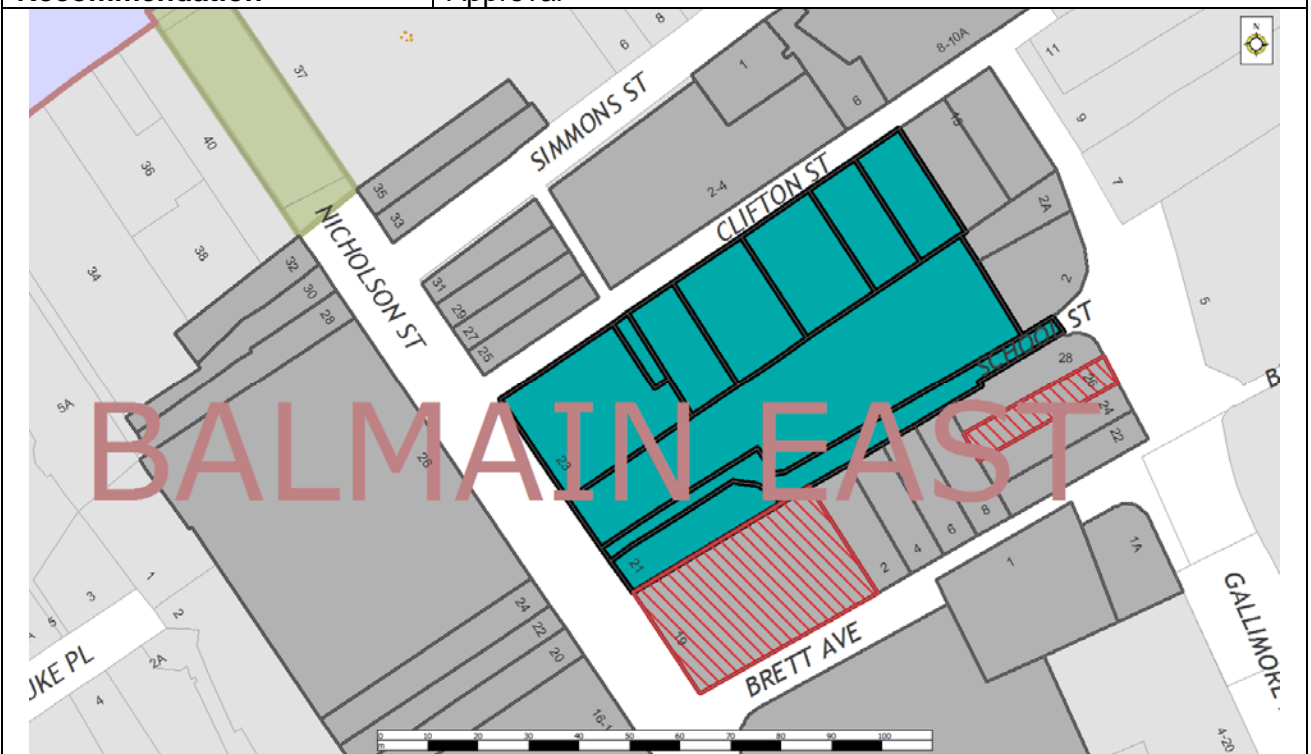




# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	D/2018/77
<b>Address</b>	Nicholson Street Public School, 21 and 23 Nicholson Street, BALMAIN EAST NSW 2041
<b>Proposal</b>	Installation of demountable classroom and tree removal.
<b>Date of Lodgement</b>	14 February 2018
<b>Applicant</b>	Department of Education
<b>Owner</b>	The Minister For Education
<b>Number of Submissions</b>	2 submissions
<b>Value of works</b>	\$200,000
<b>Reason for determination at Planning Panel</b>	Heritage item – demolition of tree
<b>Main Issues</b>	Removal of tree within a site listed as a heritage item Public submissions
<b>Recommendation</b>	Approval



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for installation of demountable classroom and tree removal at Nicholson Street Public School, 21 and 23 Nicholson Street, Balmain East. The application was notified to surrounding properties and two submissions were received.

The main issues that have arisen from the application include:

- Removal of a tree within a site listed as a heritage item
- Public submissions

The application is recommended for approval.

As the applicant is the Department of Education (the Crown), Section 4.33 of the Environmental Planning and Assessment Act 1979 is applicable (see Section 6(b) below for further explanation). In accordance with the provisions of Section 4.33(1)(b) Council wrote to the Applicant and advised of the recommended conditions of consent. The applicant advised on 23 October 2018 that they accepted the recommended conditions.

## 2. Proposal

The proposal is to remove an existing eucalyptus tree and install a single storey demountable class room building within part of the grassed play area of the school. The classroom will have an internal area of 63m<sup>2</sup> and externally has approximate dimensions of 7.6m x 9.7m. Ramped access is to be provided to the classroom. The class room will be capable of accommodating up to 25 students and it is anticipated that there will be an additional teacher at the school.

## 3. Site Description

The subject site is located on the eastern side of Nicholson Street and also fronts Clifton Street and has pedestrian access to school street. The site consists of 10 allotments and is generally rectangular in shape with a total area of approximately 4,500m<sup>2</sup> and is legally described as Lot 1 DP 794922, Lot 688 DP 821090, Lot 10 DP 18361 Lots A and B DP 190313, Lots 5 and 6 DP 18361 Lot 2 DP 794922, Lot 1 DP 1089096 and Lot 11 DP 879298.

The site has a frontage of 45m to Nicholson Street and a secondary frontage of 95m to Clifton Street. The site is affected by a number of easements for footway, gas, water supply and sewerage over Lot 1 DP 1089096 which is a narrow dog legged strip of land between Nicholson Street and School Street.

Existing on the site is a school which includes original sandstone buildings, as well as newer brick buildings, a metal clad building and demountable buildings that are single storey. The adjoining properties support residential dwellings of varying styles that are two to three storeys in height.

The subject site is listed as a heritage item and is located within a conservation area. The site is not identified as a flood prone lot. There a number of existing trees on site.



Figure 1 – View of school from Nicholson Street

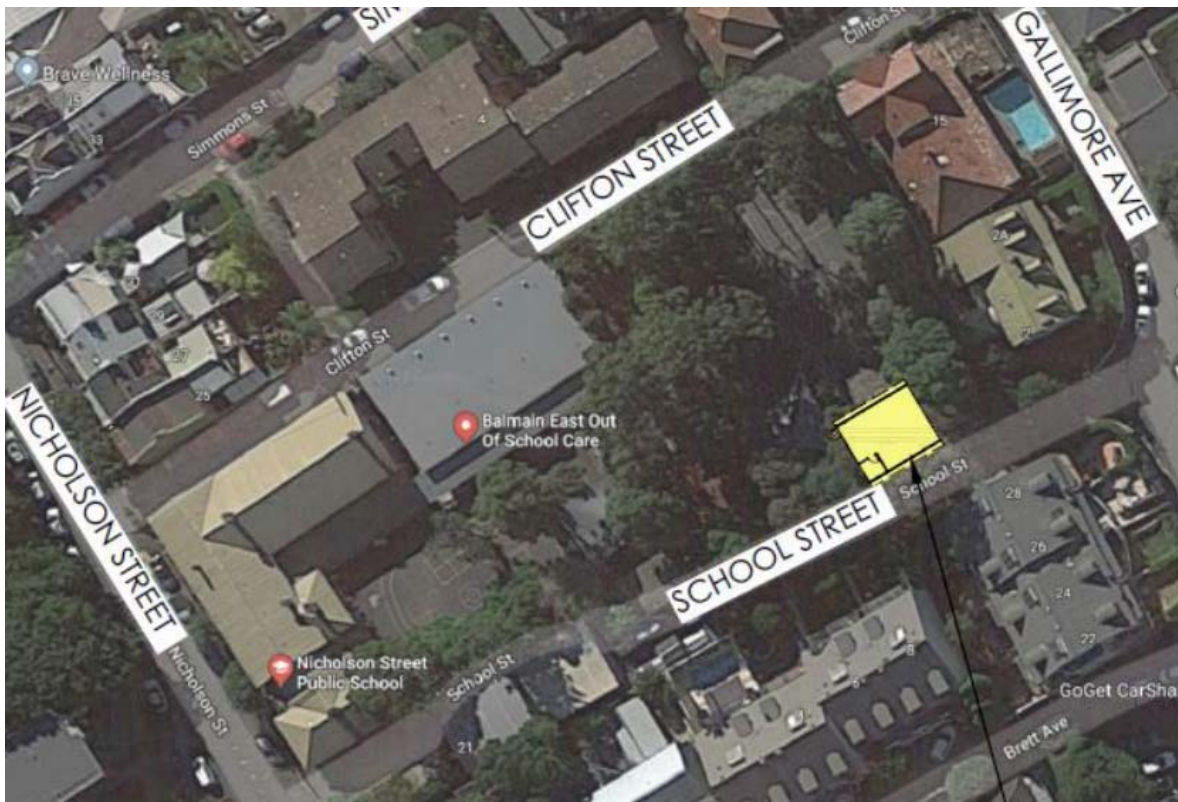
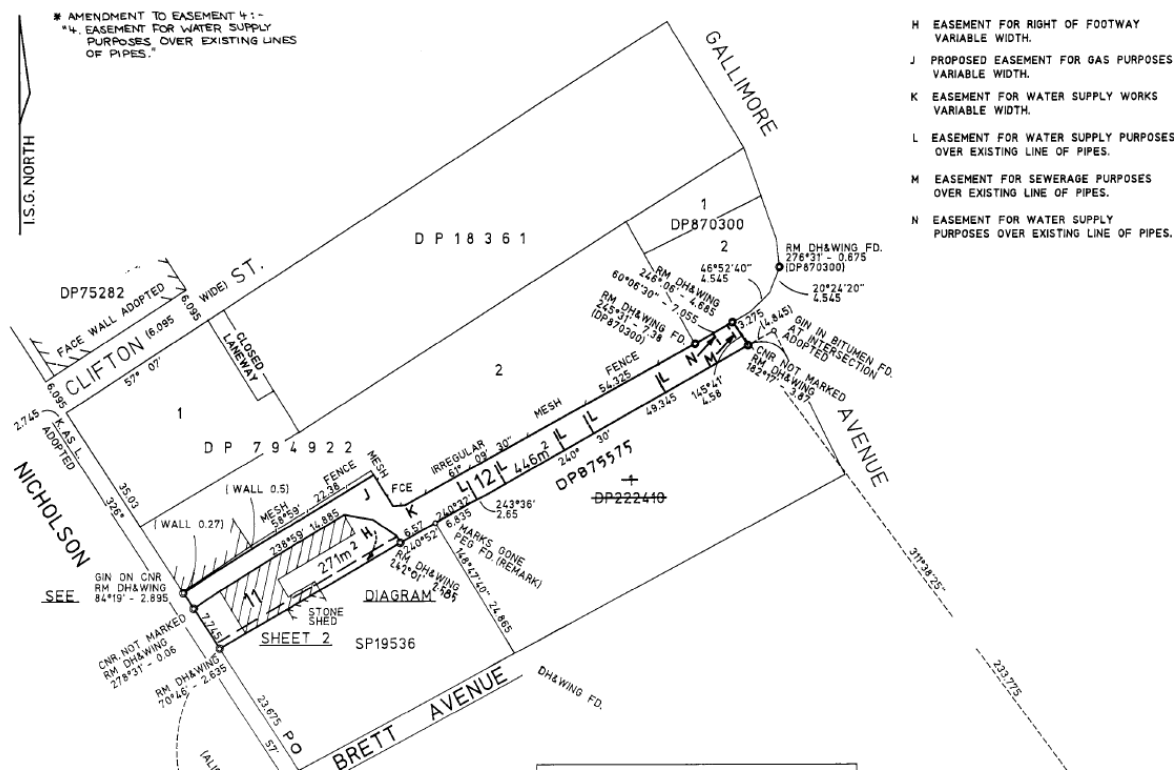


Figure 2: Location of proposed demountable shown in yellow



**Figure 3 – survey of site**  
 Note the location of the demountable is clear of easements

## 4. Background

### 4(a) Site history

The following section outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

#### Subject Site

Application	Proposal	Decision & Date
M/1998/66	Shade/shelter to be moved adjacent to building	Approved 17.12.1998
D/2001/469	Erection of two shade structures within the playground	Approved 15.5.2002
T/2003/83	Removal of one tree casurina	Refused 22.4.2003
T/2003/149	To prune 60% of 15m eucalypt. Remove main trunk at back of property and retain 10m branch at front.	Approved 6.5.2003
CDC/2004/9	Boundary adjustment	Approved 13.4.2004
SC/2004/9	Boundary Adjustment – Subdivision Certificate	Approved 15.8.2005
D/2004/707	Construction of a new fence adjacent to the Southern boundary of the site and the Northern boundary of 28 Gallimore Avenue and new associated gate fronting Gallimore Avenue.	Approved 10.8.2005
T/2005/299	Pruning of trees	Approved 31.8.2005
D/2007/505	Removal of a tree	Approved 14.12.2007

## Surrounding properties

Application	Proposal	Decision & Date
<b>28 Gallimore Avenue</b>		
D/2004/707	Construction of a new fence adjacent to the Southern boundary of the site and the Northern boundary of 28 Gallimore Avenue and new associated gate fronting Gallimore Avenue.	Approved 10.8.2005
<b>2 School Street</b>		
D/2004/84	Ground and first floor alterations and additions to rear of existing dwelling.	Refused 18.11.2004
D/2005/600	Alterations and additions to an existing dwelling.	Approved 12.9.2006
CDC/2007/52	Construction of a new carport with panel lift door	Withdrawn 26.11.2007
D/2008/72	Construction of a carport to the side of property	Approved 27.5.2008
D/2017/434	Landscape works to the front garden of the property.	Approved 17.11.2017
D/2017/474	Internal and external alterations and repairs to existing residence.	Approved 15.11.2017
<b>2A School Street</b>		
D/2000/846	Landscaping works to the front and rear of the existing dwelling.	Approved 27.2.2001
<b>8 Brett Street</b>		
CDCP/2012/118	Internal works to ground floor replacing existing and internal works to second floor	Approved 18.10.2012

## 4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter/ Additional Information
7.5.2018	<p>Council wrote to the application requesting further information with regard to the following:</p> <p><u>Design issues</u> – demountable encroaches over an easement and windows on the south eastern elevation result in privacy issues. Amended plans required</p> <p><u>Additional documentation required:</u></p> <ul style="list-style-type: none"> <li>• Site plan</li> <li>• Elevations to be correctly labelled</li> <li>• Shadow diagrams required</li> <li>• Management plan required</li> <li>• Accessibility details to demountable to be provided</li> <li>• Fire safety details to be provided</li> <li>• Stormwater drainage concept plan to be provided</li> <li>• Cost of works to be addressed</li> </ul>
5.7.2018	<p>Applicant provided some additional information which included re-orientating the demountable building and moving it closer to the north-eastern boundary with 2 School Street to allow for an accessible ramp. Amended information included a floor plan, elevations, shadow diagrams, accessibility arrangements and a stormwater plan.</p> <p>The amended plans did not require re-notification as the re-orientated and relocated demountable was to address concerns raised in Council's letter dated 7.5.2018. In accordance with Part A, A3.13 control C5</p>

	<i>“Amendments to an undetermined application, which are of a minor nature and/or which constitute a reduced or lesser development having minimal environmental impacts or which have been proposed in order to address concerns raised by council and/or objectors”.</i> It is noted that although the demountable is closer to the boundary with No.2 School Street there is still a setback of 5m (originally a setback of 6.5m was proposed) which would satisfy the exempt requirements for installation of a demountable as per SEPP (Educational Establishments and Child Care Facilities) 2017.
9.7.2018	Council wrote to the applicant asking for them to address all issues raised in Council’s letter dated 7.5.2018
17.9.2018	Applicant provided a letter of response to address all the issues raised in Council’s letter of 7.5.2018.
19.10.2018	As a Crown application, Council provided draft conditions for review to the applicant.
23.10.2018	Applicant provided written agreement to proposed conditions.

## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

### 5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy (Coastal Management) 2018
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

#### 5(a)(i) State Environmental Planning Policy No 55—Remediation of Land—

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with SEPP 55.

#### 5(a)(ii) State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 requirements for schools have been repealed and replaced by requirements within State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

**5(a)(iii) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 states that the zoning of the site being SP2 – Infrastructure is a prescribed zone. In accordance with clause 35(1) development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone. The works are not exempt development as a portable classroom must be more than 5 metres from a boundary adjoining a residential zone to classify as exempt development and the proposed classroom is within 3.5m of a boundary.

Clause 35(6) requires the consent authority to take into consideration the design quality principles listed in schedule 4 and whether the development enables the use of school facilities to be shared with the community. The installation of a demountable building would not alter the school's existing ability to be shared with the community. The proposed demountable is not considered contrary to the requirements of schedule 4 given that it has the ability to be removed and is therefore not a permanent fixture.

The proposed demountable building is considered acceptable with regard to the aims and requirements of the Educational Establishments and Childcare Facilities SEPP.

**5(a)(iv) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The application was referred to Council's Landscape Officer who advised the following:

- *The tree is a mature Eucalyptus spp. (possible E. deanei—Flooded Gum).*
- *A wound was observed on the lower trunk. White mycelium was observed and suspected to be Armillaria.*
- *The upper canopy was observed to be thinning out with die back present (possibly as a result of the fungal infection?).*
- *The tree is unlikely to recover.*
- *There are no other locations on site to facilitate installation of a new classroom.*
- *The site has significant existing canopy coverage therefore, replacement planting is not feasible.*

*Given the above, removal is supported.*



**Figure 4: Picture of tree proposed to be removed with No.28 Gallimore Avenue behind it**

#### **5(a)(v) State Environmental Planning Policy (Coastal Management) 2018**

The SEPP (Coastal Management) 2018 maps do not include the site therefore the Coastal management SEPP is not applicable.

#### **5(a)(vi) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is acceptable with regard to the requirements of the SREP and would not have any significant adverse impacts with regard to the SREP.

#### **5(a)(vii) Leichhardt Local Environment Plan 2013 (LLEP 2013)**

The application was assessed against the following relevant clauses of the Leichhardt Local Environmental Plan 2013:

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.4 – Floor Space Ratio



- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.4 – Stormwater management

The following table provides an assessment of the application against the development standards:

Standard (maximum)	Proposal	% of non compliance	Compliances
<b>Floor Space Ratio</b> Permitted: 1:1 (4,500m <sup>2</sup> )	0.33:1 1506m <sup>2</sup>	N/A	Yes

The following provides further discussion of the relevant issues:

5.10 – Heritage Conservation

The site is listed as a Local Heritage Item 461 Nicholson Street Public School, including interiors. The statement of significance for the site is as follows:

*The Nicholson Street Public School was built in 1882 in a formal, classically inspired manner by W.E Kemp. Designed in the Victorian Free Classic style, the entrance porch has a classical pediment and columns and separates the two main masses of buildings, the classrooms and the office. The overall building has simple shapes and classical detailing such as the coursed smooth sandstone walls on a rusticated based and attached pilasters dividing the building into bays. The building makes a positive contribution to the streetscape and reflects the importance of the school in a residential area.*

Council’s heritage advisor advised the following:

*The location of the demountable will not have any adverse impact on the 1882 sandstone school building as the proposed demountable is to be located a considerable distance from the 1882 building on the school site. The demountable will be visible from the rear yard of the adjacent heritage item, however as a small single storey building, the demountable is not considered to have adverse heritage impacts on the adjacent heritage item.*

6.4 – Stormwater management

The application was referred to Council’s engineers for comment who advised the following:

*The proposal includes OSR in lieu of OSD however calculations supported in the proposed PSD rate and OSR volumes have not been provided. In this regard the OSR volume is insufficient to meet the requirements of Leichhardt DCP2013 Section E1.2.3.*

Council’s engineers have recommended conditions to meet the requirements accordingly.

**5(b) Draft Environmental Planning Instruments**

The application has been assessed against the relevant Draft Environmental Planning Instruments listed below:

- Draft State Environmental Planning Policy - Environment

The proposal raises no issues with regard to the draft SEPP Environment.

## 5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

<b>Part</b>	<b>Compliance</b>
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	No
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	N/A
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	No
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	
C1.21 Green Roofs and Green Living Walls	N/A
<b>Part C: Place – Section 2 Urban Character</b>	
Suburb Profile	
C2.2.2.2 East Balmain Distinctive Neighbourhood and Eastern Waterfront sub area (C2.2.2.2(a))	No
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	N/A
C3.2 Site Layout and Building Design	N/A
C3.3 Elevation and Materials	N/A
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	N/A
C3.7 Environmental Performance	N/A
C3.8 Private Open Space	N/A

C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	
C4.1 Objectives for Non-Residential Zones	N/A
C4.2 Site Layout and Building Design	N/A
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	N/A
C4.5 Interface Amenity	Yes
C4.6 Shopfronts	N/A
C4.7 Bulky Goods Premises	N/A
C4.8 Child Care Centres	N/A
C4.9 Home Based Business	N/A
C4.10 Industrial Development	N/A
C4.11 Licensed Premises and Small Bars	N/A
C4.12 B7 Business Park Zone	N/A
C4.13 Markets	N/A
C4.14 Medical Centres	N/A
C4.15 Mixed Use	N/A
C4.16 Recreational Facility	N/A
C4.17 Sex Services Premises	N/A
C4.18 Vehicle Sales or Hire Premises And Service Stations	N/A
C4.19 Vehicle Repair Station	N/A
C4.20 Outdoor Dining Areas	N/A
C4.21 Creative Industries	N/A
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	N/A
D2.4 Non-Residential Development	Yes
D2.5 Mixed Use Development	N/A
<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	No
E1.1 Approvals Process and Reports Required With Development Applications	
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	No
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A

E1.2.7 Wastewater Management	N/A
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
<b>Part F: Food</b>	
Section 1 – Food	
F1.1 Food Production	N/A
F1.1.3 Community Gardens	N/A
<b>Part G: Site Specific Controls</b>	
Old Ampol land, Robert Street	N/A
Jane Street, Balmain	N/A
Old Balmain Power Station	N/A
Wharf Road Birchgrove	N/A
Anka Site – No 118-124 Terry Street Rozelle	N/A
233 and 233A Johnston Street Annandale	N/A

The following provides discussion of the relevant issues:

#### B3.1 - Social Impact Assessment

Table B1 requires a social impact statement to be provided for an Educational Establishment. No social impact statement has been provided. However, the table does not specify whether a social impact statement is actually required for an existing educational establishment that is being expanded or just for a newly established educational establishment. It is considered in this instance that a social impact statement is not required. The school is existing and an additional classroom will allow the school to cater for up to 25 additional children and an additional teacher, noting that the Department of Education has identified the demand for additional school spaces in the local area. The school has been long established, the additional classroom and hence additional children attending the school is considered to have a positive social impact within the local community. The proposal is considered acceptable with regard to the objectives of B3.1 – Social Impact Assessment.

#### C1.4 - Heritage Conservation Areas and Heritage Items

Although a demountable building is not considered ideal within a conservation area and within a site listed as a heritage item it is a temporary building and can be removed or potentially replaced with a more sympathetic building in time. As discussed above under 5(a)(vii) within the heritage conservation heading the demountable is not considered to have an adverse impact on the buildings of heritage significance existing on the site. The proposal is therefore considered acceptable with regard to the objectives of C1.4 – Heritage Conservation Areas and Heritage Items.

#### C1.11 – Parking

Table C4 – General Vehicle Parking Rates requires the following for educational establishment non-tertiary:

- Minimum of 1 space per 4 staff and pick up/drop off facility for parents/carers.
- Maximum 1 space per 2 staff and pick up/drop off facility for parents/carers.

The site currently provides no formalised parking however there is a driveway crossover for deliveries from Nicholson Street. The proposed demountable classroom would result in one additional teacher. Given that there is no existing on-site parking for existing staff, one additional teacher utilising on street parking in the surrounding area is not considered to have any significant impact on availability of on-street parking. It is noted that much of the immediately surrounding street parking is permit parking or a maximum of 2 hours. It is

noted that there are pick up/drop off zones on the street and it is assumed that many children, being local would walk to school.

No provision of parking given it is a continuation of an existing situation is considered acceptable in this instance.

#### C2.2.2.2 Balmain East Distinctive Neighbourhood

The proposed demountable classroom does not comply with controls C6 and C13 as it is not consistent in architectural style and materials however it is a demountable building and is not a permanent structure. Controls C9 and C16 also require mature trees to be maintained. Given that the tree to be removed is not in good health as previously discussed above under 5(a)(iv) its removal is considered acceptable in this instance.

#### C4.5 Interface Amenity

The proposed demountable complies with control C2a which requires a minimum 3m setback at ground floor where a site adjoins land in a residential zone. The proposed demountable also complies with solar access controls as required by C8. A condition is recommended with regard to light spill in accordance with C11 requiring the lights to be turned off in the demountable overnight. The proposal is also considered acceptable with regard to privacy requirements in C15 as there are no windows on the south east elevation facing the properties that are closest to the demountable.

Overall, the proposed demountable is considered acceptable with regard to interface amenity.

#### Section 1 – Sustainable Water and Risk Management and E1.2.3 - On-Site Detention of Stormwater

As discussed previously under 5(a)(vii) within the stormwater management heading, conditions have been recommended to satisfy Council's stormwater requirements.

### 5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

### 5(e) The suitability of the site for the development

The site is zoned SP2 Infrastructure - Educational Establishment. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

### 5(f) Any submissions

The application was notified in accordance with Part A of the Leichhardt Local Environmental Plan 2013 for a period of 14 days to surrounding properties. A total of two submissions were received. It is noted that one of the submissions which was emailed to Council states that it represents three properties however no signatures of the other property owners have been provided.

The submissions raised the following concerns which are discussed under the respective headings below:

<u>Issue:</u>	Object to increased noise levels during construction and due to increased number of students in a condensed area which will increase noise levels.
<u>Comment:</u>	Construction noise will be limited given the demountable building will be transported to the site already built. Cutting down the tree is not anticipated

to take a long time. The objectors site backs onto a school, it is anticipated that there would be noise from children at a school however an additional 25 children is not considered to make any significant difference in noise levels. It is noted that the proposed demountable building is located approximately 35m from the objector's property.

Issue: Increased noise from classrooms during the day.

Comment: The classroom has been reorientated so that no windows face the Gallimore and Brett Avenue properties which are the closest properties to the demountable. It is expected that there would be some noise given it is a school however it is assumed that the teacher would control the noise levels of the students in the classroom to a reasonable level.

Issue: Increased traffic on Nicholson Street with additional students. It is difficult to park in the Nicholson Street and the surrounding areas currently. Parking around the school is already at capacity.

Comment: It is noted that all the objectors have off street parking spaces. There is permit parking in surrounding streets. There are already allocated pick up/drop off zones for parents. An additional up to 25 students whom generally live locally and some of which will walk are not considered to have any significant impact on traffic and parking in the surrounding streets.

Issue: Mitigate the effects of the larger school population with pedestrian markings and timed parking restrictions in Brett Avenue and Gallimore Avenue.

Comment: The application was referred to Council's engineers who did not raise any issue in this regard. This is considered a separate issue to a demountable building within the school allowing for an additional 25 students. Residents can apply to Council's Footpaths, Roads, Traffic and Stormwater Section to seek application of additional parking permit areas and pedestrian safety measures.

Issue: Object to demountable classroom and removal of 20m tree. Propose that the classroom be relocated adjacent to Clifton Street.

Comment: The tree is in poor condition and would likely need to be removed in the future regardless. The school has identified the location as being most appropriate with regards to the needs of the school with particular regard to play areas.

Issue: Harm to native animals due to removal of tree.

Comment: As discussed above under 5(a)(iv) the tree is in poor condition and would likely need to be removed in due course whether the demountable was proposed or not. It is noted that there are other trees within the school grounds.

Issue: The removal of the tree and its replacement with a demountable represents a significant loss of amenity with regard to views from the rear gardens. The development would block light and replace green views.

Comment: The demountable is a minimum of 3.5m from the school boundary and is therefore not considered to block light. There are no controls with regard to retaining general outlook views however given the demountable is single storey and setback from the boundary it is considered an acceptable location.

Issue: Overshadowing of 28 Gallimore

Comment: The demountable will result in some overshadowing in the afternoon of 28 Gallimore, most notably at 3pm. However, the solar access retained will comply with Council's solar access requirements for east west facing properties being:

- a minimum of 2 hours solar access to main living room glazing for a minimum of two hours between 9am and 3pm during the winter solstice;
- Ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.

Shadows will fall at 3pm over the kitchen window and stairwell window and part of the rear private open space courtyard. However it is noted that the primary area of private open space is at the front of the property.

Issue: Increased rainwater runoff, reduced ground water retention

Comment: Whilst there would be less ground water retention, the proposal includes on-site retention of rainwater through the use of rainwater tanks.

Issue: Increased overnight brightness and light reflection (the school leaves classroom lights on all night for security).

Comment: The applicant has advised that the school will not leave lights on in the classroom at night. A condition is recommended in this regard.

Issue: Query whether increase in school enrolments is due to outside area students.

Comment: It is up to the school on behalf of the Department of Education to allow appropriate enrolments. This is not an issue Council has any control over.

Issue: Application form states cost of works is \$20,000 which is implausible.

Comment: The applicant has revised their cost of works to \$200,000 and amended fees have been charged by Council accordingly.

## 5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Heritage Officer – proposal supported.
- Development Engineer – proposal supported subject to conditions.
- Landscape – proposal supported subject to conditions.
- Building – proposal supported subject to conditions.

### 6(b) External

The Development Application was not required to be referred to any external body for comment in terms of the assessment.

However as the applicant is Department of Education (the Crown), Section 4.33 of the Act is applicable (see below). In accordance with the provisions of Section 4.33(1)(b) Council wrote to the Applicant and advised of the recommended conditions.

**4.33 Determination of Crown development applications**

- (1) A consent authority (other than the Minister) must not:
- (a) refuse its consent to a Crown development application, except with the approval of the Minister, or
  - (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.
- (2) If the consent authority fails to determine a Crown development application within the period prescribed by the regulations, the applicant or the consent authority may refer the application:
- (a) to the Minister, if the consent authority is not a council, or
  - (b) to the applicable regional panel, if the consent authority is a council.
- (2A) A Crown development application for which the consent authority is a council must not be referred to the Minister unless it is first referred to the applicable regional panel.
- (3) An applicable regional panel to which a Crown development application is referred may exercise the functions of the council as a consent authority (subject to subsection (1)) with respect to the application.
- (4) A decision by a regional panel in determining a Crown development application is taken for all purposes to be the decision of the council.
- (5) If an applicable regional panel fails to determine a Crown development application within the period prescribed by the regulations, the applicant or the panel may refer the application to the Minister.
- (6) The party that refers an application under this section must notify the other party in writing that the application has been referred.
- (7) When an application is referred under this section to an applicable regional panel or the Minister, the consent authority must, as soon as practicable, submit to the panel or the Minister:
- (a) a copy of the development application, and
  - (b) details of its proposed determination of the development application, and
  - (c) the reasons for the proposed determination, and
  - (d) any relevant reports of another public authority.
- (8) An application may be referred by a consent authority or applicable regional panel before the end of a relevant period referred to in subsection (2) or (5).

In correspondence dated 23 October 2018 from the Department of Education, Council was advised that the Applicant accepts the draft conditions of approval. Therefore, approval subject to the recommended conditions may be granted by the consent authority.

## 7. Section 7.11 Contributions (previously Section 94)

The following developer contributions plans are applicable within the previous Leichhardt Local Government area:

- Developer Contributions Plan No.1 – Open Space and Recreation
- Developer Contributions Plan No.2 – Community Facilities and Services
- Leichhardt Developer Contributions Plan – Transport and Access

With regard to the Open Space and Recreation plan the Principles state as follows:

*The key principles, which underpin the levying of new development for increased or improved open space and recreation facilities, within the LGA are:*

1. *The occupation of the expected new development by employees or residents will generate an increased demand for open space and recreation (OS&R) facilities within the LGA; and*



- 2. The developers of these additional developments should contribute towards increased and/or improved public facilities within the LGA, to ensure that the current quality and quantity of public OS&R facilities, as a shared equity, is sustained.*

With regard to the Community Facilities and Services plan the Principles state as follows:

*The key principles that underpin the levying of new development for increased or improved community facilities and services within the LGA are:*

- 1. The occupation of the expected new development by employees or residents will generate an increased demand for community facilities and services within the LGA; and*
- 2. The developers of these additional developments should contribute towards increased and/or improved public facilities within the LGA to satisfy the needs generated by these developments.*

With regard to the Transport and Access plan the development to which this plan applies is as follows:

*Leichhardt Council intend to levy all development in the local government area which creates the potential for an increase in population or trip generation. Development includes subdivision, new dwellings, increased commercial and industrial floorspace and increased intensity of usage or employment in retail, commercial and industrial purposes.*

The proposal is for a demountable classroom which has the potential to be a temporary and removable classroom. It is anticipated that one additional teacher would be employed. It is considered that a school essentially provides for open space and recreation as well as community facilities and services and therefore should not be levied for these. The school is not a commercial, industrial or retail use and therefore does not meet the definition of development in the transport and access plan. Additionally, it is anticipated that most vehicular trips generated are by local residents dropping their children to and collecting from school.

Accordingly, Section 7.11 contributions are not payable for the proposal.

## **8. Conclusion**

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

## **9. Recommendation**

- A. That the Inner West Local Planning Panel exercising the functions of the Council, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2018/77 for installation of demountable classroom and tree removal at Nicholson Street Public School, 21 and 23 Nicholson Street, Balmain East subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2018/77 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Sheet No. A00 Rev B Site & Location Plan	Soil Conservation Service	06.06.2018
Sheet No. A01 Rev E Proposed demountable plan	Soil Conservation Service	06.06.2018
Sheet No. A02 Rev C Elevations	Soil Conservation Service	06.06.2018
Sheet No. C01 Rev B Storm water management plan	Soil Conservation Service	06.06.2018

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

2. Approval is given for the following works to be undertaken to trees on the site:

Tree/location	Approved works
<i>Eucalyptus spp.</i> (Gum) located at the rear of the site.	Removal

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved.

### PRIOR TO COMMENCEMENT OF WORKS

3. Prior to commencement of works, the applicant is to ensure with regard to the disabled access to the portable classroom that:
  - a) All works comply with the Australian standard AS1428 for the installation of the ramp;
  - b) Ensure that the ramp is non slip and complies with the standards in the National Construction Code for slip coefficients D2.10 and AS4586.

4. In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:

- a) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

5. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to commencement of any work.
6. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties.
7. A Soil and Water Management Plan must be prepared prior to the commencement of work. The Soil and Water Management plan must be designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater–Soils & Construction Volume 1 (2004) available at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au) and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:
- a) Minimise the area of soils exposed at any one time.
- b) Conservation of top soil.
- c) Identify and protect proposed stockpile locations.
- d) Preserve existing vegetation. Identify revegetation technique and materials.
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
- f) Control surface water flows through the site in a manner that:
- i) Diverts clean run-off around disturbed areas;
- ii) Minimises slope gradient and flow distance within disturbed areas;
- iii) Ensures surface run-off occurs at non erodable velocities;
- iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.
8. Prior to commencement of works, the approved plans must be checked online with Sydney Water Tap In to determine whether the development will affect Sydney Water's

sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

9. Prior to commencement of works, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):

- a) A plan view of the entire site and frontage roadways indicating:
  - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
  - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
  - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
  - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
  - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- b) Noise and vibration  
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) for guidance and further information.
- c) Occupational Health and Safety  
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities  
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
- e) Traffic control plan(s) for the site  
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

10. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:

- a) Estimated volume (m<sup>3</sup>) or weight (t) of materials that are reused, recycled or removed from site.
- b) On site material storage areas during construction.
- c) Material and methods used during construction to minimise waste.
- d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
- e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

11. A stormwater drainage design, incorporating on site retention/ re-use facilities (OSR), prepared by a qualified practising Civil Engineer shall be provided prior to the commencement of works. The design must be prepared/amended to make provision for the following:

- a) The design shall be generally in accordance with the stormwater drainage concept plan on Drawing No. 17121-A00 Revision B prepared by Utech and dated 06.06.2018.
- b) Comply with Council's Stormwater Drainage Code.
- c) The proposed OSR tank(s) shall have a total volume no less than 6.25m<sup>3</sup>.
- d) Charged or pump-out stormwater drainage systems are not permitted.
- e) The structure of the building should be designed such that overland flows are able to pass under the demountable building and ramp.
- f) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS3500.3.2015 Plumbing and Drainage – Stormwater Drainage*.
- g) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- h) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- i) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets.

- l) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
- n) The proposed on-site retention tanks must be connected to a pump system for internal reuse for outdoor usage such as irrigation.
- m) Details of the connection to Council's drainage system shall be detailed on the plans.
- n) No impact to existing trees.

The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.

- 12. Prior to commencement of works the applicant shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the State Environmental Planning Policy shall be prepared.

- 13. To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction (e.g. rumble boards or similar as specified in Section 4.5.3 of AS4970—*Protection of trees on development sites*) beneath the canopy of the following tree/s is/are installed:

Tree/Location
3 x <i>Lophostemon confertus</i> (Brush Box) located at the rear of the site.

- 14. Prior to works commencing tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metre intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form (Lettering should comply with AS 1319-*Safety signs for the occupational environment*), the following information:
  - a) Tree protection zone;
  - b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted;
  - c) Any encroachment not previously approved within the tree protection zone shall be the subject to advice from the Project Arborist in report form and must include the following:
    - Proof shall be provided that no other alternative is available;
  - d) The name, address and telephone number of the builder and Project Arborist.

Requirements of this condition are to be met prior to works commencing. Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist.

- 15. To preserve the following tree/s no work shall commence until the trunk/s/branches are protected (in accordance with AS4970-*Protection of trees on development sites*) by the placement of 2 metres lengths of 50 x 100mm timbers spaced at 150mm centres and secured by wire/hoop strap over suitable protective padding material (i.e. underlay or carpet). The trunk/branch protection shall be maintained intact until the completion of all work on site.

Tree/Location
3 x <i>Lophostemon confertus</i> (Brush Box) located at the rear of the site.

Requirements of this condition are to be met prior to works commencing.

- 16. Prior to the commencement of works for works approved by this development consent, a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$2,152.50
Inspection fee (FOOTI)	\$230.65

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and use of the building has commenced.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

Requirements of this condition are to be met prior to works commencing.

- 17. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council

in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
- b) A concrete pump across the roadway/footpath
- c) Mobile crane or any standing plant
- d) Skip bins
- e) Scaffolding/Hoardings (fencing on public land)
- f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- g) Awning or street verandah over footpath
- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity.

18. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

19. The site must be secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.



Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

20. The person acting on this consent shall submit to the Council a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the commencement of the works.
21. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
22. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
  - a) Unauthorised entry to the work site is prohibited.
  - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.

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

#### **DURING WORKS**

23. No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.
24. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.
25. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.
26. The site must be appropriately secured and fenced at all times during works.
27. Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:

- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and  
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

28. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
29. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council.
30. A copy of the approved plans and this consent must be kept on site for the duration of site works and for the duration of the use. Copies shall be made available to Council Officer's upon request.
31. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a

location and manner to avoid material being washed to drains or adjoining properties.

The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

32. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

#### **PRIOR TO USE OF BUILDING**

33. Prior to the use of the building, the applicant must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, shall be submitted and accepted by Council prior to the use of the building.

The works-as-executed plan(s) must show the as built details in comparison to those shown on the approved drainage design plans. All relevant levels and details indicated must be marked in red on a copy of the approved design plans.

34. Prior to use of the building, the applicant must ensure that an Operation and Management Plan has been prepared and implemented for the on-site retention/re-use facilities. The Plan must set out the following at a minimum:

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
- b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

The Plan must be prepared by a suitably qualified professional prior to use of the building.

35. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or

augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken prior to the use of the building.

36. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed prior to use of the building.
37. Prior to the commencement of use of the building the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath, Vehicle Crossing and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

#### ONGOING CONDITIONS OF CONSENT

38. The Operation and Management Plan for the on-site retention/re-use facilities, must be implemented and kept in a suitable location on site at all times.
39. No lights are to be kept on inside the demountable building overnight.
40. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
41. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
42. Any air conditioning unit for the demountable classroom must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
  - i) 10:00pm to 7:00am on Monday to Saturday; and
  - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background  $L_{A90, 15min}$  noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an  $L_{Aeq, 15min}$  and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

#### PRESCRIBED CONDITIONS

##### A. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

##### B. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a) stating that unauthorised entry to the work site is prohibited;
  - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- 2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

#### NOTES

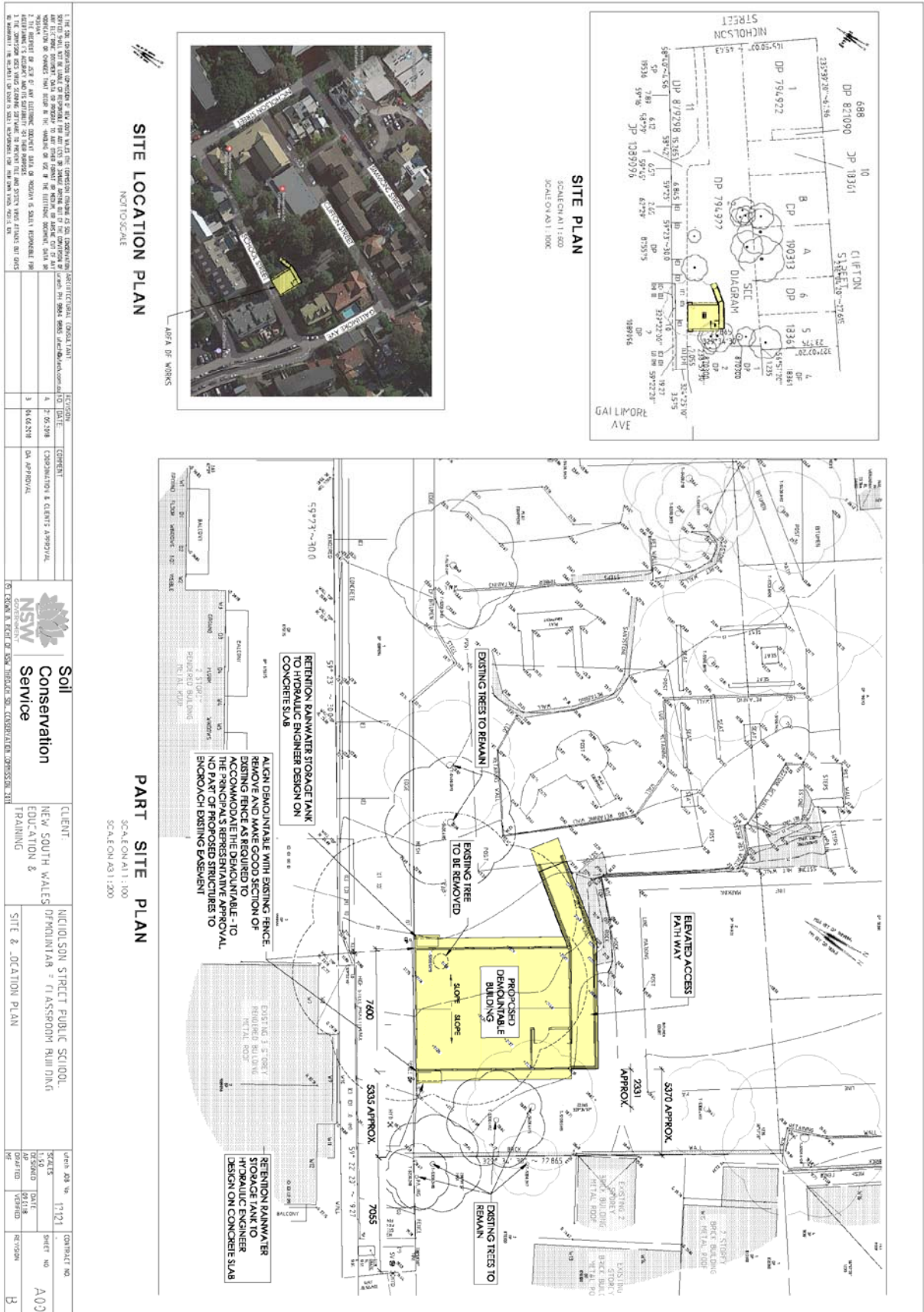
1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 8.2.
3. If you are unsatisfied with this determination, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
  - a) Application for any activity under that Act, including any erection of a hoarding.

- b) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
  - c) Development Application for demolition if demolition is not approved by this consent.
  - d) Development Application for subdivision if consent for subdivision is not granted by this consent.
  - e) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue commencement of works, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

**Have you made a political donation?**

If you (or an associate) have made a political donation or given a gift to a Councillor, political party or candidate at the local government elections during the last two (2) years you may need to include with your application a full disclosure of this matter. For information go to Council's website at [www.leichhardt.nsw.gov.au/Political-Donations.html](http://www.leichhardt.nsw.gov.au/Political-Donations.html). If you have made a reportable donation, failure to provide a completed declaration with your application is an offence under the Environmental Planning and Assessment Act, 1979 for which you may be prosecuted.

Attachment B – Plans of proposed development



PROPOSED DEMOUNTABLE PLAN



1. THE DESIGNER HAS CONDUCTED VISUAL ASSESSMENT AND VISUAL IMPACT ASSESSMENT OF THE PROPOSED DEMOUNTABLE BUILDING. THE DESIGNER HAS CONDUCTED VISUAL ASSESSMENT AND VISUAL IMPACT ASSESSMENT OF THE PROPOSED DEMOUNTABLE BUILDING. THE DESIGNER HAS CONDUCTED VISUAL ASSESSMENT AND VISUAL IMPACT ASSESSMENT OF THE PROPOSED DEMOUNTABLE BUILDING. THE DESIGNER HAS CONDUCTED VISUAL ASSESSMENT AND VISUAL IMPACT ASSESSMENT OF THE PROPOSED DEMOUNTABLE BUILDING.

REGISTRATION DATE	COMPLIANT & CLIENT APPROVAL
3/06/2018	DA APPROVAL

Soil Conservation Service

CLIENT	PROPOSED DEMOUNTABLE PLAN
NEW SOUTH WALES EDUCATION & TRAINING	NICHOLSON STREET PUBLIC SCHOOL DEMOUNTABLE FRAMEWORK BUILDING
DATE	DATE
17/12/17	17/12/17
SCALE	SCALE
A01	A01

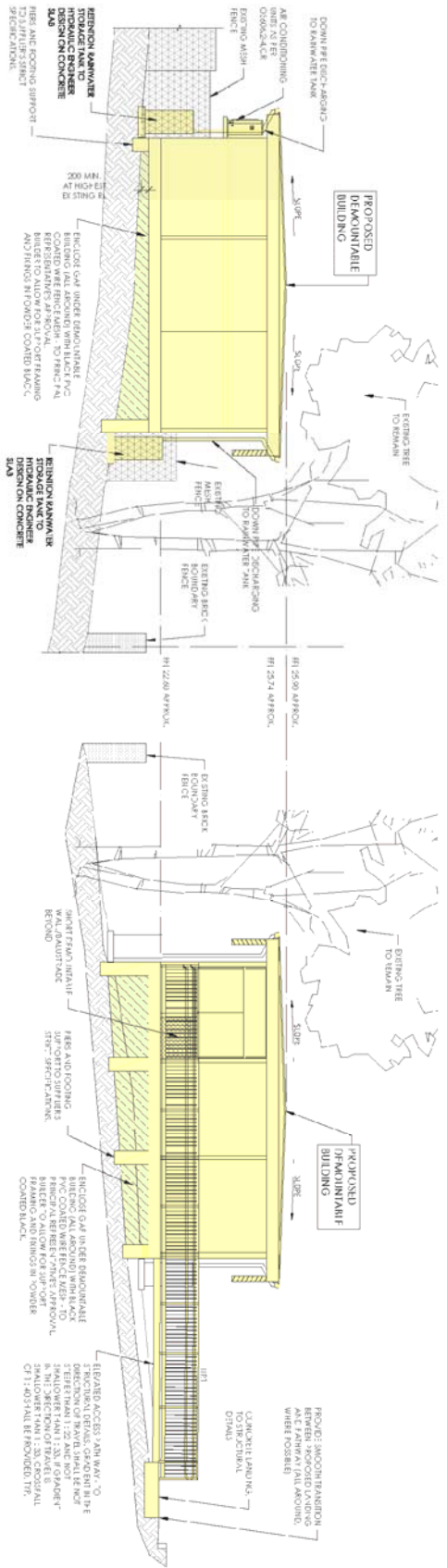
**NOTE:**

- THESE PLANNING AND DESIGN DOCUMENTS ARE TO BE USED IN CONJUNCTION WITH THE DEVELOPER'S OWN DESIGN AND CONSTRUCTION PRACTICES. THE DEVELOPER IS RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE DEMOUNTABLE BUILDING.
- IF THE CONTRACTOR RESPONSIBILITY TO EARLY SPECIALIST SERVICE PROVIDERS TO OBTAIN OUTSTANDING SERVICES INCLUDING TO LOCATE ALL UNDERGROUND SERVICES IN LOCATION OF THE UNDERGROUND SERVICE TRENCHES AND CONFORM THE LOCATION WITH THE AUTHORIZED SERVICES IN SUCH A MANNER THAT THERE IS NO INTERFERENCE WITH EXISTING SERVICES.
- THE CONTRACTOR MUST CONFIRM THE LOCATION OF SERVICES WITH LOCAL SERVICE PROVIDERS AND OBTAIN EVIDENCE OF SUCH INVESTIGATION MUST BE PROVIDED TO THE CLIENT REPRESENTATIVE.
- ALLOWANCE MUST BE MADE FOR CONNECTION OF NEW DEMOUNTABLE BUILDING TO EXISTING SERVICES INCLUDING BUT NOT LIMITED TO storm water, water, sewer, gas, electricity, data, etc. TO PRINCIPAL REPRESENTATIVE'S APPROVAL.
- ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH PRINCIPAL'S REPRESENTATIVE REQUIREMENTS.
- MAKE GOOD DISTURBED GROUND, AC PAVING AND STRUCTURE AND FINISH TO MATCH EXISTING.
- PROVIDE ROOFING SUPPORT AND BRACING TO SUPPLIERS' SPECIFICATIONS.

**NOTE:**

- H01 DENOTES LAND PAINTING THE IRLI (REFER TO TYPICAL DETAILS)
- H02 DENOTES FACILE PAINTING THE IRLI (REFER TO TYPICAL DETAILS)
- T01 DENOTES FACILE COATING SURFACE INDICATOR (REFER TO TYPICAL DETAILS)
- T02 DENOTES FACILE COATING SURFACE INDICATOR (REFER TO TYPICAL DETAILS)
- T03 DENOTES FACILE COATING SURFACE INDICATOR (REFER TO TYPICAL DETAILS)
- T04 DENOTES FACILE COATING SURFACE INDICATOR (REFER TO TYPICAL DETAILS)

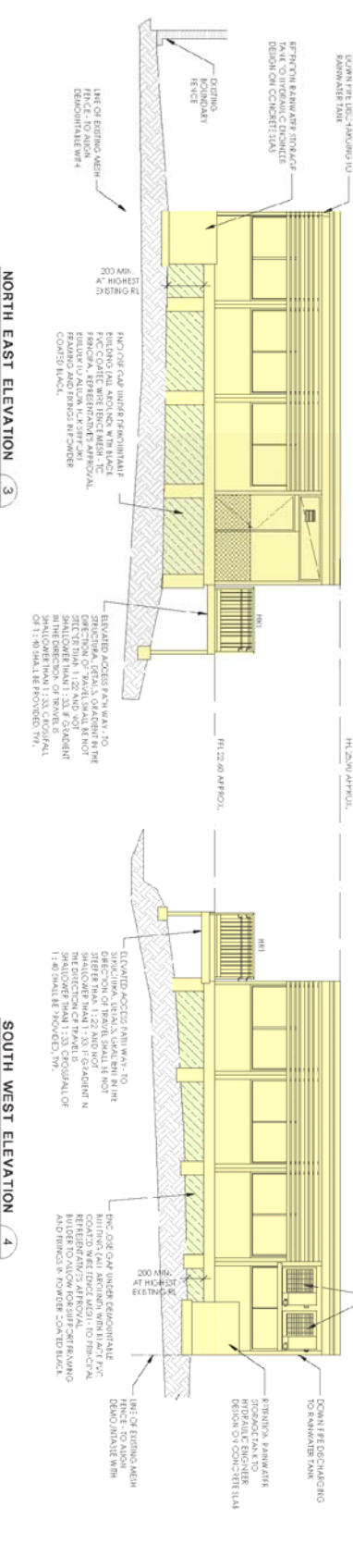




**SOUTH EAST ELEVATION** 1

**NORTH WEST ELEVATION** 2

THESE DRAWINGS TO BE READ IN CONJUNCTION WITH DRAWINGS NO. OS606-1-DCR-DEMOUNTABLE RE-DESIGNMENT PROJECT OS606-4-MODULE HOAL. DRAWINGS NO. OS606-1-DCR-LAKE PRELUENCE-1 IN CONSTRUCTION OF THE DEMOUNTABLE BUILDING.



**NORTH EAST ELEVATION** 3

**SOUTH WEST ELEVATION** 4

<p>THIS SET OF DRAWINGS IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER MATTER. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER MATTER.</p>	
<p>DATE: 15/05/2018 DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]</p>	<p>PROJECT NO: [Number] SHEET NO: [Number] DATE: 15/05/2018</p>
<p>CLIENT: NEW SOUTH WALES EDUCATION &amp; TRAINING</p>	<p>PROJECT: NICOLSON STREET PUBLIC SCHOOL, DEMOUNTABLE 4-MODULE BUILDING</p>
<p>DESIGNER: [Name]</p>	<p>CONTRACT NO: A02</p>

