures and strategies for the management of acid sulfate soils being undertaken as recommended in the Acid Sulfate Soils Management Plan prepared by EIS (Ref: E19153FJ-ASSMP dated August 2005).

No site water is permitted to be discharged from the subject site until such site waters are tested by an approved NATA laboratory having regard to all Items listed in Schedule 3 'Prescribed matter for the definition of water pollution' of the Protection of the Environment Operations (General) Regulation 1998. The results of the water testing being forwarded to Woollahra Council for review.

#### **E.27 Hazardous materials**

The detailed site and work specific requirements in the management, control and removal of identified hazardous materials being undertaken in accordance with recommendations provided in the Hazardous Materials Survey Report prepared by New Environment Management & Technology Pty Limited dated July 2005.

#### **E.28 Appointment of Site Arborist**

An Arborist, with minimum qualification of Australian Qualification Framework Level 5, is to be appointed Site Arborist. The Arborist is to be retained for the entire time that works are being carried out on site which form part of this or subsequent, related development consents. A regular inspection of all trees, required to be retained on site, must be carried out by the Site Arborist (minimum of 1 inspection per month). Any recommendations, resulting from these inspections, for remedial works are to be carried out immediately.

#### **E.29 Existing trees which must be retained**

The following trees are to be retained on the site and protected during all works.

### Trees on Council Land

Council Reference No:	Species	Location	Dimension (Metres)
1	Weeping Bottlebrush ( <i>Callistemon viminalis</i> )	In road reserve (nature strip) between No.s 4A and 8 Kent Road.	H: 5m W: 5m Ø: 0.25m
3	Weeping Bottlebrush ( <i>Callistemon viminalis</i> )	In road reserve (nature strip) between No.s 4A and 8 Kent Road.	H: 5m W: 5m Ø: 0.25m
4	Weeping Bottlebrush ( <i>Callistemon viminalis</i> )	In road reserve (nature strip) between No.s 4A and 8 Kent Road.	H: 5m W: 5m Ø: 0.25m

### Trees on Private Property

Council Reference No:	Species	Location	Dimension (Metres)
5	Jacaranda ( <i>Jacarana mimosifolia</i> )	Refer to Plan No.: LCO1/01 D, drawn by Taylor Brammer, dated 29 June 2005.	H: 14m W: 16m Ø: 0.5 & 0.3m
6	Liquidambar ( <i>Liquidambar styraciflua</i> )	As above.	H: 20m W: 25m Ø: 0.85m
7	Liquidambar ( <i>Liquidambar styraciflua</i> )	As above.	H: 18m W: 16m Ø: 0.65m
13	Broad Leafed Paperbark ( <i>Melaleuca quinquenervia</i> )	As above.	H: 12m W: 8m Ø: 0.6m
14	Broad Leafed Paperbark ( <i>Melaleuca quinquenervia</i> )	As above.	H: 12m W: 8m Ø: 0.4m (x2)
15	Broad Leafed Paperbark ( <i>Melaleuca quinquenervia</i> )	As above.	H: 12m W: 16m Ø: 1.1m
16	Broad Leafed Paperbark ( <i>Melaleuca quinquenervia</i> )	As above.	H: 14m W: 14m Ø: 0.8 & 0.7m
17	Hill's Weeping Fig ( <i>Ficus macrocarpa var hillii</i> )	As above.	H: 17m W: 16m Ø: 0.8m
18	London Plane ( <i>Platanus x hybrida</i> )	As above.	H: 17m W: 17m Ø: 1.05m
20	Broad Leafed Paperbark ( <i>Melaleuca quinquenervia</i> )	As above.	H: 16m W: 9m Ø: 0.8m
22	Broad Leafed Paperbark ( <i>Melaleuca quinquenervia</i> )	As above.	H: 14m W: 7m Ø: 0.65
27	Liquidambar ( <i>Liquidambar styraciflua</i> )	As above.	H: 14m W: 7m Ø: 0.35m
28	Liquidambar ( <i>Liquidambar styraciflua</i> )	As above.	H: 15m W: 13m Ø: 0.4 & 0.3m
29	Liquidambar ( <i>Liquidambar styraciflua</i> )	As above.	H: 15m W: 9m Ø: 0.4m

30	Poplar ( <i>Populus spp.</i> )	As above.	H: 6m W: 2m Ø: 0.08m
31	Cootamundra Wattle ( <i>Acacia baileyana</i> )	As above.	H: 6m W: 7m Ø: 0.18m
33	African Olive ( <i>Olea africana</i> )	As above.	H: 9m W: 11m Ø: 0.35m
34	Cape Chestnut ( <i>Calodendron capense</i> )	As above.	H: 6m W: 5m Ø: 0.3m

The subsequent development application plans must include reference to the retention of the above mentioned trees and identify the trees by Councils reference number (Ref No:) and colour or shade them in the colour green for trees to be retained and yellow for trees to be transplanted.

### E.30 Trees which may be removed

This consent includes approval under Council's Tree Preservation Order to remove the following trees:

Council Reference No:	Species	Location	Dimension (Metres)
A	Jacaranda ( <i>Jacaranda mimosifolia</i> )	In road reserve (nature strip), north-eastern side of Kent Road Tree closest to intersection with New South Head Road.	H: 6m W: 6m Ø: 0.4m
B	Jacaranda ( <i>Jacaranda mimosifolia</i> )	In road reserve (nature strip), north-eastern side of Kent Road Second tree in from intersection with New South Head Road.	H: 6m W: 5m Ø: 0.4m
2	Weeping Bottlebrush ( <i>Callistemon viminalis</i> )	Refer to Development Impact Assessment Report, Appendix 6, prepared by Eathscape Horticultural Services, dated July 2005.	H: 5m W: 5m Ø: 0.25m
8	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 12m W: 9m Ø: 0.2 & 0.15(x2)m
9	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 7m W: 5m Ø: 0.25m
10	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 10m W: 6m Ø: 0.25m
11	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 10m W: 8m Ø: 0.25m
12	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 9m W: 13m Ø: 0.6m
13	<u>Broad Leafed Paperbark</u> ( <i>Melaleuca quinquenervia</i> )	<u>As above.</u>	<u>H: 12m</u> <u>W: 8m</u> <u>Ø: 0.6m</u>
14	<u>Broad Leafed Paperbark</u> ( <i>Melaleuca quinquenervia</i> )	<u>As above.</u>	<u>H: 12m</u> <u>W: 8m</u> <u>Ø: 0.4m (x2)</u>
15	<u>Broad Leafed Paperbark</u> ( <i>Melaleuca quinquenervia</i> )	<u>As above.</u>	<u>H: 12m</u> <u>W: 16m</u> <u>Ø: 1.1m</u>

16	<u>Broad Leafed Paperbark</u> ( <i>Melaleuca quinquenervia</i> )	<u>As above.</u>	<u>H: 14m</u> <u>W: 14m</u> <u>Ø: 0.8 &amp; 0.7m</u>
19	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 15m W: 16m Ø: 0.7m
21	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 14m W: 16m Ø: 0.5m
25	Magenta Cherry ( <i>Syzygium paniculatum</i> )	As above.	H: 8m W: 10m Ø: 0.45m
26	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 9m W: 12m Ø: 0.28 & 0.3 & 0.35m
32	Riberry ( <i>Syzygium leuhmannii</i> )	As above.	H: 5m W: 6m Ø: 0.35m

**The subsequent development application must include reference to the removal of the above mentioned trees and identify the trees by Council's reference number (Council Ref No:) and colour or shade them in the colour red.**

### E.31 Replacement trees which must be planted

The following compensatory replacement plantings must be planted to ensure the preservation of the landscape character of the area.

Species/Type	Planting Location	Container Size or Size of Tree (at time of planting)	Minimum Dimensions at Maturity
6 x species of the owners selection*	In viable and sustainable location within subject site.	75 litre <b><u>OR</u></b> 2 metres.	H: 12m W: 6m
2 x species of the owners selection*	In viable and sustainable location within subject site.	45 litre <b><u>OR</u></b> 1.5 metres.	H: 8m W: 5m

**\*NB:** For the purposes of compliance with this condition of consent, palm trees, fruit trees or trees that have a recognised short life span (ie. less than 20 years) are not considered acceptable.

All plants used within this landscape are to have been grown and selected in accordance with Natspec specifications. All stock is to be inspected, by an appropriately qualified person, prior to installation and non compliant stock rejected and replaced. Installation methods must also comply with Natspec specifications.

### E.32 Stormwater/Drainage Design

Design of the final stormwater drainage plan is to be carried out with consultation between the designing Engineer and a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5). Pipes, inlets, on site detention systems, rain water tanks and other related infrastructure are to be located so as to minimise the damage to trees located on the site. Where incursion into Tree Protection Zones is necessary, the most non invasive construction techniques are to be utilised eg. lateral boring.

**F. Conditions which must be satisfied prior to any occupation or use of the building  
(Part 4A of the Act and Part 8 Division 3 of the Regulation)**

No relevant conditions.

**G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate**

**G.1 Electricity Substations – Dedication as road and/or easements for access**

If an electricity substation, is required on the site the owner must dedicate to the appropriate energy authority (to its satisfaction), free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors are not to intrude onto the public road (footway or road pavement).

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the *Principal Certifying Authority* prior to issue of the Construction Certificate detailing energy authority requirements.

The Accredited Certifier must be satisfied that the requirements of energy authority have been met prior to issue of the Construction Certificate.

Where an electricity substation is provided on the site adjoining the road boundary, the area within which the electricity substation is located must be dedicated as public road. Where access is required across the site to access an electricity substation an easement for access across the site from the public place must be created upon the linen plans burdening the subject site and benefiting the Crown in right of New South Wales and any Statutory Corporation requiring access to the electricity substation.

Standard Condition: G4

**H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate  
(s109C(1)(c))**

**H.1 Landscaping**

All landscape work including all planting must be completed by the *principal contractor* or *owner* in compliance with the approved landscape plan, arborist report, transplant method statement and tree management plan. The *principal contractor* or *owner* must provide to PCA a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works as completed comply with this consent.

**Note:** This condition has been imposed to ensure that all Landscaping work is completed prior to the issue of the *Final Occupation Certificate*.

Standard Condition: H9

**H.2 Maintenance of Landscaping**

All landscaping must be maintained in accordance with the approved Landscape Master Plan. Any alteration from that plan will require the prior written consent of Council.

**H.3 Road Works (including footpaths)**

The following works must be completed to the satisfaction of Council, in compliance with Council's "Specification for Roadworks, Drainage and Miscellaneous Works" dated January 2003 unless expressly provided otherwise by these conditions at the *principal contractor's* or *owner's* expense:

- a) stormwater pipes, pits and connections to public stormwater systems within the *road*;

- b) driveways and vehicular crossings in accordance with Council's Standard Drawing 14238 within the *road*;
- c) removal of redundant driveways and vehicular crossings;
- d) new footpaths within the *road*;
- e) new or replacement street trees;
- f) new footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Council approved turf. Any alternative treatment must have the written approval of Council's Development Engineer.
- g) new or reinstated kerb and guttering in accordance within the *road*; and
- h) new or reinstated road surface pavement within the *road*.

**Note:** Security held by Council pursuant to section 80A(6) of the Act will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the *Final Occupation Certificate* to Council. This form can be downloaded from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) or obtained from Council's customer service centre.

Standard Condition: H13

#### **H.4 Works on Council Property**

##### a) Works Required

The following infrastructure works must be carried out on Council property at the Applicants expense.

##### Iluka Street

A new kerb alignment and driveway crossover is required to delineate private property from Councils roadway. Council may consider realignment of the kerb such to enable vehicles to perform a "U-turn"/ three-point turn manoeuvre at this cul-de-sac. The following works are required;

- Removal of the existing driveway crossing servicing the site.
- Construction of new concrete kerb and gutter both sides of Iluka Street, from within 10 metres of the site boundary and extending to the new driveway crossover. The kerb and gutter may need to be realigned to permit vehicles to manoeuvre out of the cul-de-sac (subject to detailed assessment).
- Construction of a new concrete footpath on the northern side of Iluka Street within the region of the existing driveway crossover to be made redundant. Boundary levels must generally match existing.
- The balance of the area between the new footpath and the kerb within the region of the existing driveway crossover to be made redundant must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.
- Construction of a new driveway crossover servicing the proposed carpark. The driveway must be constructed in accordance with Councils standard detail RF2 and must be to the width of the approved vehicle entry.
- Asphalt resurface of the entire roadway within 10 metres of vehicle entry.
- Re-installation of parking signage, services and street lighting if required.

## Kent Road

### Works required;

- Full removal of the existing concrete footpath, kerb and gutter in the region of road realignment with the intersection of New South Head Road.
- Construction of a new concrete kerb and gutter to the general alignment shown on the approved architectural plans. The region of reconstructed kerb and gutter must extend 3 metres beyond the point of realignment.
- Construction of a new concrete footpath to the general alignment shown on the approved architectural plans, extending from the intersection to the vehicle entrance to Royal Sydney Golf Course.
- Reconstruction of the concrete pram ramp on the intersection of New South Head Road. The pram ramp must be aligned with pedestrian traffic and defined pedestrian crossing.
- Resurfacing of the asphalt roadway, extending from the lip of the new gutter extending a metre into the existing roadway. New road crossfalls must be flush and consistent with the existing.
- Reconfiguration of the kerb inlet pit located on the intersection of New South Head Road. Roads and Traffic Authority may require the installation of a new kerb inlet pit on New South Head Road.
- Construction of new on street parking bays generally in the area nominated on the approved plans (east side of Kent Road). The existing 90 degree parking bays will be retained where possible. The new bays will require construction of a new kerb bounding the bays, asphalt paving and a new dish drain located in the region of the existing gutter.
- Construction of a new concrete footpath along the eastern side of Kent Road, extending from the Royal Sydney Golf Course vehicle entry to a point 4 metres beyond the commencement of the 90 degree parking bays.
- Full reconstruction of the concrete footpath and driveway crossover fronting the property on Kent Road. The crossover must be 7 metres wide and constructed generally in accordance with Councils standard detail RF2. A crest of kerb height must be provided on the driveway so as to prevent overland flow within the roadway inundating the footpath area. Driveway grades and levels must comply with AS 2890.1 – 2004. Footpath and driveway levels must generally be in accordance with the plans prepared by Hyder Consulting Engineers (Refer to Appendix K of the Statement of Environmental Effects – Project Code NS02899 Dwg SKC03 P1).
- The relocation/ reinstatement of other services, road signage or street lighting necessary to complete the works.
- Any works/ further amendments as recommended within Woollahra Municipal Council Local Traffic Committee minutes dated 5<sup>th</sup> September 2006 and any amendments made by Council to this report.
- The works specified above do not encompass reconfiguration of the traffic signals, controls, lane markings and other reconfiguration works required at the intersection of New South Head Road and Kent Road. The RTA is the approval body for works within a State Road (New South Head Road).

b) Approval

Development Consent does NOT give approval to these works on Council property. A SEPARATE APPROVAL IS REQUIRED UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993 FOR THE WORKS REQUIRED BY THIS CONDITION. The Construction Certificate must not be issued until Council's Manager - Public Infrastructure has issued the Applicant with a written consent under the Roads Act.

An "Application to carry out works in a Public Road" form must be completed and lodged, with the Application fee, at Councils Customer Services counter.

Detailed engineering plans and specifications of the works required by this Condition must accompany the Application form. The documentation must clearly show the following:

- Engineering drawings (plan, sections and elevation views) and specifications of the road infrastructure works to be constructed. All plans must show existing and proposed levels, relevant longitudinal grades and cross falls of footpaths/ roadways.
- A construction methodology statement specifying how the works are to be staged.
- Details concerning the management of pedestrian and vehicle traffic (Traffic Management Plan).
- The requirements of service providers potentially affected by the infrastructure works (eg Telstra, Sydney Water).
- The Roads Act Consent and requirements from the RTA concerning the reconfiguration of the New South Head Road and Kent Road intersection. Council will not issue any consent for the works until this is finalised.

Four weeks should be allowed for assessment. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

c) Infrastructure works bond

To ensure that works on Council property required by this Condition are carried out to Council's requirements, the developer must lodge a bond to the value of \$158,000 (One hundred and fifty eight thousand Dollars). This bond does not encompass works associated with the reconfiguration of the New South Head Rd/ Kent Road intersection and may be adjusted upon assessment of the Roads Act application. The Bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate. The Bond will be not be released until Council has inspected the site and is satisfied that the works have been carried out to Council's requirements. The approved infrastructure works must be finalised prior to completion of works upon the site. Council may use part or the entire bond to complete the infrastructure works if the works do not meet Council's requirements.

After Council's final inspection of these works 10% of the bank guarantee will be retained for a further twelve (12) month period and used by Council to repair any defects or temporary works necessary after the final inspection.

Standard Condition: I8

## H.15 Repair of Damaged Infrastructure

If Council's infrastructure is damaged during the course of works, Council's Development Engineer must be notified and necessary repairs must be undertaken within the time stipulated by Council, to Council's specifications, and at no cost to Council. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

If work is not undertaken to the satisfaction of the Development Engineer with regard to time or quality, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

#### **H.6 Stormwater Certification and Work-As-Executed (WAE) Plans**

Prior to the issue of the final Occupation Certificate, Certification and Work-As-Executed (WAE) plans must be submitted and approved by the Accredited Certifier demonstrating that the site drainage system has been provided according to the submitted calculations and/or approved plans.

Certifications must be provided by a suitably qualified engineer. WAE plans must be prepared and certified by a Registered Surveyor.

The following must be provided:

a) Certification that:

- The drainage system has been installed in accordance with the drainage Conditions of Development Consent and relevant Australian Standards.
- That all drainage components are structurally adequate and have been installed in accordance with the relevant Codes and Standards and/or specifications.

b) Work-As-Executed (WAE) plans showing:

- Pipe and drainage system layout, including all pits, pipe diameters, grades, materials, invert levels and surface levels.
- Details (exact point and method) of connection to Council system

#### **H.7 Drainage Infrastructure Works – Councils in ground drainage infrastructure within Iluka Street**

a) Works Required

The development will require the upgrade of Councils drainage infrastructure within Iluka Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:

- Connection of the sites private stormwater system requires the construction of a new kerb inlet pit located within the roadway, adjoining the boundary of the site within Iluka Street. The pit must be constructed in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.
- Construction of a new surcharge pit located within the Golf course reserve, adjacent to the boundary over the existing drainage line.
- Reconstruction of the existing in-ground drainage line extending from the site to the new Council surcharge pit within the golf course reserve. The new drainage line must have capacity for a 20yr ARI storm event.
- Reconstruction of existing kerb inlet pits where required as a result of the drainage line upgrade.
- Any additional works required to restore Councils road/ verge infrastructure in order to construct the works.

b) Approval

Development Consent does NOT give approval to these works on Council property. A SEPARATE APPROVAL IS REQUIRED UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993 FOR THE WORKS REQUIRED BY THIS CONDITION. The Construction Certificate must not be issued until Council's Manager - Public Infrastructure has issued the Applicant with a written consent under the Roads Act.

An "Application to carry out works in a Public Road" form (available from Councils web-site <http://www.woollahra.nsw.gov.au>) must be completed and lodged, with the Application fee, at Councils Customer Services counter.

Detailed engineering plans and specifications of the works (construction stage) required by this Condition must accompany the Application form. The documentation must clearly show the following:

- Engineering drawings (plan, sections and elevation views) and specifications of the drainage infrastructure works. The plans must clearly show existing and new drainage infrastructure invert levels and surface levels.
- Detailed calculations demonstrating the proposed drainage infrastructure is capable of conveying the 20yr ARI.
- A construction methodology statement specifying how the works are to be staged.
- Details concerning the management of pedestrian and vehicle traffic within Iluka Street (Traffic Management Plan).

Council may request further information pending a detailed assessment.

The design and construction of the works must be in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004) and "Specification for Road Works, Drainage and Miscellaneous Works". Both documents are available from Council's website <http://www.woollahra.nsw.gov.au>.

Four weeks should be allowed for assessment.

c) Infrastructure works bond

To ensure that works on Council property required by this Condition are carried out to Council's requirements, the developer must lodge a bond to the value of \$59,000 (Fifty nine thousand Dollars). The Bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate. The Bond will be not be released until Council has inspected the site and is satisfied that the works have been carried out to Council's requirements. The approved infrastructure works must be finalised prior to completion of works upon the site. Council may use part or the entire bond to complete the infrastructure works if the works do not meet Council's requirements.

After Council's final inspection of these works 10% of the bank guarantee will be retained for a further twelve (12) month period and used by Council to repair any defects or temporary works necessary after the final inspection.

**I. Conditions which must be satisfied during the ongoing use of the development**

### **I.1 Maintenance of Landscaping**

All landscaping must be maintained in general accordance with this consent.

This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.

**Reason:** This condition has been imposed to ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.

**Note:** This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. Owners should have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the Brochure Titled "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.

### **~~I.2 Traffic Management Plan~~**

~~An Operational Traffic Management Plan shall be prepared by the applicant for daily use by staff and compliance with this plan shall form an enforceable condition of consent for this development, and this TMP shall incorporate, but not be limited to:~~

- ~~▪ The methods that the school will employ to control students and vehicles during pick-up and drop-off times.~~
- ~~▪ The steps required to deal with vehicular permeability of the site between the circulation road and the staff carpark.~~
- ~~▪ The methods employed by the school to ensure that only staff have access to the staff carpark.~~
- ~~▪ The steps taken to discourage pedestrian permeability of the site to and from Iluka Street.~~
- ~~▪ The procedures stipulating bus ingress to and egress from the site.~~
- ~~▪ Procedures to ensure bus ingress to and egress from the site via Kent Road.~~

### **I.3 Tennis court use**

The tennis courts are not to be used outside of the following times:

- Weekdays during school term: 7.30am – 8am and 3.30pm – 5.30pm
- Saturdays: 8.00am – 12.30pm, 10 times per season for Away games and 8am – 4.30pm, 10 times per year for Home games

to reduce the impact on the amenity of the occupants of nearby residential properties.

### **J. Miscellaneous Conditions**

No relevant conditions.

### **K. Advisings**

#### **K.1 Criminal Offences – Breach of Development Consent & Environmental laws**

Failure to comply with this development consent and any condition of this consent is a **criminal offence**. Failure to comply with other environmental laws are also a criminal offence.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);

- Issue notices and orders;
- Prosecute any person breaching this consent; and/or
- Seek injunctions/orders before the courts to restrain and remedy any breach.

### **Warnings as to potential maximum penalties**

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

### **Warning as to enforcement and legal costs**

Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order.

This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.

**Note:** The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the *Crimes (Sentencing Procedure) Act 1999*, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious. You can obtain further information from the following web sites: <http://www.theshopfront.org/documents/ConvictionsCriminalRecords.pdf> and the Attorney General's [www.agd.nsw.gov.au](http://www.agd.nsw.gov.au).  
Standard Advising: K1

## **K.2 Dial before you dig**



The *principal contractor, owner builder* or any person digging may be held financially responsible by the asset owner should they damage underground pipe or cable networks. Minimise your risk and Dial 1100 Before You Dig or visit [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au).

When you contact Dial Before You Dig, you will be sent details of all Dial Before You Dig members who have underground assets in the vicinity of your proposed excavation.

Standard Advising: K2

## **K.3 Commonwealth Disability Discrimination Act 1992 (“DDA”)**

The Disability Discrimination Act 1992 (DDA) makes it against the law for public places to be inaccessible to people with a disability. Compliance with this development consent, Council's Access DCP and the BCA does not necessarily satisfy compliance with the DDA.

The DDA applies to existing places as well as places under construction. Existing places must be modified and be accessible (except where this would involve "unjustifiable hardship").

Further detailed advice can be obtained from the Human Rights and Equal Opportunity Commission (“HEROC”):

- <http://www.hreoc.gov.au/index.html>
- [http://www.hreoc.gov.au/disability\\_rights/dda\\_guide/ins/ins.html](http://www.hreoc.gov.au/disability_rights/dda_guide/ins/ins.html)

If you have any further questions relating to the application of the DDA you can send and email to HEROC at [disabdis@humanrights.gov.au](mailto:disabdis@humanrights.gov.au).

Standard Advising: K3

#### **K.4 NSW Police Service and Road Closures**

The Rose Bay Local Area Command closely aligns with the boundaries of the Woollahra local government area.

Council and Police approval is required prior to a partial or full temporary road closure. If you are seeking a partial or full temporary road closure you must comply with the relevant conditions of this consent and you must also gain the approval of the Traffic Sergeant, Paddington Police Station, 16 Jersey Road, Paddington. Phone No.: 0283568299 or Fax No.: 0283568211.

**Warning:** If you partial or full close a road without compliance with Council and Police requirements Council Rangers or the Police can issue Penalty Infringement Notices or Court Attendance Notices leading to prosecution.

Standard Advising: K4

#### **K.5 Workcover requirements**

The *Occupational Health and Safety Act 2000 No 40* and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

**Note:** Further information can be obtained from Workcover NSW's website: <http://www.workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office: Location: Workcover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

Standard Condition: K7

#### **K.6 Asbestos Removal, Repair or Disturbance**

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW.

Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence.

All removal, repair or disturbance of or to asbestos material must comply with:

- The Occupational Health and Safety Act 2000;
- The Occupational Health and Safety Regulation 2001;
- The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];
- The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au/>; and
- The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.

**Note:** The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259. Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work. Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or one of Workcover NSW's offices for further advice.

Standard Advising: K8

#### **K.7 Lead Paint**

It is beyond the scope of this consent to provide detailed information about dealing with lead paint. Painters working in an area containing lead-based paint should refer to Australian Standard AS 4361.1–1995, Guide to Lead Paint Management—Industrial Applications, or AS 4361.2–1998, Guide to Lead Paint Management—Residential and Commercial Buildings.

Industrial paints, may contain lead. Lead is used in some specialised sign-writing and artist paints, and road marking paints, and anti-corrosive paints. Lead was a major ingredient in commercial and residential paints from the late 1800s to 1970. Most Australian commercial buildings and residential homes built before 1970 contain lead paint. These paints were used both inside and outside buildings.

Lead hazards - Lead particles are released when old lead paint flakes and peels and collects as dust in ceiling, wall and floor voids. If dust is generated it must be contained. If runoff contains lead particles it must be contained. Lead is extremely hazardous, and stripping of lead-based paint and the disposal of contaminated waste must be carried out with all care. Lead is a cumulative poison and even small levels in the body can have severe effects.

Standard Advising: K9

### **K.8 Appeal**

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact:

Brett Daintry, Manager Development Control on (02) 9391 7081

However, if you wish to pursue your rights of appeal in the Land & Environment Court you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, site hearings and the use of Court Appointed Experts, instead of a full Court hearing.

This approach is less adversarial, it achieves a quicker decision than would be the case through a full Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in writing, to the Court appointed commissioner having the full authority to completely determine the matter at the conference.

Standard Condition: K14

### **K.9 Bellevue Hill School**

Cranbrook is requested to advise the Council in respect to the future operations at its Bellevue Hill School as a consequence of the relocation of the Junior School to Rose Bay.

### **K.10 Recycling of Demolition and Building Material**

It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials.

Standard Condition: K17

### **K.11 Provision of Public Art**

The school is requested to consult with Council about the provision of suitable public art options for the site.

Allan Coker  
**Director Planning and Development**

Peter Kauter  
**Executive Planner**

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**Annexures:**

1. Development Application Assessment Report to Strategic and Corporate Committee 18/9/06, including plans and elevations.
2. Traffic Report, Cranbrook School Development Review 11 January 2007, by Masson Wilson Twiney.
3. Cranbrook School response to Council resolution of 25/9/06.
4. Cranbrook School, Operational Traffic Management Plan, January 2007.
5. Diagram A illustrating Student Management in pick-up area and 12.5m Bus Vehicle Swept Path Diagrams 1-6.
6. Landscape Concept Plan, Taylor Bremmer Landscape Architects.  
6A. Taylor Bremmer Landscape Architects letter 21 December 2006.
7. Preliminary report by Geoff Goodyer, Court Appointed Town Planning Expert Witness, 22 December 2006.
8. Cranbrook School, Dangar Precinct Masterplan, Traffic Scheme A, Revision 1, 25/9/06.
9. Review of Noise Impact Issues, Atkins Acoustics, Court Appointed Acoustic Expert.
10. Legal Advice dated 1 December 2006 from Dr Lindsay Taylor.