



Minutes of Application Determination Panel Meeting held on Thursday

19 June 2014

Time: 10.30am

Location: Office of Deputy General Manager, Environment

ATTENDANCE:

Panel Member

Malcolm Ryan, Chairperson, Deputy General Manager, Environment

Kathryn Fadeev, Senior Strategic Planner

Peter Robinson, Group Manager Strategic Planning

Advisors

Lashta Haidari, Planning Assessment Manager

Alex Keller, Senior Development Planner

Minute Secretary

Cathie Arkell, Development Panel Coordinator

Application Determination Panel

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1. CONFIRMATION OF MINUTES

Nil

2. DECLARATION OF PECUNIARY INTEREST

Nil

3. DEVELOPMENT APPLICATIONS

3.1	37 - 43 Federal Parade Brookvale - Alterations and additions to an Educational Establishment (St. Augustine's College)
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Proceedings in Brief

The Panel resolved to delete Condition 43 which requires the school to make bookings for any use of Brookvale Park. This is advice and will be dealt with by a separate letter

The Panel also required that Condition 46 be amended by the deletion of a, b, and c and read as follows:-

Maximum Enrollment

The school/college campus site is limited to a maximum student enrolment of 1200 students.

Reason: To manage impacts on the locality (DACPLGOG2)

DECISION OF APPLICATION DETERMINATION PANEL

That Development Consent be approved for DA2013/1336 for alterations and additions to an Educational Establishment (St. Augustine's College) on land at Lot 100 DP 1173782, 37 - 43 Federal Parade, BROOKVALE, subject to the conditions printed below:

DEFERRED COMMENCEMENT CONDITIONS

1. Building over or adjacent to constructed Council drainage system

The proposed development is to be designed to protect Council's drainage system during the development and provide access to the constructed Council's drainage system. To achieve this objective, the architectural and civil engineering plans are to be amended to comply with the following requirements:

- a) Provision of only one bridge or structure spanning over Council's drainage system where the vertical clearance between the underside of the bridge or structure and the design finished ground surface levels is less than 5 metres.
- b) The above structure must not be more than 4 metres wide and must be designed and constructed to be lightweight and easily removable.
- c) Proposed 'green wall' structure located with the easement to drain stormwater is to be designed and constructed to be lightweight and easily removable by a John Deere 315 SJ backhoe plant or a Council approved equivalent.
- d) Details of structural and/or fixings for both bridge and 'green wall' structures must be provided on the plans

- e) All other proposed structures must provide the clearances to Council's stormwater pipelines and easement, in accordance with Council's "Building Over or Adjacent to Constructed Council Drainage system and Easements" Policy, PAS-PL 130.
- f) Overland flow openings are to be provided along the southern wall of the proposed building. A minimum 300mm height clearance between the 1 in 100 year ARI overland flow top water surface levels and undersides of any openings including the proposed 'green wall' must be provided.

Reason: Protection of Council's Infrastructure and provision of access to Council's Infrastructure(DACENADC1)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Staging Plan DA102 Revision A	6/11/13	PMDL Architects
Site Demolition Plan DA103 Revision A	6/11/13	PMDL Architects
Cameron House Demolition Plan DA104 Revision A	6/11/13	PMDL Architects
New Building Carpark Level Plan DA105	TBA	PMDL Architects
New Buildings Podium Level Plan DA106	TBA	PMDL Architects
New Buildings Upper Level Plan DA107	TBA	PMDL Architects
New Buildings Roof Plan DA108 Revision A	6/11/13	PMDL Architects
Mendel Wing Ground Level Demolition DA111 Revision A	6/11/13	PMDL Architects
Mendel Wing Podium Level Demolition DA112 Revision A	6/11/13	PMDL Architects
Mendel Wing Upper Level Demolition DA113 Revision A	6/11/13	PMDL Architects
Mendel Wing Ground Level Plan DA114 Revision A	6/11/13	PMDL Architects
Mendel Wing Podium Level Plan DA115 Revision A	6/11/13	PMDL Architects
Mendel Wing Upper Level Plan DA116 Revision A	6/11/13	PMDL Architects

Mendel Wing Roof Plan DA117 Revision A	6/11/13	PMDL Architects
New Buildings Elevations DA201	TBA	PMDL Architects
New Buildings Elevations DA202	TBA	PMDL Architects
Mendel Elevations DA203 Revision A	6/11/13	PMDL Architects
Sections DA301	TBA	PMDL Architects
Sections DA302	TBA	PMDL Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
Hydraulic Services Part Site Plan HSK 01	TBA	Sparks and Partners
Level 1 Plan HSK 02	TBA	Sparks and Partners
Level 2 Plan HSK 03	TBA	Sparks and Partners
Level 3 Plan HSK 04	TBA	Sparks and Partners
Roof Plan HSK 05	TBA	Sparks and Partners
Detail Sheet HSK 06	TBA	Sparks and Partners
On-Site Detention Details Sheet C109-A	5/11/13	Cardno
Catchment Plan C110-A	5/11/13	Cardno

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Risk Assessment Ref No. 797	17/10/13	Planning for Bushfire Protection
Geotechnical investigation Ref No.26875Srpt	23/10/13	JK Geotechnics
Disability Access Ref No.091223	5/11/13	Cheung Access
Arboricultural Impact Assessment Ref No. AIA-01	28/10/13	Arterra
Traffic and Parking Management Plan	18/6/2014	Federico Ramos

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Stage 1 Landscape Concept Plan L-SD-01	28/10/13	Arterra
Stage 1 Landscape Concept Sections L-	28/10/13	Arterra

SD-02		
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Waste Management Plan and Sediment Control Plan		
Drawing No.	Dated	Prepared By
Waste Management Plan	6/11/13	PMDL Architects
General Arrangement Plan C120-A	5/11/13	Cardno
Carpark Soil and Erosion Control Plan C103-A	5/11/13	Cardno
Forecourt Soil and Erosion Control Plan C104-A	5/11/13	Cardno
Soil and Erosion Details C105-A	5/11/13	Cardno

TBA = 'To be advised' upon satisfaction of Deferred Commencement Conditions

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

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

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

Other Department, Authority or Service	eServices Reference	Dated
NSW Rural Fire Service	Response NSW RFS Referral	20 December 2013
NSW Roads and Maritime Service	Response NSW RMS Referral	6 December 2013

(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 other Department, Authority or Body's. (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:

- o 7.00 am to 5.00 pm inclusive Monday to Friday,
- o 8.00 am to 1.00 pm inclusive on Saturday,
- o No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- o 8.00 am to 5.00 pm Monday to Friday only.

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

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

- (i) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

- (l) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

- (m) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following; Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 11,320,883		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 107,548
Section 94A Planning and Administration	0.05%	\$ 5,660
Total	1%	\$ 113,209

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

7. Bonds

(a) Security Bond

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

(b) Construction, Excavation and Associated Works Bond (Council Drainage Easement)

A Bond of \$60,000 as security against any damage to Council's stormwater infrastructure traversing the subject site as part of this consent.

(c) Construction, Excavation and Associated Works Bond (Drainage works in Gulliver Street)

A Bond of \$3,000 as security against any failure to complete the construction of stormwater drainage works as part of this consent.

(d) Construction, Excavation and Associated Works Bond (Maintenance for civil works)

The developer/applicant must lodge with Council a Maintenance Bond of \$1,000 for the construction of stormwater gully pit and lintel in Gulliver Street. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans to the satisfaction of Council.

(Note: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate or Subdivision Certificate.)

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's infrastructure. (DACENZ01)

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

8. **On-site Stormwater Detention Compliance Certification**

Drainage plans detailing the provision of On-site Stormwater Detention (OSD) in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the concept drawing by Cardno, drawing number NA80813340 - C102 (A), C108 (A), C109 (A), C110 (A) dated 5 November 2013.

Drainage plans are to be amended to comply with the following:

1. Minimum storage volume of 152 cubic metres for the OSD system
2. Permissible site discharges from the OSD system must comply with table 5-3 of the Stormwater Strategy Report, prepared by Cardno, dated November 2013

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

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

9. **Vehicle Crossings Application Formwork Inspection**

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

Reason: To facilitate suitable vehicular access to private property. (DACENC12)

10. **Structures Located Adjacent to Council Pipeline or Council Easement**

All structures (including footings), except for the approved one bridge or spanning structure and 'green wall', are to be located clear of any Warringah Council pipelines and easement in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements.

Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACENC21)

11. **Submission of Engineering Plans for Civil Works in the Public Road Reserve**

Engineering plans are to be submitted to Council for approval under the provisions of Section 138 of the Roads Act 1993. The submission is to include three (3) copies of Civil Engineering plans for the design of stormwater gully pit with extended kerb inlet which are to be generally in accordance with the Development Application and Council's specification for engineering works – AUS-SPEC #1 and or Council's Minor Works Specification.

The Fee Associated with the assessment and approval of the plans is to be in accordance with Council's Fees and Charges.

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

Reason: Ensure engineering works are constructed in accordance with relevant standards. (DACENCPC1)

12. **Overland Flow Compliance Certification**

Civil engineering plans detailing the works required to convey the 1 in 100 year ARI overland

flows through the development, in accordance with the Stormwater Strategy Report prepared by Cardno dated November 2013. These plans are to be prepared by a suitably qualified and Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) and is an Accredited Certifier (Category C4).

Civil engineering plans must detail the following:

1. Existing and proposed finished ground surface levels within the 1 in 100 year ARI overland flowpath.
2. Stormwater mitigation measures to protect adjoining buildings from stormwater inundation (where applicable).
3. Proposed stair case at the north western corner of the development is to be designed and constructed to allow overland flows to pass through the structure.
4. Overland flow openings are to be provided along the southern wall of the proposed building. A minimum 300mm height clearance between the 1 in 100 year ARI overland flow top water surface levels and undersides of any openings must be provided.
5. Any security gates located within the 1 in 100 year ARI overland flowpath must be designed and constructed to allow overland flow through these gates.
6. Any walls or pierings are to be constructed clear of Council's pipeline in accordance with Council's "Building Over or Adjacent to Constructed Council Drainage system and Easements" Policy, PAS-PL 130.

The engineer is to certify that the above works will achieve the predicted overland flow levels and extent as detailed in the Stormwater Strategy Report.

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

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development (DACENCPC2)

13. **Trees and / or Landscaping**

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

(a) **Construction Certificate Plans**

Where applicable the Construction Certificate plans must include reference to:

- (i) Trees to be removed coloured or shaded in the colour red
- (ii) Trees to be retained coloured or shaded in the colour green
- (iii) Trees to be pruned coloured or shaded in the colour blue
- (iv) Trees to be transplanted coloured or shaded in the colour yellow

(b) **Existing trees which must be retained**

All trees not indicated for removal on Landscape Plan -		
Drawing Number	Dated	Prepared By
L-SD-01 A	28/10/13	Arterra

(c) **Tree protection**

All tree protection to be in accordance with the recommendations and Tree Protection Plan within the Arboricultural Impact Assessment Report AIA-01 dated 28 October 2013 prepared by Arterra and AS4970-2009 Protection of trees on development sites.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

14. **Pre-Construction Dilapidation Survey**

A pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the

asset prior to the commencement of works. Council's Guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACNEC20)

15. 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/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*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.

16. 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:

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

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

17. Parking

The proposed parking in the new parking area, at Brimson Hall and the Old Church will need to conform to the requirements of AS2890.1-2004 with regard to aisle widths, parking space dimensions and manoeuvring areas so that all vehicles can enter and exit the site in a forward direction.

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

Reason: To ensure that vehicles have adequate manoeuvring area and enter and exit in a forward direction. (DACPLC13)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah 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 land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. Vehicle Crossings

The provision of two vehicle crossings 3.6 and 4.5 metres wide in accordance with Warringah Council Drawing No A4-3330/1 Normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

20. Civil Works Supervision

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

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

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

21. Layback Construction

Two laybacks 3.6 and 4.5 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

22. 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)

23. Protection of Public Trees

All tree protection to be in accordance with the recommendations and Tree Protection Plan within the Arboricultural Impact Assessment Report AIA-01 dated 28 October 2013 prepared by Arterra and AS4970- 2009 Protection of trees on development sites.

Reason: To ensure protection of public trees (DACHPEDW1)

24. 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. (DACLAEO3)

25. 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)

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

26. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

Reason: To create encumbrances on the land. (DACENF01)

27. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and

gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

28. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

29. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

30. Certification of Structures Located Adjacent to Council Pipeline or Council Easement

All structures (including footings), except for the approved one bridge or spanning structure and 'green wall', are to be located clear of any Warringah Council pipelines and easement in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements.

A statement of compliance is to be prepared by a suitably qualified Civil Engineer and a "work as executed" (WAE) plan (in AutoCad or hardcopy format) certified by a registered surveyor and overdrawn in red on a copy of the approved civil works plans are to be provided to Council. The W.A.E. drawing shall show the easement, Council's pipelines and any encroaching structures within Council's drainage easement.

These documents are to be submitted to the Certifying Authority and Warringah Council for approval prior to the issue of the Occupation Certificate.

Reason: Protection of Council's Infrastructure (DACENF11)

31. Positive Covenant for On-site Stormwater Detention

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

32. **Creation of Positive Covenant and Restriction as a User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

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

Reason: To identify encumbrances on land. (DACENF14)

33. **Restriction as to user - Overland flow path**

A restriction as to user shall be created on the title over the 1 in 100 year ARI overland flow path, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared by a registered surveyor to Warringah Council's requirements at the applicant's expense. Warringah Council shall be nominated as a party to release, vary or modify such restriction.

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

Reason: To ensure no modification of the 1 in 100 year ARI overland flow path without Council's approval. (DACENFPO1)

34. **Certification Civil Works - overland flow**

The Civil Engineer responsible for the supervision of the civil works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate. A "work as executed" (WAE) plan certified by a registered surveyor and overdrawn in red on a copy of the approved civil works plans are to be provided to Council. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement, any encroaching structures within Council's drainage easement and associated structures.

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

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENFPOC2)

35. **Positive Covenant for Structures built within easement**

A positive covenant (under the provisions of Section 88B of the Conveyancing Act) is to be created in favour of Council for removal of all structures listed below which are located within Council's easement:

- i. Bridge or spanning structure within Council's drainage easement
- ii. 'Green Wall' within Council's drainage easement

All costs associated with the removal and reinstatement of these structures are to be borne by the applicant. All structures located within the easement should be constructed in accordance with Council's policy "Building over or adjacent to constructed Council drainage systems and easements PAS-PL 130" with particular attention given to clause 3.5.1 part b) addressing structural loading. The terms of the positive covenant are to be prepared to Council's standard requirements. Warringah Council shall be nominated as the sole authority

empowered to release, vary or modify such covenant.

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

Reason: To ensure access for ongoing maintenance of Council's stormwater infrastructure. (DACENFPOC3)

36. Required Planting

The tree/s listed in the following schedule shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Minimum Pot Size
2	Local native species capable of attaining a minimum height at maturity of 8 metres	Front landscape setback	25 litre
2	<i>Tristaniopsis laurina</i>	Road verge in front of the site, clear of driveway sightlines and generally in alignment with other street trees	75 litre

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)

37. Supplementary Tree Planting

Additional supplementary tree planting as follows:

- a) Within the front building setback for the new Primary school / Senior science building facing Gulliver Street :- One (1) tree per 9 m² (excluding any paved areas and Council easement) to be provided to enhance the streetscape and landscaped setting for the school.
- b) Within the front building setback for the 'Brinson Centre facing Federal Parade: - Four (4) native trees to enhance the streetscape and landscaped setting for the school.

- o Trees are to be selected from Council's "Tree Replacement Guide" for native "medium" sized tree species.
- o Trees are to be staked and shielded from damage for 5 years after planting.
- o Trees are to be planted from minimum 25 litre pots.
- o Trees are to be replaced if they die within 5 years of planting.

Tree planting is to be completed prior to the issue of the Final Occupation Certificate.

Reason: To supplement reduced landscaped open space. (DACLAFPOC1)

38. Post-Construction Dilapidation Survey

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The post construction dilapidation report must be submitted to the Council for review and the Certifying Authority prior to the issue of the Occupation Certificate. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure (DACNEF11)

39. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management. (DACPLF01)

40. **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)

41. **Existing No Parking Zone - Gulliver Street**

The existing 'No Parking' zone in Gulliver Street will need to be modified to accommodate the new development including entry/exit driveways for the proposed development and ensure suitable sight distance is provided for vehicles exiting the car park. This will need to be submitted to Council for approval by the Local Traffic Committee.

Reason: Parking within a Public Street. (DACTRFPOC1)

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

42. **Maintenance period for civil works under the provisions of the Roads Act 1993 and Environmental Planning and Assessment Act 1979**

A Maintenance Period of six (6) months shall apply to the drainage works located in, on or over a public road as approved under the provisions of Section 139 of the Roads Act 1993 and Section 80A of the Environmental Planning and Assessment Act 1979, after it has been completed and approved in writing by the appropriate Roads Authority. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Roads Authority's specifications, or as would be reasonably be expected under the design conditions.

Reason: To ensure works are appropriately constructed and repaired where defective. (DACENG01)

43. **Linemarking / Allocation of Parking**

All on-site parking spaces provided shall be provided and maintained available for their designated purpose as per the approved Traffic and Parking Management Plan. On-site parking spaces shall be clearly line marked or sign posted, as practicable, to ensure ease of identification by users and maintain effective daily operation of the Traffic and Parking Management Plan

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

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

44. **Residential Privacy**

Storage lockers / racks and the like are not to be placed along the eastern elevation of Senior Science rooms.

Reason: Maintain privacy to No.10 Gulliver Street (DACPLGOG1)

45. **Maximum Enrollment**

The school/college campus site is limited to a maximum student enrolment of 1200 students.

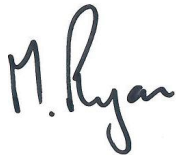
Reason: To manage impacts on the locality. (DACPLGOG2)

46. **Traffic and Parking Management Plan**

The Saint Augustine's College school Traffic and Parking Management Plan, as approved by Warringah Council, is to be fully implemented and properly managed to ensure compliance with that plan.

Reason: Public/student Safety. (DACPLGOG3)

Meeting Concluded 11.00am



Malcolm Ryan
**Deputy General Manager, Environment
Chairperson**



Peter Robinson
Group Manager, Strategic Planning



Kathryn Fadeev
Principal Strategic Planner