

Attachment 2

NOTICE OF DETERMINATION

Application Number: DA2011/0446

APPLICATION DETAILS

Applicant Name and Address: Midson Group
PO Box 671
EPPING NSW 2121

Land to be developed (Address): Lot 2112 DP 752038 210 Headland Road DEE WHY
NSW 2099

Proposed Development: Alterations and additions to a school

DETERMINATION - APPROVED

Made on (Date): 27 July 2011

Consent to operate from (Date): 4 August 2011

Consent to lapse on (Date): 4 August 2016

Details of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.



GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans and Supporting Documentation

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

| Architectural Plans - Endorsed with Council's stamp | | |
|---|------------|----------------------------------|
| Drawing No. | Dated | Prepared By |
| DA-002 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-100 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-101 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-102 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-103 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-200 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-201 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-202 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-203 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-204 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-205 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-206 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-207 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-300 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-301 | March 2011 | Tonkin Zulaikha Greer Architects |
| DA-302 | March 2011 | Tonkin Zulaikha Greer Architects |

All recommendations and requirements contained within:

| Reports / Documentation | | |
|---|-------------------------|---|
| Report No. / Page No. / Section No. | Dated | Prepared By |
| All recommendations and requirements of Bushfire Hazard Assessment Report No.110396 (in the event of an inconsistency between the report and requirements of the RFS in Condition No.2 the RFS requirements prevail to the extent of the inconsistency) | 28 February 2011 | Building Code & Bushfire Hazard Solutions Pty Limited |
| All recommendations and requirements of Accessibility Report | 14 March 2011 | Accessibility Solutions (NSW) Pty Ltd |
| Materials and Finishes | Undated, numbered 10026 | Tonkin Zulaikha Greer Architects |
| All recommendations and requirements of Stormwater Management Plan | March 2011 | DBA (NSW) Pty Ltd |
| All recommendations and requirements of Waste Management Plan | March 2001 | Tonkin Zulaikha Greer Architects |

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

| External Department, Authority or Service | E-Services Reference | Dated |
|---|---|---------------|
| Ausgrid | Ausgrid Response | 12 April 2011 |
| Rural Fire Service | General Terms of Approval for Bushfire Safety Authority under Section 100B of the Rural Fires Act, 1997 | |

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (DACPLB02)

3. Maximum Number of Students

The maximum number of students to be enrolled at the school is 884 at any time. In this regard, any proposal to increase student numbers as part of a future development application will not be approved without a corresponding increase in on site parking and pick up and set down capacity.

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (DACPLB02)

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

- (c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.

- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement. (DACPLB09)

5. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:
 7.00 am to 5.00 pm inclusive Monday to Friday
 8.00 am to 1.00 pm inclusive on Saturday,
 No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:
 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

- (i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

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

6. Compliance with Standards

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (g) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

***Note:** The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

****Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.

7. External Colours and Materials

(a) External Glazing

The reflectivity index of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20% (expressed as a per centum of the reflected light falling upon any surface).

(b) External Roofing

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

(c) Anti Graffiti Coating

The finishes of the walls adjoining Headland Road must be finished in heavy duty long life, ultra violet resistant coating with a high resistance to solvents and chemicals as an anti-graffiti coating easily cleaned by solvent wipe.

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

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC04)

8. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

9. Security Bond

A bond (determined from the cost of works) of \$3,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

Reason: To ensure adequate protection of Council infrastructure. (DACENC01)

10. Required Building Fire Safety Upgrade

- a) Pursuant to section 93/94 of the Environmental Planning and Assessment Regulation 2000 all required exits, exit doors and exit pathways to the street (including at the front boundary) are to be upgraded so as to comply with part D of the B.C.A prior to the issue of an Occupation Certificate. Details are to be indicated on Construction Certificate Plans.
- b) Pursuant to section 93/94 of the Environmental Planning and Assessment Regulation 2000 all fire hose reels, exit signage and emergency lighting (essential services) are to be upgraded so as to comply with part E of the B.C.A prior to the issue of any Occupation Certificate. Details are to be indicated on Construction Certificate Plans.

Reason: Statutory requirement under clause 93/94 of the Environmental Planning and Assessment Regulation 2000

11. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

| Warringah Section 94A Development Contributions Plan | | |
|--|-----------|----------------------|
| Contribution based on total development cost of | | \$ 7,904,600.00 |
| Contribution - all parts Warringah | Levy Rate | Contribution Payable |
| Total S94A Levy | 0.95% | 75,093.70 |
| S94A Planning and Administration | 0.05% | 3,952.30 |
| Total | 1.0% | \$79,046 |

Details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACPLC01)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

13. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

14. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.

- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLAE03)

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

15. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

16. Required Planting

| Species | Location | Min Pot Size |
|---|--------------------------------|--------------|
| 2 x Tree/s selected from Council's Tree Replacement Guide www.warringah.nsw.gov.au/environment/tree_replace_guide | Grounds of the School property | 45 litres |

Required trees are to satisfy the following:

- a) All replacement trees must be of a species that will attain a minimum height of five (5) metres at maturity within 5 years of planting;
- b) All replacement trees must be maintained until they reach five (5) metres in height;
- c) If any replacement tree dies prior to reaching five (5) metres in height that tree is to be replaced; and

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To maintain environmental amenity. (DACLAF01)

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

17. No Illumination

No consent is given or implied for any form of illumination or floodlighting to any sign or building or other external areas other than that approved.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties.
(DACPLG13)

End of Conditions List.