

SUBJECT: N1038/00/S96/2 – Modification to Development Consent N1038/00 which approved the redevelopment of Mater Maria College (Lot 13 DP 1083731)

Determination Level: Development Determination Panel

Date: 06/12/2017

SUMMARY OF RECOMMENDATION

MODIFY CONSENT

REPORT PREPARED BY: Angela Manahan

APPLICATION SUBMITTED ON: 28 August 2017

APPLICATION SUBMITTED BY: AVIUM PTY LTD
PO BOX 6172
ALEXANDRIA
NSW 2015

OWNERS: TRUSTEES ROMAN CATHOLIC CHURCH

1.0 SITE DETAILS

The site is known as 5 Forest Road, Warriewood and has a legal description of Lot 13 in Deposited Plan 1083731. The site is irregular in shape and has a total area of 51,500m². The site currently contains a school, Mater Maria College, and areas of bushland which are located to the west, north and south of the site. The site is located along the footslopes of the Warriewood Escarpment at the western end of Warriewood Valley. Vehicle and pedestrian access is gained via the frontage to Forest Road. The southern portion of the site accommodates a natural creek line, Fern Creek. The site experiences a fall of approximately 42m from north-west to south-east, with an overall slope of approximately 17%.

Stage 1 of the redevelopment has been completed and comprises the new Chapel, Music/Fitness centre, Movement complex, Lecture Theatre and associated works, located within the north-eastern portion of the site. Mater Maria College currently consists of ten (10) buildings including administration, classrooms, a lecture theatre, a gymnasium, and a library. The site provides for seventy-five (75) on-site car parking spaces.

The site is primarily located within Sector 8 of the Warriewood Valley locality with a portion of the western side of the site located within the Warriewood locality. The site is surrounded by residential properties to the east and north-east. Rural residential properties adjoin the site to the south. The area to the south-east of the site is currently under development as part of Sector 9 of the Warriewood Valley Land Release area. Land to the north and west of the site, from north through to south-west is comprised of native bushland.

2.0 PROPOSAL IN DETAIL

The applicant seeks consent for the following modifications to the approved development under S96 application N1038/00/S96/2;

- Consolidation of the three (3) approved multi-storey buildings, being the Library and Staff building, Administration and Canteen, and TAS extension to Block D, to one (1) single building comprising:
 - Level 1
 - Main Entrance and Foyer;
 - Open-plan Staff Study area and Store;
 - Uniform Shop;
 - Three (3) Toilets (3 Female, 1 Male and 1 Accessible);
 - Two (2) Sick rooms including WCs;
 - Bulk Store;
 - Two (2) Interview rooms;
 - Five (5) Offices;
 - Administration Area;
 - Terrace to the west providing pedestrian access to Block D (Ducker Building);
 - Level 2
 - Open-plan Staff Study area;
 - Staff Common Room and Kitchen;
 - Three (3) Toilets (4 Female, 2 Male and 1 Accessible);
 - Two (2) Shower rooms;
 - One (1) Office;
 - Student Services Office;
 - Student Interview Office;
 - Councillor Office;
 - Printer room;
 - One (1) Meeting Room;
 - Communications room;
 - Terrace to the south, east and north (Northern terrace providing pedestrian access to Block A);
 - Separate Careers Room, to the north of the northern terrace;
 - Level 3
 - Open-plan Resource Centre;
 - Work Room;
 - Seminar room with divide;
 - Store;
 - Food Services, including Dry Store and Freezer;
 - Terrace to the south, east and west (Western terrace providing pedestrian access to Block A);
 - Terrace to the north to provide a new Assembly area and new Amphitheatre;
 - Roof Terrace;
 - Lift Access throughout all four (4) levels (including Roof Terrace level);
 - External stairs and terracing for pedestrian access;
 - Associated Landscaping works.
- Deletion of condition D234 which relates to the maximum height of the approved buildings.

3.0 STATUTORY & POLICY CONSIDERATIONS

The following planning legislation, environmental planning instruments, development control plans and policies are relevant to the subject Development Application:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Rural Fires Act 1997;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No.55 – Remediation of Land;
- Planning for Bushfire Protection 2006;
- Pittwater Local Environmental Plan 1993;
 - Zoned 1(b) Non-Urban “B”
- Pittwater Local Environmental Plan 2014 (commenced 27/06/2014);
 - Zoned SP2 – Infrastructure
 - Acid Sulphate Soils Map - Class 5
 - Height of Buildings Map – 8.5m
 - Biodiversity Map
 - Geotechnical Hazard Map
- Pittwater 21 Development Control Plan;
 - Warriewood Valley Land Release Area Locality (Sector 8)
 - Warriewood Locality
 - Geotechnical Risk Management Policy for Pittwater
 - Flood Risk Management Policy 2017
- RMS Guidelines for Traffic Generating Development.

P21 DCP identifies the site as being:

- Bushfire prone
- Landslip prone
- Flood prone
- Containing areas of Heathland vegetation and Saltmarsh & Foreshore vegetation other than Mangroves
- Flora and Fauna Category 1 and 2
- Within 40m of a river, stream or foreshore.

4.0 ZONING AND PERMISSIBILITY

The site is zoned 1(b) Non-Urban “B” under the provisions of the Pittwater LEP 1993. The proposed development being redevelopment of Mater Maria College (a School) is permissible with consent pursuant to the Pittwater Local Environmental Plan 1993. The site is zoned SP2 - Infrastructure under the provisions of the Pittwater LEP 2014. The purpose shown on the Land Zoning Map is for an Educational Establishment. The proposed development, being a school, falls under the definition of an Educational Establishment and is permissible with consent pursuant to the land use table in Part 2 of Pittwater Local Environmental Plan 2014.

The modifications proposed remain consistent with the land use proposed and approved by N1038/00 and are permissible with consent, as identified by Clause 9 of PLEP 1993 and the Land Use Table of PLEP 2014.

5.0 BACKGROUND

The subject site has been subject to numerous Development Applications, which were primarily for the construction of security fencing and shade sails. The below background provides a summary of the original development application for the redevelopment and the subsequent modification applications.

23 November 2001

Development Application N1038/00 for the redevelopment of Mater Maria College, was approved by Council under the delegation of the Development Unit.

11 October 2002

An application for the modification of development consent N1038/00 was approved by Council. The modification application sought consent for the reinstatement of the Chapel and associated landscaping works, which was originally deleted from the development application due to Bushfire and tree removal concerns.

28 August 2017

Section 96(2) Modification Application N1038/00/S96/2 was lodged with Council. The application was subsequently referred to Council's Development Engineer, Catchment Management and Climate Change Unit, Natural Environment Officer, and Reserves and Recreation Unit/Landscape Architect for comments and/or recommendations. The application was externally referred to Roads and Maritime Service and NSW Rural Fire Service.

5.0 NOTIFICATIONS

Modification Application N1038/00/S96/2 was notified to adjoining property owners from 08 September through to 22 September 2017 in accordance with Council's Notification Policy. During this time, no submissions were received.

6.0 ASSESSMENT

COMPLIANCE TABLE

- T - Can the proposal satisfy the technical requirements of the control?
- O - Can the proposal achieve the control outcomes?
- N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
Pittwater Local Environmental Plan 2014					
1.9A Suspension of covenants, agreements and instruments			Y	Y	Y
Zone SP2 Infrastructure (Educational Establishment)		See discussion in Section 4.0.	Y	Y	Y
4.3 Height of Buildings		See discussion in Section 7.0.	N	Y	Y
4.6 Exceptions to development standards		See discussion in Section 7.0.	-	-	-
5.10 Heritage conservation			Y	Y	Y
7.1 Acid Sulfate soils		Class 5	Y	Y	Y
7.2 Earthworks			Y	Y	Y

Control	Standard	Proposal	T	O	N
7.6 Biodiversity protection		<i>Natural Environment & Climate Change – Biodiversity Division, have no objection to approval subject to conditions, as recommended.</i>	Y	Y	Y
7.7 Geotechnical hazards		<i>Geotechnical report has been prepared by JK Geotechnics (dated July 17) and addresses Councils Geotechnical Risk policy -2009.</i>	Y	Y	Y
7.10 Essential services			Y	Y	Y
Pittwater 21 Development Control Plan 2014					
A1.7 Considerations before consent is granted		See discussion in Section 7.0.	Y	Y	Y
A4.14 Warriewood Locality			Y	Y	Y
A4.16 Warriewood Valley Locality			Y	Y	Y
A5.1 Exhibition, Advertisement and Notification of Applications			Y	Y	Y
A1.4 Aboriginal Heritage Significance		<i>Natural Environment & Climate Change – Biodiversity Division, have no objection to approval subject to conditions, as recommended.</i>	Y	Y	Y
B3.1 Landslip Hazard		<i>Geotechnical report has been prepared by JK Geotechnics (dated July 17) and addresses Councils Geotechnical Risk policy -2009.</i>	Y	Y	Y
B3.2 Bushfire Hazard		See discussion in Section 9.0.	Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B3.11 Flood Prone Land			Y	Y	Y
B3.13 Flood Hazard – Flood Emergency Response planning			Y	Y	Y
B4.15 Saltmarsh Endangered Ecological Community			Y	Y	Y
B4.18 Heathland/Woodland Vegetation		See discussion in Section 7.0.	Y	Y	Y
B5.9 Stormwater Management – Water Quality – Other than Low Density Residential		<i>The stormwater management plan prepared by Meinhardt (dated August 2017) proposes to install a bio retention system within the existing stormwater detention basin. A Music model had also been prepared to support the design of the bio retention system.</i>	Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			Y	Y	Y
B5.13 Development on Waterfront Land			-	-	-

Control	Standard	Proposal	T	O	N
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)			-	-	-
B6.3 Off-Street Vehicle Parking Requirements		See discussion in Section 7.0.	-	-	-
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
C2.21 Food Premises Design Standards			Y	Y	Y
C5.1 Landscaping		<i>Natural Environment & Climate Change – Biodiversity Division, have no objection to approval subject to conditions, as recommended.</i> See discussion in Section 7.0 for further comment.	N	Y	Y
C5.4 View Sharing			Y	Y	Y
C5.8 Waste and Recycling Facilities		No changes proposed in relation to the waste and recycling facilities.	-	-	-
C5.9 Signage		No signage proposed.	-	-	-
C5.17 Pollution control			Y	Y	Y
C5.19 Food Premises Design Standards			Y	Y	Y
C5.22 Environmental Sustainability		Supported by an Energy Efficiency Evaluation Assessment Report. Proposal shall comply with the current standards.	Y	Y	Y
C6.2 Natural Environment and Landscaping Principles		See discussion in Section 7.0.	N	Y	Y
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion		Supported by an Energy Efficiency Evaluation Assessment Report. Proposal shall comply with the current standards.	Y	Y	Y
C6.5 Utilities, Services and Infrastructure Provision			Y	Y	Y
D14.1 Character as viewed from a public place		See discussion in Section 7.0.	Y	Y	Y
D14.2 Scenic protection – General		See discussion in Section 7.0.	Y	Y	Y
D14.3 Building colours and materials			Y	Y	Y
D14.7 Front building line		See discussion in Section 7.0.	-	-	-

Control	Standard	Proposal	T	O	N
D14.8 Side and rear building line		See discussion in Section 7.0.	-	-	-
D16.1 Character as viewed from a public place		See discussion in Section 7.0.	Y	Y	Y
D16.6 Front building lines		See discussion in Section 7.0.	-	-	-
D16.7 Side and rear building lines		See discussion in Section 7.0.	-	-	-
D16.9 Solar access			Y	Y	Y
D16.11 Form of construction including retaining walls, terracing and undercroft areas			Y	Y	Y
D16.13 Building colours and materials			Y	Y	Y
State Environmental Planning Policies					
SEPP (Infrastructure) 2007		The application was referred to RMS who provided a response on 27 September 2017 advising that there were no objections to the proposed S96 application.	Y	Y	Y

7.0 DISCUSSION OF ISSUES

A1.7 Considerations before consent is granted

While no submissions were received during the course of the assessment, verbal concerns were raised with regards to the potential increase in the capacity of the school and number of children. There shall be no change to the capacity of the school, and condition D232 of the consent, which limits the capacity of the school to a maximum of 850 students, shall be retained.

Built form

- **Clause 4.3 Height of Buildings of PLEP**
- **Clause 4.6 Exceptions to development standards of PLEP**
- **Clause D14.1 Character as viewed from a public place of P21 DCP**
- **Clause D14.2 Scenic protection - General of P21 DCP**
- **Clause D14.7 Front building line of P21 DCP**
- **Clause D14.8 Side and rear building line of P21 DCP**
- **Clause D16.1 Character as viewed from a public place of P21 DCP**
- **Clause D16.6 Front building lines of P21 DCP**
- **Clause D16.7 Side and rear building lines of P21 DCP**

Building Height

The proposed modifications result in an overall building height of 12.6m above the existing ground level and result in a technical non-compliance with clause 4.6 of PLEP, which identifies a maximum building height of 8.5m for the site. As the application is a modification application made pursuant to s96 of the EP&A Act, a clause 4.6 variation is not required. The application is assessed in consideration of s79C and s96(2) of the EP&A Act.

While the proposed modifications shall result in a building that does not comply with the maximum height requirement, the non-compliance is considered to be consistent with the objectives of clause 4.3 and acceptable in this instance for the following reasons:

- The extent of the non-compliance is a result of the existing ground level of the site, in which substantial earthworks and alteration to the existing landform have been carried out under the original development consent. This includes the site being partially excavated.
- The original approval departed from the maximum height requirement, permitting the following maximum RLs for the three buildings: RL45.7 for the TAS Extension, RL50.7 for the Admin/Canteen building and RL57.0 for the Library building. The proposed development shall have a maximum RL of RL41.5 to the Level 2 terrace balustrade, RL45.5 to the level 3 terrace balustrade, RL49.6 to the Roof terrace and RL51.8 to the lift over-run (which provides access to the roof terrace). It is considered that the apparent height of the development and building scale shall be substantially less than that originally approved.
- The site is unique in that it is a stand-alone use within the area, being a school. As such there are no comparative buildings within the immediate vicinity, which is predominantly low and medium-density residential development and rural residential properties. The proposed modifications are not considered to be out of scale or character with that originally approved on the site under development consent N1038/00, and as such the resultant height and built form is not incompatible with the surrounding developments.
- The proposed development shall not result in any unreasonable impacts upon adjoining sites with regards to view loss or overshadowing.
- The proposed building shall be integrated into the hillside and stepped in accordance with the slope of the site, with the height of the building stepped as it ascends towards to the south-east.
- The proposed development is located largely within the approved building footprint with no trees proposed for removal. It is considered that the proposed development will not cause any adverse impacts on the natural environment, heritage conservation areas or heritage items.

Building setbacks and Visual Impact

P21 DCP controls do not stipulate any front, side or rear setbacks for the purpose of the subject development, being an Educational Establishment. As such the proposed setbacks, and subsequent built form, are considered on merit.

The proposed building shall be located a minimum of 44.96m from the adjoining residential properties to the east and in excess of 100m from the adjacent residential properties to the north-east. As such it is considered that there is sufficient spatial separation between the proposed building and adjoining sites, and residential amenity to the adjoining and adjacent properties will be maintained. Notwithstanding the above, concern is raised regarding the visual impact of the development, given the horizontal massing of built form as a result of one (1) singular building. The subject site is located on the escarpment, and is highly visible from the surrounding areas, particularly on the lower valley areas to the east and south-east. Although the approved buildings were taller than the proposed building, and more dominating in the skyline/backdrop, the use of three (3) buildings rather than one large building broke up the built form. The proposed building shall result in one continuous horizontal mass of building with little landscaping to break up the built form. Notwithstanding this, in consideration of the purpose of the proposed modifications – to meet the needs of the users of the school and bring the development in line with current standards and regulations, it must be acknowledged that the proposed design shall provide a better planning outcome with regards to accessibility of the site and the school. The original approval relied on numerous ramps throughout the site to provide accessibility between buildings. The amendment to one (1) building shall enable access through all levels of the building as well as to the adjoining school buildings and terrace areas, significantly increasing the accessibility of the site.

The concerns regarding the built form were reiterated by Council's Senior Landscape Architect, in which further comments can be found under the Natural Environment heading below. Council's Senior Landscape Architect recommended a condition of consent with regards to the landscaping as follows, which shall assist in minimising the visual impact of the development from the surrounding visual catchment area:

Embankment Planting along eastern boundary adjoining 13-19 Angophora Circuit.

Additional tree planting within the eastern boundary embankment to provide effective boundary tree screening of the site as seen from the eastern residential areas shall be planted and maintained, as follows:

- 3 x Angophora costata (25 litre size)*
- 3 x Glochidion ferdinandi (25 litre size)*
- 5 x Banksia integrifolia (25 litre size)*
- 5 x Elaeocarpus reticulatus (25 litre size)*

All trees shall be staked.

The location shall be determined on-site to ensure adequate canopy coverage to establish a buffer screen.

Reason: to soften the built form of the development.

In addition to the above condition, the integrated landscaping throughout the building and on adjoining areas shall be integral to minimising the visual impact of the development and integrating the development with the landscape. As such a condition of consent is also recommended for any landscaping within the proposed building and adjoining areas to be implemented prior to the issue of any Occupation Certificate, including an Interim Occupation Certificate, to provide certainty to Council that landscaping shall be implemented within a reasonable timeframe.

It is considered that in view of the benefits of having one (1) building from a functionality perspective, and subject to the recommended conditions of consent regarding landscaping, the proposed development can be accepted on merit.

Natural Environment

- **Clause B4.18 Heathland/Woodland Vegetation**
- **C5.1 Landscaping**
- **C5.10 Protection of Residential Amenity**
- **C6.2 Natural Environment and Landscaping Principles**

The proposed modifications do not require the removal of any trees to be retained as part of the original approval and no objections were raised by Council's Natural Environment Officer with regards to the Biodiversity of the site. However the application was referred to Council's Senior Landscape Architect, who raised concerns regarding the proposed built form and its domination of the landscape. The following comments and recommendations were made:

The existing site buildings as seen from surrounding roadways east of the College exhibit a built form that is complimentary to the surrounding landscape character, where the built form generally sits at the bottom of the valley and the built form is not massed nor continuous in the horizontal plane. Thus the vegetated landform behind allows the existing buildings to integrate into the landscape and not dominate.

The current S96 design proposal, with an expanded building footprint and associated plaza space creates a built form that is dominant in the landscape. Effectively the proposed design creates a continuous built form that does not provide sufficient deep soil areas to allow for the built form to be softened along the eastern elevation.

C5.1 Landscaping

This control requires that the built form be softened and complemented by landscaping, where the landscaping reflects the scale and form of development.

Two large canopy trees are proposed along the southern side of the proposal in close proximity to the building, and hence realistically retention into the future of such large trees will be unlikely, with building structural and personal safety issues likely to give rise to an application for removal. Other proposed small trees are unlikely to reach a height to achieve softening of the development.

Along the eastern elevation, insufficient landscape planting is proposed, and softening of the built form is limited to planting at ground level.

The result of such spatial building design is that the built form dominates the landscape as seen from the residential area east of the College.

The proposal for planter box landscape treatment will not provide any softening of the built form, with the planters supporting groundcovers and cascading species only.

C5.10 Protection of Residential Amenity

The landscape proposal, subject to limited deep soil areas due to the architectural building layout, will have an an adverse impact upon adjoining residential development, with its built form dominating the landscape.

Advice

Consideration should be given to increasing canopy tree planting along the boundary embankment to provide effective boundary tree screening of the site as seen from the eastern residential areas. This would alleviate the concern with the built form of the development.

As observed on site, there is a thin vegetation treatment along the adjoining boundary with 13-19 Angophora Circuit (southern townhouse building as seen from the internal cul-de-sac at the end of lower carpark).

Effective tree screen planting to this area, established and maintained, will provide a landscaped buffer for the proposed development.

A condition of consent is recommended for the planting of additional landscaping to soften the visual impact of the development, particularly from the nearby residential areas. Subject to the proposed recommendations, the application is considered acceptable on merit.

B6.3 Off-Street Vehicle Parking Requirements

The proposed modifications do not involve any changes to the existing off-street parking, including the number of parking spaces.

However, it is noted that the approval contained a delivery/loading area to the east of the approved building to the south (known as the "TAS Extension"). The proposed building is to be located over this area and as such the delivery area shall be lost. Notwithstanding the above, it is considered that there is sufficient space on site for deliveries and as such the loss of the delivery area is acceptable.

Council's Development Engineer raised no concerns with the loss of the delivery area, advising that there is ample space elsewhere on site.

8.0 INTERDEPARTMENTAL COMMENTS

Officer	Comments
Development Engineer	Supported (subject to additional conditions)
Environmental Health	Supported (subject to additional conditions)
Flooding	Supported (no additional conditions) Officer comments: <i>"There is some High, Medium and Low Flood Risk Precinct and Flood Life Hazard Category H1-H5 on the property, but it is all either in the creek along the southern boundary or on the southern playing field, well away from the proposed development. Road access to the property is from the north, and is completely flood free. There are no flood related development controls."</i>
Natural Environment	Supported (subject to additional conditions) Officer comments: <i>Natural Environment & Climate Change – Biodiversity Division, have no objection to approval subject to conditions, as recommended."</i>
Reserves and Recreation	Supported (subject to additional conditions) See Section 7.0. for further comments

9.0 EXTERNAL REFERRALS

The application was referred to RMS who raised no objection to the proposed modifications.

The application was also referred to NSW RFS for comments and recommendations. NSW RFS provided a response on 26 September 2017 which included a series of conditions to be incorporated into the consent. The recommendations of NSW RFS shall be imposed in the modified consent.

The original application was referred to the Department of Land and Water Conservation in relation to the proximity of the development to the creek, being within 40m of a creek line. The proposed modifications are located in excess of 100m from the creek and as such referral to NSW Office of Water was not considered necessary in this instance.

10.0 S96 CONSIDERATION

The proposed modification involves the consolidation of three approved buildings to one single building for the purpose of meeting the needs of students, staff and visitors, and the deletion of condition D234 which relates to the maximum building height. The modified development has been assessed in accordance with the relevant controls and policies.

As the proposal is for the modification of a previously approved Development Application, the provisions of Section 96(2) of the EPA Act are applicable. Section 96(2) deals with other modifications, and a consent authority may modify the consent if the development satisfies the following:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

To establish if development is substantially the same as what was granted consent, reference is made to the case of *Moto Projects (No.2) v North Sydney Council [1999] NSW LEC 280*, which provides the following judgement:

“The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified.....

....The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development is granted).

The application originally approved the redevelopment of Mater Maria College, which included several new buildings throughout the site, and associated works, to upgrade the existing facility to meet the needs of the students, staff and visitors.

The current application seeks consent to modify three (3) approved buildings to one (1) single building to improve accessibility, safety and security, and upgrade the unbuilt structures to meet current construction and building standards. The proposed building will largely be located within the approved building footprint of the original development, located within the central portion of the school.

While it is acknowledged that the proposed modified building provides a different built form to that approved, the test requires Council to consider not only the physical features but undertake a quantitative and qualitative assessment of the development.

Quantitatively, the below table summarises the three (3) approved buildings in relation to the proposed building subject of this application, with particular reference to the Floor Area comparison and location of the development.

	<u>Approved</u>	<u>Proposed</u>																																	
Total GFA	<table border="1"> <tr> <td>Level 1</td> <td>TAS Extension</td> <td>210.3m²</td> </tr> <tr> <td>Level 2</td> <td>TAS Extension</td> <td>125.3m²</td> </tr> <tr> <td>Level 2</td> <td>Canteen</td> <td>86.6m²</td> </tr> <tr> <td>Level 3</td> <td>Administration</td> <td>338.8m²</td> </tr> <tr> <td>Level 3</td> <td>Staff Study</td> <td>590.8m²</td> </tr> <tr> <td>Level 4</td> <td>Library</td> <td>703m²</td> </tr> <tr> <td>TOTAL</td> <td></td> <td>2054.8m²</td> </tr> </table>	Level 1	TAS Extension	210.3m ²	Level 2	TAS Extension	125.3m ²	Level 2	Canteen	86.6m ²	Level 3	Administration	338.8m ²	Level 3	Staff Study	590.8m ²	Level 4	Library	703m ²	TOTAL		2054.8m²	<table border="1"> <tr> <td>Level 1</td> <td>Administration, Staff Study area</td> <td>675m²</td> </tr> <tr> <td>Level 2</td> <td>Student Services, Staff Common Room, Staff Study area</td> <td>567m²</td> </tr> <tr> <td>Level 3</td> <td>Food services, Resource Centre</td> <td>711m²</td> </tr> <tr> <td>TOTAL</td> <td></td> <td>1954m²</td> </tr> </table>	Level 1	Administration, Staff Study area	675m ²	Level 2	Student Services, Staff Common Room, Staff Study area	567m ²	Level 3	Food services, Resource Centre	711m ²	TOTAL		1954m²
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TOTAL		1954m²																																	
Building Setbacks	<u>Forest Road Boundary (North-east)–</u> 145m <u>Eastern boundary –</u> 58.96m The existing buildings on site are located to the west and north-west of the proposal, with the playing fields located to the south. As such the setback to these boundaries shall remain unchanged.	<u>Forest Road Boundary (North-east)–</u> 132m <u>Eastern boundary –</u> 44.96m The existing buildings on site are located to the west and north-west of the proposal, with the playing fields located to the south. As such the setback to these boundaries shall remain unchanged.																																	
There shall be no change to the existing and approved parking, and no increase to the capacity of the school.																																			

As identified above, the proposed building shall be largely contained within the approved building footprint, with minor extension towards the north-east and eastern boundary. There shall be a reduction to the overall floor area, however the change is not considered to be substantial in view of the scale of the overall development, and the use of the floor areas shall remain consistent with the originally approved buildings.

Furthermore, the development, as modified by the proposed changes, continues to fall within the scope of the original description, being the redevelopment of the school. Subject to the recommended conditions, the proposed modifications shall not give rise to any significant built or environment impacts upon the Warriewood Valley and Warriewood locality or the surrounding properties.

The term “substantially” means “*essentially or materially having the same essence*”.

The intent of the proposed building remains the same as the approved development, providing staff and student facilities of similar use, and although the overall built form has changed it is considered that the essence of the building is consistent with that approved. Furthermore, any amended/additional conditions of consent are primarily in relation to achieving compliance with the current standards and requirements, and updated documentation. In view of the above, and the judgement in *Moto Projects (No.2) v North Sydney Council [1999] NSW LEC 280*, it is considered in this instance the fundamental characteristics and essence of the development would remain the same and as such Council can be satisfied that the resultant development is considered to be substantially the same development as originally approved.

(b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

The application was externally referred to NSW RMS and NSW RFS, pursuant to SEPP (Infrastructure) 2007 and Section 100B of the Rural Fires Act 1997.

(c) *it has notified the application in accordance with:*
i. the regulations, if the regulations so require, or
ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Adjoining property owners were notified from 08 September through to 22 September 2017 in accordance with Council's Notification Policy. A notification sign was also placed out the front of the subject property to advise any passersby of the application. The receipt of the modification application was also advertised on a listing within the Manly Daily.

It is considered that the modification application has been adequately notified in accordance with the relevant legislation and Council's Notification Policy.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Over the course of the notification period, no (0) submissions were received in response to the proposed development.

The proposal is therefore considered to fall under the provisions of Section 96(2) of the Environmental Planning and Assessment Act.

10.0 CONCLUSION

This proposed modification application has been assessed under Section 96(2) of the Environmental Planning and Assessment Act 1979. The proposed modifications are not considered to result in any unreasonable impacts upon adjoining properties or surrounding area and remain consistent with the desired future character of the Warriewood and Warriewood Valley Locality. The proposed modifications shall facilitate a better resolution to the accessibility of the school, and safety and security of the premises. Accordingly, the application is recommended for approval.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 96(2) of the Environmental Planning & Assessment Act 1979 modify Development Consent N1038/00 which approved redevelopment of Mater Maria College at 5 Forest Road, Warriewood in the following way:

As further modified by;

- **Architectural drawings, all prepared by Alleanza Architecture:**
 - **DA001 (Proposed Site Plan) Issue P6, dated 26 July 2017**
 - **DA200 (Elevations & Section) Issue A, dated 02 November 2016**

- DA100 (Level 1 Floor Plan) Issue P6, dated 26 July 2017
- DA101 (Level 2 Floor Plan) Issue P5, dated 26 July 2017
- DA102 (Level 3 Floor Plan Part 1) Issue P4, dated 20 July 2017
- DA103 (Level 3 Floor Plan Part 2) Issue P4, dated 20 July 2017
- DA104 (Roof Plan) Issue P4, dated 20 July 2017.
- Landscape Plan LA-01 through to LA-04, dated 11 August 2017, prepared by Ground Ink.
- Documents
 - Bushfire Risk Assessment Report, dated 03 April 2017, prepared by Australian Bushfire Protection Planners Pty Ltd;
 - NSW Rural Fire Service Letter, Ref: D17/3092, dated 26 September 2017;
 - Arboricultural Impact Assessment Report, dated 10 July 2017, prepared by Naturally Trees;
 - Flora and Fauna Report, dated 13 July 2017, prepared by UB Ecological;
 - Geotechnical Risk Management Assessment Report, dated 24 July 2017, prepared by JK Geotechnics;
 - Energy Efficiency Evaluation Report, dated 07 July 2017, prepared by Partners Energy;
 - BCA Assessment Report, dated 07 July 2017, prepared by Building Control Group;
 - Accessibility Assessment Report, dated 03 July 2017, prepared by Morris Goding Accessibility Consulting.

Deleted conditions:

D234. The building identified as “the library staff building” is to be no higher than 10m to be measured from natural ground level.

Amended conditions:

*B16. All trees are to be retained as identified in the tree retention and removal plan by Knox & Partners dated 21/5/01, **and the Tree Management Plan Prepared by Naturally trees Reference No TMP01, dated 10 July 2017**, and are to be tagged to identify them for retention prior to the issue of the Construction Certificate and identified by botanical name prior to commencement of works.*

*B80. Compliance with the recommendations of the Accessibility Audit Report dated June 2001 by Accessibility Solutions, **and Accessibility Assessment Report, dated 03 July 2017, prepared by Morris Goding Accessibility Consulting**. In this regard, further documentation and plans must be submitted prior to release of the Construction Certificate, incorporating the matters raised as footnotes in the above report.*

*C100. In accordance with Pittwater Council's Tree Preservation and Management Order, all existing trees as indicated on Survey Plan No A1-6610, EX-101 dated 30/06/00 and Tree Retention and Removal plan by Knox and Partners dated 21/05/01 (5 pages), **and on the Tree Management Plan Prepared by Naturally trees Reference No TMP01, dated 10 July 2017**, shall be retained except where Council's prior written consent has been obtained, or where after approval of the relevant Construction Certificate Application/s, trees stand within the envelope of approved buildings or within the alignment of approved permanent paved vehicular access roads and parking areas.*

The establishment procedure for the Fuel free Zone outlined in the letter from Knox and Partners dated 15/10/01 is to be implemented.

D215. Compliance with the recommendations of the Geotechnical investigation by Jeffery & Katauskas Pty Ltd No 15427SL Rpt, dated 18/10/00, and **Geotechnical Risk Management Assessment Report, dated 24 July 2017, prepared by JK Geotechnics.**

E89. Prior to the issue of an Occupation Certificate a certificate of compliance with the accessibility audit report dated June 2001 by Accessibility Solutions, and **Accessibility Assessment Report, dated 03 July 2017, prepared by Morris Goding Accessibility Consulting,** is to be submitted to Council, prepared by an accredited access advisor.

Additional conditions;

A. PRESCRIBED CONDITIONS

A9. The development is to be constructed and operated in accordance with the following, for the life of the development:

- 1. The construction, fit out and finishing of the kitchen and food handling and storage areas must comply with; Australian Standard 4674-2004 Design, construction and fit-out of food premises, and The Food Safety Standard 3.2.3 (as part of the Food Standards Code) required by the Food Regulation 2010.**
- 2. Walls in and adjoining food handling areas must be of solid masonry construction (no voids or cavities) and finished as specified in table 3.2 of AS 4674-2004 Design, construction and Fit-out of food premises.**
- 3. Floors with an epoxy resin finish must comply with AS 3554**
- 4. Floors shall be:**
 - a) appropriate for the area;**
 - b) able to be effectively cleaned;**
 - c) laid in accordance with the relevant Standards (see AS 3958.1 for ceramic tiles) so that there is no likelihood of pooling water and harbourage of pests**
- 5. Covering shall be a minimum of 25mm radius at the floor wall joint, this will increase to a minimum of 50mm when splayed at 45 degrees. No "feather edge skirting" is permitted. Where vinyl or similar sheeting is installed and the sheeting is turned up to form a cove, a solid preformed coving fillet shall be used to support the sheeting.**
- 6. Cupboards, cabinets and counter construction must be free of voids, cracks and crevices and designed so they can be easily cleaned and not give harbourage for vermin. They should be fitted a minimum of 150mm above the floor level or situated on a solid plinth a minimum of 75mm in height and meet the same specifications as the floor and be coved.**
- 7. Fixtures, fittings and equipment shall be designed and constructed in accordance with the requirements given in Table 4.3 and 4.4 of AS 4674-2004 Design, construction and fit-out of food premises.**

- 8. The ceiling over all food handling areas (including over the servery and bar) must be non-performed and finished free of open joints, cracks and crevices. The ceiling shall be finished with a sealant that is of light colour, washable and an impervious material. Drop panel type ceilings are not appropriate for these areas.**
- 9. Hand washbasins must be provided in the food servery/preparation area, preferably installed with hands free taps. A hand wash basin should ideally be located within 5 metres of any food handling and be easily accessible and usable.**
- 10. Hand washbasins must be provided with:**
 - a) an adequate supply of potable warm running water delivered through a single spout;**
 - b) a supply of liquid soap; and**
 - c) single use hand towel**
- 11. The premises shall be provided with equipment for cleaning and sanitizing as specified within Tables 4.1 and 4.2 of AS 4674-2004 Design, construction and fit-out of food premises.**
- 12. Dishwasher and glass washers that are used for sanitizing food contact surfaces and eating and drinking utensils must comply with AS 2945.**
- 13. Grease arrestors and access openings to the sanitary drainage must not be located within any food preparation and/or handling area.**
- 14. All service pipes, conducts and electrical wiring shall be either concealed in floors, walls, ceiling of plinths or be fixed on brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe and the adjacent horizontal surface.**
- 15. All food preparation areas and areas where food is displayed must be suitably protected from the likelihood of contamination.**
- 16. All shelving, cupboards, doors and the like must be impervious and easy to clean on all exposed surfaces and as far as practicable and constructed and installed to prevent vermin harbourage.**
- 17. A commercial kitchen must be provided with a kitchen exhaust hood complying with AS/NZS 1668.1:1998 (fire and smoke control in multi-compartment buildings) and AS 1668.2-2012 (mechanical ventilation for acceptance indoor-air quality) where -**
 - a) any cooking apparatus has:**
 - i. a total maximum electrical power input exceeding 8 kW; or**
 - ii. a total gas power input exceeding 29 MJ/h; or**
 - b) the total maximum power input to more than one apparatus exceeds -**
 - i. 0.5 kW electrical power; or**
 - ii. 1.8 LJ gas,****Per m² of floor area of the room or enclosure.**

- 18. Should the premise require a kitchen exhaust/mechanical ventilation system, no works in relation to the installation or operation of the system shall be undertaken prior to the submission of a development application to Council for approval to install, operate and use a mechanical ventilation system at the site.**
- 19. No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the premises.**
- 20. No noise nuisance shall be caused through the operation of the business or any plant or equipment at the premises. Noise generated from the premises must not exceed the limits as specified in the NSW Industrial Noise Policy.**
- 21. Sanitary facilities are to comply with the requirements set out within Table F2.3 of the BCA.**
- a) Structural requirements for the Garbage and Recycling room/s include: A room/enclosure is to be dedicated for the storage of garbage and recyclables.**
 - b) The room/enclosure used for the storage and washing down of garbage/recycling receptacles shall be constructed of solid material (brick, concrete, concrete blocks, structural fibrous cement or other similar homogeneous material) so as to prevent the formation of cavities which become possible harbourages for insects and vermin. Framing in timber is not permitted. The walls of the room shall be cement rendered and steel trowelled to a smooth, even surface. The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.**
 - c) Stormwaters are to be prevented from entering the garbage/recycling enclosure/room.**
 - d) The garbage/recycling enclosure/room shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.**
 - e) Hot and cold water hose cocks shall be located within the garbage/recycling enclosure/room or in close proximity.**
 - f) Clear access to the garbage/recycling enclosure/room must be available for the garbage service provider.**
 - g) Domestic garbage/recycling enclosure/rooms shall be separated from commercial premises garbage/recycling rooms.**
- 22. Provision must be made for storage of garbage containers and recyclable materials in an external area of the premises or in a room specifically for that purpose.**

External garbage areas must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean.

Roomed garbage areas must have impervious floors that are coved at the floor/wall intersection and be graded and drained to the sewage system. Walls of roomed garbage areas must be smoothed and impervious. The room must be ventilated and proofed against pests and be provided with a hose tap connected to the water supply.

B. MATTERS TO BE SATISFIED PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

B45b. Prior to the issue of the Construction Certificate, the landscape plan is to be amended to include the following:

Embankment Planting along eastern boundary adjoining 13-19 Angophora Circuit.

Additional tree planting within the eastern boundary embankment to provide effective boundary tree screening of the site as seen from the eastern residential areas shall be planted and maintained, as follows:

- ***3 x Angophora costata (25 litre size)***
- ***3 x Glochidion ferdinandi (25 litre size)***
- ***5 x Banksia integrifolia (25 litre size)***
- ***5 x Elaeocarpus reticulatus (25 litre size)***

All trees shall be staked.

The location shall be determined on-site to ensure adequate canopy coverage to establish a buffer screen.

Reason: to soften the built form of the development.

B92. Details in the Construction Certificate are to reflect the recommendations/requirements of the Bushfire Risk Assessment Report prepared by Australian Bushfire Protection Planners Pty Ltd dated 03 April 2017, and the NSW RFS Letter, Ref: D17/3092, dated 26 September 2017.

B93. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by JK Geotechnics dated 24 July 2017 are to be incorporated into the construction plans.

B94. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

B95. Engineering details showing the stormwater quality treatment system are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified practicing Water Engineer with corporate membership of the Institute of Engineers Australia (MIE Aust), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B5.10 of Pittwater 21 DCP.

B96. A certificate is to be provided to the Principal Certifying Authority with the Construction Certificate application by a qualified experienced practicing Civil Engineer, with Corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a Corporate member and has appropriate experience and competence in the related field that the existing stormwater system performs satisfactorily and is capable of serving the proposed additions in accordance with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage.

B97. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

B98. The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

C. MATTERS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORK

C102. Prior to commencement of site works, a qualified arborist, horticulturist or landscape architect is to certify that protective fencing consisting of chain wire mesh fencing, a minimum 1.5 metres high with steel pipe support posts has been provided, as per provided Tree Management Plan by naturally Trees, dated 10 July 2017, drawing no. TMP01. No site works are to take place until this certification has been obtained and a copy forwarded to the Principal Certifying Authority.

C103. The developer or contractor will take all measures to prevent damage to trees and root systems during site works and construction activities including provision of water, sewerage and stormwater drainage services. In particular, works, erection of structures, excavation or changes to soil levels within 5 metres of the trunks of trees to be retained are not permitted, and the storage of spoil, building materials, soils or the driving or parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained, is not permitted.

NOTE: Trees that are part of an Endangered Ecological Community or are habitat for threatened species and endangered populations must comply with the requirements of the Threatened Species Conservation Act, 1995. Failure to do so may result in a penalty up to a maximum of \$250,000.00 and jail sentences.

Failure to comply with the requirements of the Pittwater 21 DCP Control B4.22 Preservation of Trees of Bushland Vegetation may result in a penalty up to a maximum of \$20,000.00.

C104. Where site fill material is necessary, fill materials must:

- 1. be Virgin Excavated Natural Material (VENM) only, as approved under the Department of Climate Change "General Resource Recovery Exemption**
- 2. be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.**

C105. The following measures shall be implemented in the sequence given below, to minimise soil erosion:

- **Approved runoff and erosion controls shall be installed before site vegetation is cleared (other than that associated with the construction of the controls). These shall be as shown on an ESCP approved by council.**
- **Topsoil shall be stripped only from approved areas and stockpiled for re-use during site rehabilitation and landscaping.**
- **Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, waters, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned. All stockpiled materials are to be retained within the property boundaries. Uncontaminated runoff shall be intercepted up-site and diverted around all disturbed areas and other areas likely to be disturbed. Diversion works shall be adequately stabilised.**
- **Runoff detention and sediment interception measures shall be applied to the land. These measures will reduce flow velocities and prevent topsoil, sand, aggregate, or other sediment escaping from the site or entering any downstream drainage easements or waters.**
- **The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to conform to the specifications and standards quoted and to any conditions of approval of those measures.**
- **Measures shall be applied, to the satisfaction of council, to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development.**
- **Measures required in permits issued under the Rivers and Foreshores Improvement Act shall be implemented. This Act requires that people obtain approval for any proposed excavation or fill in or within 40 metres of a watercourse. Permits should be sought from the Department of Natural Resources.**

C106. The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

C107. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.

C108. To minimise soil erosion and sediment movement during construction, the following measures shall be implemented:

- **Removal and/or disturbance of vegetation shall be confined to the basal area of the approved building, the site(s) of access ways, land extending a maximum of two metres beyond the outermost projection of the approved building and within a total of two metres of service trenches (that is the sum of the two sides to be a maximum of two metres).**
- **Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.**
- **Stockpiles of construction and landscaping materials, and of site debris, shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.**
- **Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures.**
- **Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75 mm above adjoining ground level.**

- **Stormwater from roof areas shall be linked to a council approved stormwater disposal system immediately before placement of any roofing materials.**
- **Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner that will prevent its mobilisation.**
- **Vehicular access paths shall be stabilised.**
- **All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or other such period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.**

C109. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

C110. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

Note: Separate approval is required for access driveways, paths, connections to underground services (stormwater, gas, sewer, electricity, etc.), and landscaping works within Council's Road Reserve.

C111. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.

C112. No skip bins or materials are to be stored on Council's Road Reserve.

C113. Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council.

D. CONDITIONS TO MINIMISE THE IMPACT OF THE DEVELOPMENT ON THE NATURAL AND BUILT ENVIRONMENT

D235. The existing landscaping required to be retained together with any additional landscaping required by this Development Consent is to be maintained for the life of the development.

D236. No water pollution shall result from the operation of any plant or equipment or activity carried out.

D237. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1993.

D238. No odour nuisance to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedure carried out at the premises.

D239. A 20000 litre rainwater tank for non-potable purposes is to be installed and used as part of an integrated on-site stormwater management system.

The non-potable purposes are prescribed in the NSW Code of Practice for Plumbing and Drainage and include toilet flushing and garden irrigation.

The overflow system of the rain water tank is to be directed to the on-site detention system.

E. MATTERS TO BE SATISFIED PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

E104. An Accredited Bushfire consultant is to provide a certification to the Principal Certifying Authority confirming that;

a) The requirements of the NSW Rural Fire Service have been complied with. The listed requirements of the Rural Fire Service dated 26 September 2017 must be satisfied, as follows:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, the property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' from the existing school buildings as follows:

- 30 metres to the north and northwest;**
- 20 metres to the west; and,**
- To the site boundaries to the east and south.**

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. The provision of water, electricity and gas shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006' including the provision of a hydrant in close proximity to the proposed fire trail turning area.

Access

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

3. The proposed fire trail turning area shall be provided in accordance with the relevant provisions of section 4.1.3(3) of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- 4. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.***

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- 5. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959- 2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.***

Landscaping

- 6. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.***

E105. A landscape practical completion report is to be prepared by the consultant landscape architect/designer and submitted to the Principal Certifying Authority with the Occupation Certificate application. This report is to certify that all landscape works have been completed in accordance with the provided Landscape Plans by Groundlink, dated 11/ August 2017, Revision Draft, Drawing no. LA-01-LA-04, and any conditions of this development consent.

E106.

- a) The Certifying Authority is to submit to Council the completed and signed Food Premises Occupation Certificate Fit-Out Form, this form is available at http://www.pittwater.nsw.gov.au/business/commerce_and_industry_premises/information_for_food_premises.***
- b) Council's Environmental Health Officer is to be contacted (phone: 9970 1111) to make arrangements for an inspection of the premises for verification of compliance with the form. A minimum 48 hours notice is required for inspection.***
- c) Council is to forward written advice of the result of the inspection in order to confirm that there is no objection to the issuing of the Occupation Certificate.***

E107. Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to the issue of the Occupation Certificate.

E108. Documentation supplied by a practicing mechanical engineer certifying that all mechanical exhaust ventilation systems, as installed, complies with AS/NZS 1668.1:1998 (Fire and smoke control in multi-compartment buildings) and 1668.2-2012 (Mechanical ventilation for acceptable indoor-air quality), must be provided to the certifying authority prior to the issue of the Occupation Certificate.

E109. The certifying authority must be provided with evidence that the food business has been notified with Environmental Health - Northern Beaches Council by lodging a completed food notification form to Council.

E110. Prior to the issue of an Occupation Certificate, including an Interim Occupation Certificate, the following landscaping is to be implemented:

- **Any landscaping in association with the new building, as approved by development consent N1038/00/S96/2, including any terraces and any adjoining landscaped areas.**

Certification is to be provided to the Principal Certifying Authority by a suitably qualified person that that above landscaping has been planted, prior to the issue of any Occupation Certificate.

E111. Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

E112. The stormwater drainage system must be constructed and completed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards must be provided.

E113. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a member and has appropriate experience and competence in the related field, that the stormwater drainage system has been completed in accordance with the engineering plans and specifications required under this consent.

E114. The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of all property, infrastructure, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

E115. Prior to the issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.

E116. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

G. ADVICE

G30. The proposed food business requires a Food Safety Supervisor.

- 1. Ensure that, you have a staff member who is a suitably qualified Food Safety Supervisor.***
- 2. The Food Safety Supervisor certificate (or a copy) must be valid and remain onsite at all times.***
- 3. A food business must notify the NSW Food Authority of the appointed Food Safety Supervisor with seven days of commencement of trading. The food business owner can notify online at the Authority's website: www.foodauthority.nsw.gov.au,***
- 4. Should the current Food Safety Supervisor leave or cease to act in that role at the food premise, the business owner must appoint a new Food Safety Supervisor within 30 operational days (ie days that food is processed and sold) of that FSS leaving, or ceasing to act in that role. The business owner must then notify the NSW Food Authority of the new FSS' details within seven days of their appointment.***

***For further information regarding the Food Safety Supervisor training and certification please refer to the NSW Food Authority's website:
<http://www.foodauthority.nsw.gov.au/industry/fss-food-safety-supervisors/>***

Report prepared by

Angela Manahan
PRINCIPAL PLANNER

MODIFICATION OF DEVELOPMENT CONSENT NO: N1038/00

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION

OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

AVIUM PTY LTD
PO BOX 6172
ALEXANDRIA
NSW 2015

Being the applicant in respect of Development Application No N1038/00

Pursuant to section 81 of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of this Development Application for: -

Modification of Development Consent N1038/00 for Redevelopment of Mater Maria College, Warriewood

At:-

Lot 1 DP 785132

**5 FOREST ROAD
WARRIEWOOD NSW 2102**

Decision:

The Development Application has been determined by the granting of consent in accordance with plans noted as Amendment: A revised in November 2001 & numbered DD101 to DD104; DD201 to DD210; DD301 to DD306, DD310, dated 11/10/00, 25/9/00 and 3/10/00 prepared by Fulton Trotter & Partners and Plans numbered 209215 – DA – 200 to 203; 300; 400; 401; 700 and 710 dated 9/10/00 prepared by Young Consulting Engineers, Landscape Strategy Report by Knox & Partners Landscape Architects dated October 2000, Bushland Survey and Plan of Management by Urban Bushland Management Consultants Pty Ltd dated October 2000, Bushfire Hazard Assessment and Management Guidelines by AVK Environmental Management dated October 2000, Statement of Environmental Effects by Louise Menday dated 2/10/00, Acoustic Assessment DA report by Renzo Tonin and Associates Pty Ltd dated 20/10/00, Geotechnical Investigation by Jeffery and Katauskas Pty Ltd dated 18/10/00, Addendum Report - Fauna Issues by Urban Bushland Management Consultants Pty Ltd dated June 2001 and Schedule of Existing Tree Removal/Retention by Knox and Partners dated 21 May 2001; **and plans numbered AWD 102, 210 and 310 by Fulton Trotter Carthey Architects** as amended in red (shown clouded) or as modified by any conditions of this consent.

As further modified by;

- ***Architectural drawings, all prepared by Alleanza Architecture:***
 - ***DA001 (Proposed Site Plan) Issue P6, dated 26 July 2017***
 - ***DA200 (Elevations & Section) Issue A, dated 02 November 2016***

- *DA100 (Level 1 Floor Plan) Issue P6, dated 26 July 2017*
- *DA101 (Level 2 Floor Plan) Issue P5, dated 26 July 2017*
- *DA102 (Level 3 Floor Plan Part 1) Issue P4, dated 20 July 2017*
- *DA103 (Level 3 Floor Plan Part 2) Issue P4, dated 20 July 2017*
- *DA104 (Roof Plan) Issue P4, dated 20 July 2017.*
- *Landscape Plan LA-01 through to LA-04, dated 11 August 2017, prepared by Ground Ink.*
- **Documents**
 - *Bushfire Risk Assessment Report, dated 03 April 2017, prepared by Australian Bushfire Protection Planners Pty Ltd;*
 - *NSW Rural Fire Service Letter, Ref: D17/3092, dated 26 September 2017;*
 - *Arboricultural Impact Assessment Report, dated 10 July 2017, prepared by Naturally Trees;*
 - *Flora and Fauna Report, dated 13 July 2017, prepared by UB Ecological;*
 - *Geotechnical Risk Management Assessment Report, dated 24 July 2017, prepared by JK Geotechnics;*
 - *Energy Efficiency Evaluation Report, dated 07 July 2017, prepared by Partners Energy;*
 - *BCA Assessment Report, dated 07 July 2017, prepared by Building Control Group;*
 - *Accessibility Assessment Report, dated 03 July 2017, prepared by Morris Goding Accessibility Consulting.*

In accordance with Part A3 "Classification of Buildings and Structures" of the Building Code of Australia, it has been determined that the building or part subject of this consent has a Class 9b Classification.

The reason for the imposition of these conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act, pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Note: For ease of reference, all of the previous conditions have been re-listed. Those conditions amended or deleted have been highlighted.

Endorsement of date of consent 23/11/2001, Modified **06 December 2017**

Angus Gordon
GENERAL MANAGER

Per:

CONDITIONS OF DEVELOPMENT CONSENT

This Consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

A. PRESCRIBED CONDITIONS

- A1. The proposed works are to be carried out in accordance with the provisions of Clauses 78 A-I of the Environmental Planning and Assessment (Amendment) Regulation, 1998.
- A2. **Compliance with the Building Code of Australia**
1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
 2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
- A3. **Excavations and backfilling**
1. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 2. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- A4. **Retaining walls and drainage**
- If the soil conditions require it:
1. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 2. adequate provision must be made for drainage.
- A6. **Protection of public places**
1. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconveniently, or
 - b. building involves the enclosure of a public place,a hoarding or fence must be erected between the work site and the public place.
 2. If necessary, an awning or other structure is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 3. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

4. Any such hoarding, fence or awning is to be removed when the work has been completed.

NOTE: Hoardings and temporary awnings erected on or over public places are required to be subject to a separate approval from Council.

A7. Signs to be erected on building and demolition sites

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 to be carried out other than when work is carried out inside an existing building or where the premises is to be continuously occupied (both during and outside working hours):

1. stating that unauthorised entry to the work site is prohibited, and
2. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

A8. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site in accordance with section 78I of the Environmental Planning and Assessment (Amendment) Regulation 1998.

A9. Food Safety and Design

The development is to be constructed and operated in accordance with the following, for the life of the development:

- 1. The construction, fit out and finishing of the kitchen and food handling and storage areas must comply with; Australian Standard 4674-2004 Design, construction and fit-out of food premises, and The Food Safety Standard 3.2.3 (as part of the Food Standards Code) required by the Food Regulation 2010.***
- 2. Walls in and adjoining food handling areas must be of solid masonry construction (no voids or cavities) and finished as specified in table 3.2 of AS 4674-2004 Design, construction and Fit-out of food premises.***
- 3. Floors with an epoxy resin finish must comply with AS 3554***
- 4. Floors shall be:***
 - a) appropriate for the area;***
 - b) able to be effectively cleaned;***
 - c) laid in accordance with the relevant Standards (see AS 3958.1 for ceramic tiles) so that there is no likelihood of pooling water and harbourage of pests***
- 5. Covering shall be a minimum of 25mm radius at the floor wall joint, this will increase to a minimum of 50mm when splayed at 45 degrees. No "feather edge skirting" is permitted. Where vinyl or similar sheeting is installed and the sheeting is turned up to form a cove, a solid preformed coving fillet shall be used to support the sheeting.***

- 6. Cupboards, cabinets and counter construction must be free of voids, cracks and crevices and designed so they can be easily cleaned and not give harbourage for vermin. They should be fitted a minimum of 150mm above the floor level or situated on a solid plinth a minimum of 75mm in height and meet the same specifications as the floor and be coved.**
- 7. Fixtures, fittings and equipment shall be designed and constructed in accordance with the requirements given in Table 4.3 and 4.4 of AS 4674-2004 Design, construction and fit-out of food premises.**
- 8. The ceiling over all food handling areas (including over the servery and bar) must be non-perforated and finished free of open joints, cracks and crevices. The ceiling shall be finished with a sealant that is of light colour, washable and an impervious material.
Drop panel type ceilings are not appropriate for these areas.**
- 9. Hand washbasins must be provided in the food servery/preparation area, preferably installed with hands free taps. A hand wash basin should ideally be located within 5 metres of any food handling and be easily accessible and usable.**
- 10. Hand washbasins must be provided with:**
 - a) an adequate supply of potable warm running water delivered through a single spout;**
 - b) a supply of liquid soap; and**
 - c) single use hand towel**
- 11. The premises shall be provided with equipment for cleaning and sanitizing as specified within Tables 4.1 and 4.2 of AS 4674-2004 Design, construction and fit-out of food premises.**
- 12. Dishwasher and glass washers that are used for sanitizing food contact surfaces and eating and drinking utensils must comply with AS 2945.**
- 13. Grease arrestors and access openings to the sanitary drainage must not be located within any food preparation and/or handling area.**
- 14. All service pipes, conducts and electrical wiring shall be either concealed in floors, walls, ceiling or plinths or be fixed on brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe and the adjacent horizontal surface.**
- 15. All food preparation areas and areas where food is displayed must be suitably protected from the likelihood of contamination.**
- 16. All shelving, cupboards, doors and the like must be impervious and easy to clean on all exposed surfaces and as far as practicable and constructed and installed to prevent vermin harbourage.**

- 17. A commercial kitchen must be provided with a kitchen exhaust hood complying with AS/NZS 1668.1:1998 (fire and smoke control in multi-compartment buildings) and AS 1668.2-2012 (mechanical ventilation for acceptance indoor-air quality) where-**
- a) any cooking apparatus has:**
 - i. a total maximum electrical power input exceeding 8 kW; or**
 - ii. a total gas power input exceeding 29 MJ/h; or**
 - b) the total maximum power input to more than one apparatus exceeds -**
 - i. 0.5 kW electrical power; or**
 - ii. 1.8 LJ gas,**
- Per m² of floor area of the room or enclosure.**
- 18. Should the premise require a kitchen exhaust/mechanical ventilation system, no works in relation to the installation or operation of the system shall be undertaken prior to the submission of a development application to Council for approval to install, operate and use a mechanical ventilation system at the site.**
- 19. No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the premises.**
- 20. No noise nuisance shall be caused through the operation of the business or any plant or equipment at the premises. Noise generated from the premises must not exceed the limits as specified in the NSW Industrial Noise Policy.**
- 21. Sanitary facilities are to comply with the requirements set out within Table F2.3 of the BCA.**
- 22. Structural requirements for the Garbage and Recycling room/s include:**
- a) A room/enclosure is to be dedicated for the storage of garbage and recyclables.**
 - b) The room/enclosure used for the storage and washing down of garbage/recycling receptacles shall be constructed of solid material (brick, concrete, concrete blocks, structural fibrous cement or other similar homogeneous material) so as to prevent the formation of cavities which become possible harbourages for insects and vermin. Framing in timber is not permitted. The walls of the room shall be cement rendered and steel trowelled to a smooth, even surface. The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.**
 - c) Stormwaters are to be prevented from entering the garbage/recycling enclosure/room.**
 - d) The garbage/recycling enclosure/room shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.**
 - e) Hot and cold water hose cocks shall be located within the garbage/recycling enclosure/room or in close proximity.**
 - f) Clear access to the garbage/recycling enclosure/room must be available for the garbage service provider.**
 - g) Domestic garbage/recycling enclosure/rooms shall be separated from commercial premises garbage/recycling rooms.**

23. Provision must be made for storage of garbage containers and recyclable materials in an external area of the premises or in a room specifically for that purpose.

External garbage areas must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean.

Roomed garbage areas must have impervious floors that are covered at the floor/wall intersection and be graded and drained to the sewage system. Walls of roomed garbage areas must be smoothed and impervious. The room must be ventilated and proofed against pests and be provided with a hose tap connected to the water supply.

B. MATTERS TO BE SATISFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

NOTE: All outstanding matters referred to in this section are to be submitted together. Incomplete Construction Certificate applications/details will not be accepted.

- B1a. A contribution of \$69,089.79 is to be made to Account No GL91317C1210000 pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for Water management and Multi-function Creekline Corridors in accordance with Warriewood Valley Section 94 Contributions Plan. The Contributions Plan may be inspected at Pittwater Council, Unit 11, No 5 Vuko Place, Warriewood. The Section 94 contribution is to be paid prior to issue of the Construction Certificate or Subdivision Certificate, where relevant.
- B1b. A contribution of \$56,529.55 is to be made to Account No GL91311C1210000 pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for Pedestrian and Cycleway Network in accordance with Warriewood Valley Section 94 Contributions Plan. The Contributions Plan may be inspected at Pittwater Council, Unit 11, No 5 Vuko Place, Warriewood. The Section 94 contribution is to be paid prior to issue of the Construction Certificate or Subdivision Certificate, where relevant.
- B1c. A contribution of \$5375.37 is to be made to Account No GL91314C1210000 pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for Bushfire Protection in accordance with Warriewood Valley Section 94 Contributions Plan. The Contributions Plan may be inspected at Pittwater Council, Unit 11, No 5 Vuko Place, Warriewood. The Section 94 contribution is to be paid prior to issue of the Construction Certificate or Subdivision Certificate, where relevant.
- B2. Section 94 Contributions required in accordance with Conditions B1a, B1b and B1c are to be paid or Material Public Benefit Agreement finalised in accordance with Section 94 Contributions Plan No 10 - Material Public Benefits and Dedication of Land, prior to the release of the Construction Certificate.
- B3. Dedication to Council of 1054 square metres of land (up to 6 metres north of the centreline of Fern Creek where it adjoins the subject land) is to be made pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, for the provision of the Water Management and Multi-functional Creekline Corridors in accordance with the Warriewood Valley Section 94 Contributions Plan.

- B10. Three sets of detailed working drawings that comply in all respects with the Building Code of Australia and the conditions of the Development Consent are to be submitted prior to the release of the Construction Certificate.
- B14. Three copies of an amended bushland management strategy based on the proponents "Bushland Survey and Plan of Management – Mater Maria College, Warriewood complying with Council's Landscape Management Policy and Council's Conservation of Biodiversity Development Control Plan is to be submitted prior to release of the Construction Certificate. Plans are to indicate strategies/works, removal of weeds and subsequent regeneration and ongoing maintenance and are to be accompanied by a certification from an appropriately qualified and experienced Bushland Management Consultant stating that the plan/strategy complies with Council's Landscape Management Policy, Council's Conservation of Biodiversity Development Control Plan and the Management Plan for Threatened Fauna and Flora in Pittwater.
- B15. The specific Bushland Management strategies and sequence of works are to be timetabled and developed, detailing the following:
1. Define each project task to be undertaken during regeneration/ revegetation/ restoration; how each task will be done; the duration of each task; the priority order for each task; and who will be responsible for undertaking each task.
 2. Prepare a timeframe for all tasks involved.
 3. Local native species to be used – identify local native plant stock source.
 4. Prepare maps/ diagrams and plant species lists including existing vegetation, site constraints and trees, vegetation, habitat, bush rock and other natural features to be retained.
 5. Prepare maps/ diagrams including proposed vegetation (species/ communities), density of planting, size of plants (virocells, longstems, tubestock, etc), sediment and erosion control to protect the vegetation, etc.
 6. Prepare maps/ diagrams including zonation from water to land, or zonation from retained bushland to fire protection zone, areas for wastewater disposal, or corridors/ linkages, etc.
 7. Specify techniques to be used for domestic and feral animal control.
 8. Specify fire prescriptions that will be applied to maintain the ecology of the site.
 9. Detail site preparation, including:
 - a. Protection of trees, vegetation, habitat, bush rock or other natural features to be retained
 - b. Installation of sediment and erosion control devices
 - c. Completion of any site works (if any)
 - d. Weed control prior to site disturbance (techniques and sequences of removal)
 - e. Weed control immediately following completion of site works (techniques and sequences of removal)
 - f. Application of herbicides (if any) prior to site disturbance
 - g. Application of herbicides (if any) immediately following completion of site works
 - h. Top soil/ litter layer storage

- i. Soil remediation
 - j. Surface preparation (including levelling, deep ripping, scarifying, mulching)
 - k. Surface stabilisation (must be suitable for the site vegetation) – matters including erosion matting, mulch, brush matting, sterile cover crops, binding sprays
 - l. Site drainage.
10. Planting program and method including installation of weed matting, mulch, stakes and ties, tree guards, use of fertiliser and type (including justification of use of fertiliser), use of water retaining crystals.
 11. Site and vegetation maintenance including sediment and erosion control, watering, replacement of plant losses, disease and insect control, mulch, maintenance for a period of 24 months commencing at establishment of vegetation work.
 12. Site management to prevent the placement of soil or storage of any materials in the drip line of trees or native vegetation or habitat to be retained on the site.
 13. Monitoring and review (develop method for performance evaluation, replacement of plant losses and other relevant matters).
 14. Other issues including public safety, signage, relevant legislation, planning instruments/ guidelines, OH&S, community involvement, liaison with Department of Land and Water Conservation and other government departments, how other areas of the property and adjacent areas can be managed to complement the vegetation strategy (weed control, drainage, planting of indigenous canopy)
 15. Detail the enhancement and regeneration of retained remnants. Where thickets of noxious or environmental weeds are to be removed, such removal is to be gradual and staged to prevent a sudden complete loss of habitat.
 16. Identification of protection of trees, vegetation, habitat, bush rock or other natural features, prior to works commencing on the site to prevent damage or injury during development
 17. Materials, stockpiles and vehicle stockpile areas are to be located on already cleared and disturbed land well away from creek line, trees, vegetation, habitat, bush rock or other natural features.
 18. Local native vegetation only is to be planted within the creek line corridor or riparian zone. Any vegetation planted is to be consistent with:
 - a. Species listed in the Warriewood Valley Landscape Masterplan
 - b. Warriewood Valley Water Management Strategy and Specifications
 - c. Species listed in the Plan of Management.

19. Specifically the plan shall be amended as follows:
Changes to the timeframes are to be made to ensure a more rapid regeneration of the site, therefore in Table 7.1 (page 60-67) the timeframe code shall be changed to: -

ST Short Term	Action complete within 1 year
MT Medium Term	Action complete within 2-5 years
LT Long Term	Action complete within 5-10 years
O Ongoing	Action to be carried out on a regular basis or as required

The start time for actions is to be the commencement of works with the exception of the removal of noxious weeds. Noxious and Environmental weeds are to be removed and controlled in areas of construction works prior to the commencement of works in each respective stage to prevent the distribution of weeds. Noxious weeds are to be controlled in accordance with the Noxious Weeds Act, 1993.

- B16. All trees are to be retained as identified in the tree retention and removal plan by Knox & Partners dated 21/5/01, **and the Tree Management Plan Prepared by Naturally trees Reference No TMP01, dated 10 July 2017**, and are to be tagged to identify them for retention prior to the issue of the Construction Certificate and identified by botanical name prior to commencement of works.
- B17. In order to ensure retention all identified trees to be retained, a bond or bank guarantee of \$20,000 is to be lodged with Council prior to the commencement of works for each stage of the whole development. An amount of \$2000 will be deducted for the loss of each tree identified as being retained. The bond or guarantee will be released not less than 12 months and no later than 2 years from the date of issue of the Occupation Certificate for that stage.
- B19. Three sets of Drainage details showing on-site stormwater detention facilities, are to be submitted prior to release of the Construction Certificate. Such details are to be accompanied by a certification by a qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with Council's Policy and Guidelines for the on-site detention of stormwater- Feb 1996. The details shall include disposal of the site stormwater from the OSD facility to a public drainage system (ie. kerb and gutter or natural watercourse.)
- B19a. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the Sydney Water Act, 1994. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be forwarded to Council or the Accredited Certifier, prior to issue of the Construction Certificate.
- B20. Three sets of Drainage details showing site stormwater management are to be submitted prior to the release of the Construction Certificate. Such details are to be accompanied by a certificate from a qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 "Drainage" of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater to a public system (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Civil (Geotechnical) Engineer's report).

B25. A Certificate is to be submitted by a qualified Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and have appropriate experience and competence in the related field, Architect or Surveyor confirming to the satisfaction of Council or the accredited certifier that the proposed means of access to and within the site complies with the requirements of Council's policy DCP No. E3 "Driveways and Internal Roadways" and AS 2890.1 - 1993: Parking Facilities - Off-street Car Parking.

NOTE: Prior to the submission of the Construction Certificate, a crossing application with appropriate fees is to be made to Council for the levels required for the construction of the concrete footpath and gutter crossing. The levels provided by Council are to be incorporated into the design of the internal driveway.

B25a. Two copies of a "Water Management Strategy" showing compliance with the water quantity/quality requirements of the valley. The details are to be certified by a qualified Civil Engineer. The strategy is to deal only with the increase in runoff as a result of the development.

B29. An Erosion and Sediment Management Plan is to be submitted with the Construction Certificate application. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of the N.S.W. Department of Land and Water Conservation's "Urban Erosion and Sediment Control" manual.

B29a. The plan is to include specific details required to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

B33. The finished surface materials, including colours and texture of any building, shall blend with the surrounding and/or natural materials and shall be non-glare. A specification shall be submitted to Council for approval in the form of a "Schedule of Finishes" prior to issue of the Construction Certificate.

Colours and materials must satisfy the requirements of Section 3.1.7 of Development Control Plan LP24 - Non-Urban Locality Plan.

In particular, metal roofing is to be finished in a mid to dark green or grey colour that is equivalent to or darker than Colorbond 'Rivergum' or 'Armour grey'. The wall colours of the Movement Centre are to be finished in a dark colour to minimise the visual impact of the structure when viewed from adjacent properties and public areas.

B37. A schedule of essential fire safety measures required to be installed within and/or in association with the building including the minimum standard for performance of each measure is to be submitted prior to release of the Construction Certificate. The schedule is to include a signed statement from an Accredited Certifier/Fire Engineer confirming that all essential fire safety measures as required by the Building Code of Australia have been listed so as to ensure the safety of persons in the building in the event of an outbreak of fire.

- B45. Three sets of detailed landscape working drawings, which comply in all respects with the conditions of development consent, are to be submitted prior to release of the Construction Certificate. Each plan/sheet is to be certified by a qualified landscape architect, landscape designer/environmental designer or horticulturist, confirming that the plans/details provide for the works to be carried out in accordance with Development Control Plan No 23 – Landscape and Vegetation Management.
- B45a. In particular, the landscape working drawing is to provide full details of the following:
1. the usage of the dominant tree species growing in the area or locally indigenous species.
 2. all existing trees and vegetation to be retained, removed and proposed, including canopy spread, trunk location and condition;
 3. a plant schedule including stratum, species/common names, species' numbers, pot size and staking details;
 4. a schedule of materials (including such elements as turfing, edging, walling, paving and fencing);
 5. the proposed finished treatment of garden areas, including soil depth and mulching details;
 6. the location of underground/overhead services;
 7. details of irrigation and any on-slab planting;
 14. Species selection is to incorporate the dominant trees and shrubs in this or adjacent to this commercial area. Further, the applicant is to discuss tree species' selection with officers of Council's Reserves and Recreation Business Unit, to ensure that the landscape treatment is consistent with any master plan for the area.
 15. The required landscape working drawing shall provide for the planting of shade trees in and around open parking areas at the ratio of 1 shade tree for every 6 spaces.
 16. The required plantings are to be maintained for the life of the development.
 17. A signed statement from a qualified practising Landscape Architect or Horticulturist is to be provided confirming that the plantings comply with the provisions of Council's Development Control Plan No. 23 Landscape and Vegetation Management.
 40. The landscape plan must provide for the planting of a minimum of 270 new trees on the site, of which, 110 trees are to be advanced plants located within the body of the site development area, comprising a mix of pot sizes with a minimum of 20 100litre specimens.
 50. Screen planting, incorporating a suitable mix of canopy trees (achieving a height of approximately 14 to 20m) and understorey species must be provided along the eastern slopes and northern areas adjacent to the proposed Movement Complex, to address the height and visual impact of the development when viewed from Forest Rd, MacPherson Street and surrounding areas within Warriewood Valley.

B45b. Prior to the issue of the Construction Certificate, the landscape plan is to be amended to include the following:

Embankment Planting along eastern boundary adjoining 13-19 Angophora Circuit.

Additional tree planting within the eastern boundary embankment to provide effective boundary tree screening of the site as seen from the eastern residential areas shall be planted and maintained, as follows:

- **3 x *Angophora costata* (25 litre size)**
- **3 x *Glochidion ferdinandi* (25 litre size)**
- **5 x *Banksia integrifolia* (25 litre size)**
- **5 x *Elaeocarpus reticulatus* (25 litre size)**

All trees shall be staked.

The location shall be determined on-site to ensure adequate canopy coverage to establish a buffer screen.

Reason: to soften the built form of the development.

- B47. The development is to be phased so that the land disturbance is confined to areas of workable size. Further, stabilisation measures are to be finalised in the first section, before works commence in the next section. Further, all disturbed areas which would otherwise remain exposed for 30 days or more are to be treated with an organic mulch or, on steep sites, an erosion control mat and nylon netting. Full details in this regard are to be included in the Construction Certificate details.
- B60. Three sets of Structural Engineering details relating to the roadworks, slabs, footings, retaining walls, structural framing are to be submitted prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or is eligible to become a corporate member and has appropriate experience and competence in the related field. Design and construction for the works in the public road will require the approval from the Council's Urban Infrastructure Unit as required under the Roads Act.
- B60a. As the site is located in a slip liable area, the structural details relating to the roadworks, slabs, footings, retaining walls, structural framing are to be endorsed by a qualified practising Geotechnical Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or is eligible to become a corporate member and has appropriate experience and competence in the related field.
- B61. A Schedule of Works prepared by a qualified practicing Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or is eligible to become a corporate member and has appropriate experience and competence in the related field is to be submitted in respect of the following items:
1. The details and location of all intercept drains, provided uphill of the excavation, to control runoff through the cut area.
 2. The proposed method of disposal of collected surface waters is to be clearly detailed;
 3. Procedures for excavation and retention of cuts, to ensure the site stability is maintained during earthworks.

- B61a. As the site is located in a slip liable area, the structural details relating to Condition B61 are to be endorsed by a qualified practising Geotechnical Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or is eligible to become a corporate member and has appropriate experience and competence in the related field.
- B64. Two copies of Civil Engineering details showing compliance with the Roads Master Plan for Warriewood Valley and Aus Spec #1 Design. The details are to be certified by a qualified Civil Engineer.
- B80. Compliance with the recommendations of the Accessibility Audit Report dated June 2001 by Accessibility Solutions, **and Accessibility Assessment Report, dated 03 July 2017, prepared by Morris Goding Accessibility Consulting**. In this regard, further documentation and plans must be submitted prior to release of the Construction Certificate, incorporating the matters raised as footnotes in the above report.
- B90. The submission of a Construction Management Plan identifying measures to be implemented to maximise the safety of students, staff and all users of Forest Rd and MacPherson Street, and minimise disruption to carparking and traffic flows within these streets during and between construction periods. The plan shall provide for the on-site storage of all construction materials and equipment as well as accommodation of the majority of vehicles associated with construction works. The temporary use of the sportsfield may be required for this purpose. The plan shall identify that construction access is only to be gained from Forest Rd.
- B91. In the event the project is implemented in stages involving the staged release of Construction Certificates, the Construction Management Plan shall identify those conditions within this consent that are applicable for each stage of the development for approval by Council. Any staging of works shall ensure that all traffic, carparking, water quality, sewerage and drainage facilities are completed early in the development process and prior to occupation of any new buildings.
- B92. Details in the Construction Certificate are to reflect the recommendations/requirements of the Bushfire Risk Assessment Report prepared by Australian Bushfire Protection Planners Pty Ltd dated 03 April 2017, and the NSW RFS Letter, Ref: D17/3092, dated 26 September 2017.**
- B93. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by JK Geotechnics dated 24 July 2017 are to be incorporated into the construction plans.**
- B94. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.**
- B95. Engineering details showing the stormwater quality treatment system are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified practicing Water Engineer with corporate membership of the Institute of Engineers Australia (MIE Aust), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B5.10 of Pittwater 21 DCP.**

- B96. *A certificate is to be provided to the Principal Certifying Authority with the Construction Certificate application by a qualified experienced practicing Civil Engineer, with Corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a Corporate member and has appropriate experience and competence in the related field that the existing stormwater system performs satisfactorily and is capable of serving the proposed additions in accordance with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage.***
- B97. *Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.***
- B98. *The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.***

C. MATTERS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORK

NOTE: It is an offence to commence works prior to issue of a Construction Certificate.

- C1. Prior to commencement of site works, a qualified experienced bushland management consultant is to certify that they have been engaged to conduct a program of Bushland Management covering the regeneration/ revegetation/ restoration of the site. All details of the Bushland Management Program are to be in accordance with the Bushland Management Strategy approved and/or nominated on the Construction Certificate.**
- C1a. In particular, the following matters are to be certified as being completed prior to commencement of works in accordance with the Bushland Management Plan/Strategy approved prior to Construction Certificate:**
- 1. A preorder or evidence of supply of local native plant material to be used identifying local native plant stock source is to be submitted to Council or the accredited certifier. Failure to submit will involve breach of this consent / approval.**
 - 2. A qualified ecologist is to certify that protective fencing has been installed around the fuel free zone to protect remaining vegetation**
 - 3. A qualified ecologist is to certify that protective fencing has been installed around the trees, vegetation, habitat, bush rock or other natural features to be retained.**
 - 4. The Site Manager is to certify that sediment and erosion control devices have been installed.**
 - 5. A qualified ecologist is to certify that site works have been completed.**

6. A qualified experienced bushland management consultant is to certify that the weed control required prior to disturbance of the site has been completed in accordance with the techniques and sequences of removal weed control.
7. A qualified experienced bushland management consultant is to certify that application of herbicides required prior to disturbance of the site has been completed.
8. The Site Manager is to certify that the top soil/ litter layer storage has been completed.
9. The Site Manager is to certify that the soil remediation has been completed.
10. The Site Manager is to certify that the surface preparation has been completed.
11. A qualified experienced bushland management consultant is to certify that surface stabilisation suitable for the site vegetation has been completed.
12. A qualified experienced bushland management consultant is to certify that site drainage has been completed.
13. The Site Manager is to certify that no soil or storage of any materials has been placed in the drip line of trees or native vegetation or habitat to be retained on the site.
14. The Project Manager is to certify that other issues including public safety, signage, relevant legislation, planning instruments/ guidelines, OH&S, community involvement, liaison with Department of Land and Water Conservation and other government departments, how other areas of the property and adjacent areas can be managed to complement the vegetation strategy (weed control, drainage, planting of indigenous canopy) have been addressed.
15. A qualified experienced bushland management consultant is to certify that the thickets of noxious or environmental weeds have been removed gradually and staged to prevent a sudden complete loss of habitat.
16. The Site Manager is to certify that materials, stockpiles and vehicle stockpile areas are located on already cleared and disturbed land well away from creek line, trees, vegetation, habitat, bush rock or other natural features.

C6. A certificate prepared by an appropriate qualified person is to be submitted for the following building components, certifying to the satisfaction of Council or the Accredited Certifier that the nominated works have been carried out in accordance with the Building Code of Australia, relevant Australian Standards and any conditions of Development Consent. Works are not to progress past this point until Council or the Accredited Certifier has confirmed that this condition has been satisfied (see copy of form attached).

Where this confirmation of compliance is issued by a private certifier, for the purposes of keeping a public record, a copy of the letter is to be forwarded to Council within 5 working days of the date of issue.

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|------|----------------------------------|------|
| C6a. | Building setout | BS-1 |
| C6b. | Erosion Controls | ER-1 |
| C6c. | Protection fencing (landscaping) | PF-1 |

- C19. Prior to commencement of site works, a qualified arborist, horticulturist or landscape architect is to certify that protective fencing consisting of chain wire mesh fencing, a minimum 1.5 metres high with steel pipe support posts (or similar Council approved protective fencing) has been provided, as far as is practicable from the tree trunks or landscaped areas shown on the tree retention plans and approved landscape drawings (except where approved construction works encroach into these areas). No further site works are to take place until this certification has been obtained and a copy forwarded to the accredited certifier or Council (see copy of form TP-1 attached).

Where the project is being supervised by a private certifier, for the purposes of keeping a public record, a copy of the certification is to be forwarded by the certifier to Council within 5 working days of the date of issue.

Further, the project manager is to erect signs advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.

- C25. A Department of Land and Water Conservation (DLWC) permit under Part 3A of the Rivers and Foreshores Improvement Act, 1948 is required in relation to this development. You will find attached the Department's "General Terms of Approval" which are required to be included as part of any consent given by Council.

NOTE: If the plans are amended and there is a change to any works proposed within 40 metres of a waterway, Council needs to contact the Department to ascertain if the amended plans will require a fresh review.

The General Terms of Approval is not the actual permit and therefore a permit application is required to be made to the Department prior to commencement of work. Information regarding the above may be obtained by contacting the DLWC Sydney Metropolitan Office, Level 9, 2-10 Wentworth Street, Parramatta NSW 2150 or PO Box 3935 Parramatta NSW 2124. Telephone (02) 9895-7503. Facsimile (02) 9895-7255.

- C30. Exclusion fencing must be provided around all bushland areas on-site to avoid accidental damage of bushland during construction work.
- C31. A landscape buffer of locally indigenous plants to be provided along the eastern boundary with a minimum of two rows of vegetation a minimum of 8 metres in height to screen the development. Details to be submitted to and approved by the Council prior to issue of the Construction Certificate.
- C32. A specific area for parents to drop off and pick up students on site being shown on the plans and designated on site prior to the issue of the Occupation Certificate.
- C33. All external finishes are to be submitted to and approved by the Council prior to the issue of the Construction Certificate.
- C34. All details of lighting on the proposed sports fields and courts are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

C100. In accordance with Pittwater Council's Tree Preservation and Management Order, all existing trees as indicated on Survey Plan No A1-6610, EX-101 dated 30/06/00 and Tree Retention and Removal plan by Knox and Partners dated 21/05/01 (5 pages) , **and on the Tree Management Plan Prepared by Naturally trees Reference No TMP01, dated 10 July 2017,** shall be retained except where Council's prior written consent has been obtained, or where after approval of the relevant Construction Certificate Application/s, trees stand within the envelope of approved buildings or within the alignment of approved permanent paved vehicular access roads and parking areas.

The establishment procedure for the Fuel free Zone outlined in the letter from Knox and Partners dated 15/10/01 is to be implemented.

C101. Prior to commencement of site works, a qualified and experienced bushland management consultant or arborist is to certify that protective fencing has been installed along the edge of remaining bushland as shown on Site Plan – Stage 1 (Drawing No AWD – 102, Rev B). Protective fencing is to be positioned at least 4 metres from the trunk of trees to be retained. No further site works are to take place until certification has been obtained and a copy forwarded to the accredited certifier or Council.

C102. Prior to commencement of site works, a qualified arborist, horticulturist or landscape architect is to certify that protective fencing consisting of chain wire mesh fencing, a minimum 1.5 metres high with steel pipe support posts has been provided, as per provided Tree Management Plan by naturally Trees, dated 10 July 2017, drawing no. TMP01. No site works are to take place until this certification has been obtained and a copy forwarded to the Principal Certifying Authority.

C103. The developer or contractor will take all measures to prevent damage to trees and root systems during site works and construction activities including provision of water, sewerage and stormwater drainage services. In particular, works, erection of structures, excavation or changes to soil levels within 5 metres of the trunks of trees to be retained are not permitted, and the storage of spoil, building materials, soils or the driving or parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained, is not permitted.

NOTE: Trees that are part of an Endangered Ecological Community or are habitat for threatened species and endangered populations must comply with the requirements of the Threatened Species Conservation Act, 1995. Failure to do so may result in a penalty up to a maximum of \$250,000.00 and jail sentences.

Failure to comply with the requirements of the Pittwater 21 DCP Control B4.22 Preservation of Trees of Bushland Vegetation may result in a penalty up to a maximum of \$20,000.00.

C104. Where site fill material is necessary, fill materials must:

- 1. be Virgin Excavated Natural Material (VENM) only, as approved under the Department of Climate Change "General Resource Recovery Exemption**
- 2. be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.**

C105. The following measures shall be implemented in the sequence given below, to minimise soil erosion:

- **Approved runoff and erosion controls shall be installed before site vegetation is cleared (other than that associated with the construction of the controls). These shall be as shown on an ESCP approved by council.**
- **Topsoil shall be stripped only from approved areas and stockpiled for re-use during site rehabilitation and landscaping.**
- **Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, waters, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned. All stockpiled materials are to be retained within the property boundaries.**
Uncontaminated runoff shall be intercepted up-site and diverted around all disturbed areas and other areas likely to be disturbed. Diversion works shall be adequately stabilised.
- **Runoff detention and sediment interception measures shall be applied to the land. These measures will reduce flow velocities and prevent topsoil, sand, aggregate, or other sediment escaping from the site or entering any downstream drainage easements or waters.**
- **The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to conform to the specifications and standards quoted and to any conditions of approval of those measures.**
- **Measures shall be applied, to the satisfaction of council, to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development.**
- **Measures required in permits issued under the Rivers and Foreshores Improvement Act shall be implemented. This Act requires that people obtain approval for any proposed excavation or fill in or within 40 metres of a watercourse. Permits should be sought from the Department of Natural Resources.**

C106. The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

C107. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.

C108. To minimise soil erosion and sediment movement during construction, the following measures shall be implemented:

- **Removal and/or disturbance of vegetation shall be confined to the basal area of the approved building, the site(s) of access ways, land extending a maximum of two metres beyond the outermost projection of the approved building and within a total of two metres of service trenches (that is the sum of the two sides to be a maximum of two metres).**
- **Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.**
- **Stockpiles of construction and landscaping materials, and of site debris, shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.**
- **Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures.**

- *Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75 mm above adjoining ground level.*
- *Stormwater from roof areas shall be linked to a council approved stormwater disposal system immediately before placement of any roofing materials.*
- *Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner that will prevent its mobilisation.*
- *Vehicular access paths shall be stabilised.*
- *All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or other such period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.*

C109. *Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility. All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.*

C110. *No works are to be carried out in Council's Road Reserve without the written approval of the Council.*

Note: Separate approval is required for access driveways, paths, connections to underground services (stormwater, gas, sewer, electricity,etc:), and landscaping works within Council's Road Reserve.

C111. *A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.*

C112. *No skip bins or materials are to be stored on Council's Road Reserve.*

C112. *Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council.*

D. CONDITIONS TO MINIMISE THE IMPACT OF THE DEVELOPMENT ON THE NATURAL AND BUILT ENVIRONMENT

- D1. In order to provide satisfactory car parking for the total development, car parking provision shall be made for a minimum of 75 cars.
- D2. Provision shall be made for construction vehicle spaces on-site during construction.
- D3. Trees within the fuel free zone on the western side of the buildings are to be preserved where possible with a concurrence of the Rural Fire Service of NSW.
- D5. Car parking spaces for persons with disabilities shall have appropriate pavement and pillar signage.
- D6. Directional signage to parking spaces for persons with disabilities shall be provided from the entry to the car park.
- D11. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-1991 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.
3. Asbestos handling and disposal where applicable.
4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

- D20. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site
- D21. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
- D23. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
- D28. All excavated material is to be removed from the site, except where clean material is to be used in approved construction works. This is due to the site's location in an area identified as being subject to possible landslide.
- D29. Any fill material imported to the site is to consist of clean fill material only, that is, non-contaminated excavated material and soil, rock or similar material. Putrescible and non-putrescible solid waste (including demolition material) is not permitted.
- D30. Any fill shall be deposited and works carried out in strict compliance with the N.S.W. Department of Land and Water Conservation's "Urban Erosion and Sediment Control" manual.
- D32. No fill is to be introduced within the drip line of canopy trees on the site.

- D33. No fill is to be introduced in the area of native vegetation or habitat remaining on the site.
- D60. The footpath and adjacent roadway is to be kept free of obstruction by building materials and/or plant. All concrete trucks, pumps and associated plant are to be kept wholly within the site. No concrete or slurry is to be discharged into the street or the street drainage system.
- D72. All garbage enclosures are required to be roofed. Roofwaters shall be directed to the approved stormwater disposal system.
- D76. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
- D85. All external glazing is to have a maximum reflectivity index of 25%.
- D105. The landscaping is to be maintained for the life of the development.
- D106. No storage of building materials or building waste, excavated fill or topsoil storage is to occur within the dripline of trees shown on the approved landscape working drawing(s) as being retained or within protective fenced areas.

Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.

Further, the project manager is to erect signs advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.

- D107. All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.
- D109. Revegetation is to be carried out as soon as the site preparation/excavation has been completed.
- D111. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained. Erosion controls are to be maintained around the stockpile.
- D122. All declared noxious weeds under the Noxious Weeds Act 1993 together with other environmental weeds are to be removed and/or controlled using an appropriate technique.
- D143. If any Aboriginal Engravings or Relics are unearthed during construction all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (M L A L C) and National Parks and Wildlife Service (N P W S) are to be notified.
- D190. The removal or destruction of bush rock has been listed as a Key Threatening Process under the NSW Threatened Species Conservation Act, 1995. No bush rock is to be removed or destroyed without prior consultation and approval by NSW National Parks and Wildlife Service and Council.

- D191. The Threatened Species Conservation Act, 1995, protects threatened species, endangered ecological communities or endangered populations and their habitat. No site disturbance, development, clearing of native vegetation, planting of exotic vegetation, removal or destruction of bush rock, or other activities shall be carried out that adversely impacts on threatened species, endangered ecological communities or endangered populations or their habitat. Specifically, the Spotted Gum Forest (listed under the NSW Threatened Species Conservation Act, 1995) or its habitat has been recorded on this property.
- D198. The developer or contractor will take all measures to prevent damage to trees and root systems during site works and construction activities including provision of water, sewerage and stormwater drainage services. In particular, works, erection of structures, excavation or changes to soil levels within 5 metres of the trunks of trees to be retained are not permitted unless part of the development as approved, and the storage of spoil, building materials, soils or the driving or parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained, is not permitted.

NOTE: Trees that are part of an Endangered Ecological Community or are habitat for threatened species and endangered populations must comply with the requirements of the Threatened Species Conservation Act, 1995. Failure to do so may result in a penalty up to a maximum of \$250,000.00 and jail sentences.

Failure to comply with the requirements of the Pittwater Council Tree Preservation and Management Order may result in a penalty up to a maximum of \$20,000.00.

- D199. All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand under the supervision of an experienced and qualified Arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to Council's Landscape Architect.

If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.

- D200. When working within the drip line of the trees, hand digging is to occur in sensitive areas. Liaison on a daily basis is to be maintained during the excavation works between the Builder and Arborist. No filling or compaction shall occur over tree roots within the area defined by the outer drip line of the crown. Root protection/ compaction mitigation in the form of planks or metal decking supported clear of the ground fixed to scaffolding is to be installed as required.
- D201. Advise contractors and visitors to the site of the purpose for the tree/native vegetation/habitat protection/exclusion fencing installed in accordance with this consent by the placement of a suitable warning sign.
- D203. Construction access to the property is to be via the approved driveway only.
- D204. A minimum of 200mm clearance is to always be maintained to the tree trunk from the bearers, joists and decking.
- D215. Compliance with the recommendations of the Geotechnical investigation by Jeffery & Katauskas Pty Ltd No 15427SL Rpt, dated 18/10/00, **and Geotechnical Risk Management Assessment Report, dated 24 July 2017, prepared by JK Geotechnics..**

D217. Construction of the turning circle in Forest Road as Part of Stage: 1 of the proposed development. The turning circle must be completed within 6 months of commencement of stage: 1. In consideration of these works, no section 94 contributions are attributable in relation to traffic and transport facilities.

D221. The cycleway shown on drawing DD102 between the bus turning area and the creek must conform to the Bushfire trail requirements outlined in the Warriewood Valley DCP. The cycle way forms part of the bushfire protection trail, providing access linkages between the school and other sectors of the valley land release area.

The trail is not to be designed as a direct public thoroughfare to or from Mona Vale Road, and must not incorporate carparking areas or other obstructions that may prevent the free access of emergency vehicles for evacuation procedures. The bushfire protection trail will be designed to meet or better the following specifications and objectives:

- The trail shall have a minimum cleared width of 6 metres, a formed width of 4 metres and surface construction of 175 millimetres thick, 20MP a reinforced concrete. The fire trail is to have a minimum vertical clearance of 5m to any overhanging branches.
- The trail is to have a concrete oxide pigment of a colour to be approved by Council. This colour is to complement the nature surroundings;
- The trail is to be adequately drained and constructed to provide suitable access and passing bays for fully loaded fire-fighting vehicles (28 tonnes or 8 tonnes per axle);
- Passing bays are to be constructed at 400 metre intervals or less, with dimensions of 25 x 8 metres. Turning areas and bends in the trail are to be constructed having a minimum radius of 10 metres;
- Maximum grades should not exceed 15% (1 in 7) and preferably not more than 10% (1 in 10).
- Frequent access links from the trail to the internal road system shall be provided. Linkages to the trail shall conform with these specification;
- The final physical location of the trail is subject to determination on a sector development basis in conjunction with other planning instruments. This is to be undertaken by the developer to the satisfaction of Council; and
- Fire trail sections constructed by the developers of sectors will need to be certified by a qualified practising engineer confirming that the firetrail complies with the above specification.

D222. Other fire trails are to run through the fuel free zone providing a demarcation between fuel free zone and bushland. All fire trails are to conform to "Planning for Bushfire Protection". Most importantly this requires that the maximum grade no exceeding than 10%. However, short sections of the firetrail maybe up to 25%.

D223. Plan species selection is to occur after consultation with Council's Fire Control Officer, in relation to exclusion zones and fuel free and fuel reduced areas. In terms of canopy planting, Council recommends the use of locally indigenous rainforest species, which contain a natural fire retardant.

D224. All declared noxious weeds under the Noxious Weeds Act 1993 together with other environmental weeds and undesirable weed species listed on Council's Tree Preservation Order in areas to be disturbed are to be removed and/or controlled using an appropriate technique immediately following establishment of the fuel free bushfire mitigation zone.

D225. All wetland vegetation species associated with the water quality/detention works are to be consistent with the Warriewood Valley Landscape Masterplan, Pittwater Council 2000.

D230. DELETED.

D231. The area to the northwest of the 30m fuel free zone is to be maintained as bushland. The outdoor learning centre is not to involve the construction of any buildings or any native tree removal and pathways servicing this area must be constructed in loose gravel or a similar formation only.

D232. The capacity of the school is to be restricted to a maximum of 850 students.

D233. This consent will not have effect so as to suspend any of the rights of the registered proprietor of Lot 1 in Deposited Plan 18303 pursuant to the easements created by Dealing No C676454.

D234. DELETED.

D235. *The existing landscaping required to be retained together with any additional landscaping required by this Development Consent is to be maintained for the life of the development.*

D236. *No water pollution shall result from the operation of any plant or equipment or activity carried out.*

D237. *Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1993.*

D238. *No odour nuisance to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedure carried out at the premises.*

**D239. *A 20000 litre rainwater tank for non-potable purposes is to be installed and used as part of an integrated on-site stormwater management system.
The non-potable purposes are prescribed in the NSW Code of Practice for Plumbing and Drainage and include toilet flushing and garden irrigation.
The overflow system of the rain water tank is to be directed to the on-site detention system.***

E. MATTERS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

NOTE: It is an offence to occupy a building prior to issue of an Occupation Certificate.

E5. All parking areas and driveways are to be sealed to an all weather standard, line marked, signposted and maintained prior to occupation/use of the site.

E6. In order to avoid vehicular conflict, the ingress and egress crossings shall be suitably sign posted.

E10. A certificate prepared by an appropriate qualified person is to be submitted for the following building components, certifying to the satisfaction of Council or the accredited certifier that the nominated works have been carried out in accordance with the Building Code of Australia, relevant Australian Standards and any conditions of Development Consent. Works are not to progress past this point until Council or the Accredited Certifier has confirmed that this condition has been satisfied (see copy of form attached).

Where this confirmation of compliance is issued by a private certifier, for the purposes of keeping a public record, a copy of the letter is to be forwarded to Council within 5 working days of the date of issue.

- E10b. Geotechnical requirements GO-1
- E10c. Ground floor levels FL-1
- E10d. Footings/slabs/piers/retaining walls FN-1
- E10e. Bearers and joists and subfloor ventilation BJ-1
- E10f. Wall, roof frames and window location FM-1
- E10g. Wet areas WA-1
- E10h. Masonry construction, accessories and weatherproofing MC-1
- E10i. Subsequent floor levels FL-2
- E10j. Stair construction ST-1
- E10k. Balustrading adequacy BA-1
- E10l. Glazing GL-1
- E10m. Artificial lighting and mechanical ventilation LV-1
- E10n. Roof cladding RC-1
- E10o. Roof ridge levels RL-1
- E10p. Smoke alarms SA-1
- E10q. Site stormwater management SW-1
- E10r. Onsite stormwater detention OSD-1
- E10s. Driveway construction DW-1
- E10t. Excavation and/or filling EX-1
- E10w. Landscaping LS-1
- E10x. Mechanical ventilation (Noise levels) MVN-1

E11b. Bushland management strategy BM-1

E11c. Native vegetation planting NV-1

E11d. Arborist AR-1

E12b. BCA certification BCA-1

E12c. Structural certification SC-1

E12d. Disabled facilities (Public Buildings/SEPP5) DF-1

E16. On completion of the erection of the building, the Owner of the building shall submit to Council or the accredited certifier a **Fire Safety Certificate** with respect to each essential fire safety measure installed in association with the building – as listed on the Fire Safety Schedule. Such certificate must be received by Council or the accredited certifier prior to occupation of the building.

Copies of the Fire Safety Certificate(s) must also be forwarded by the Owner to the Commissioner of the NSW Fire Brigades, and copies displayed in a prominent location specified in the schedule, within the building.

E31. Prior to the issue of the Occupation Certificate, an Accredited Certifier is to certify to the satisfaction of Council or the Accredited Certifier that the attached requirements of Department of Land and Water Conservation, dated 22/12/00 have been satisfied.

E32. (a) That the development is constructed in accordance with Australian Standard AS 3959 - 1999 "Construction of buildings in bushfire-prone areas" and should be considered a level 1 under this standard.

(b) Leafless gutters or other mechanical means to be installed to prevent the built up of flammable materials with the gutters.

(c) A Fuel Free Zone is to be created and maintained to the west, southwest and northwest of the proposed development for a distance of 30 meters from all buildings to be retained and proposed buildings, designed to bound the facility between the bushland and the structures.

(d) A Bushland Management Plan is to be developed to ensure this zone is maintained and reviewed annually, preferably in September or October of each year as October 1st is the commencement of the Bush Fire Danger Period.

(e) An access road capable of carrying vehicles weighing a minimum of 20 Tonnes is to be constructed into the upper area of the development to allow access for firefighting vehicles. It is envisaged this would require some upgrade of the existing fire trail network in this area and must encompass turning areas as shown in the site plan (DD102). It should be noted that the ideal would be to construct a perimeter road however the steepness of the slope does not allow this to occur.

(f) An access road to the proposed Warriewood valley fire trail network will need to be constructed. It is envisaged that the main entry from Forest Road into the bus turning area would be used with a further gated access allowing firefighting appliances access onto the trail from this area.

(g) Access across or around the sporting field or cycleway would need to be capable of carrying vehicles weighing a minimum of 20 tonnes.

(h) Compliance with the requirements (attached) of the NSW Rural Fire Service dated 28 August 2002.

E41. A landscape practical completion report is to be prepared by the consultant landscape architect/designer and submitted to Council or the accredited certifier within 14 working days of the date of practical completion of all landscape works. This report is to certify that all landscape works have been completed in accordance with the landscape working drawing. A copy of this report is to accompany the request for issue of an Occupation Certificate.

Where the project is being supervised by a private certifier, for the purposes of keeping a public record, a copy of the report is to be forwarded to Council within 5 working days of the date of issue.

E42. Prior to issue of the Certificate of Occupation, the applicant is to submit evidence of an agreement for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor or landscape architect, for a period of 2 years, from the date of issue of the Certificate of Occupation.

E43. At the completion of the landscape maintenance period, the consultant landscape architect/designer is to submit a final report to Council or the accredited certifier within 14 working days, certifying that all plant material has been successfully established and that all of the outstanding maintenance works or defects have been rectified prior to preparation of the report.

Where the project is being supervised by a private certifier, for the purposes of keeping a public record, a copy of the report is to be forwarded to Council within 5 working days of the date of issue.

E70. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994, is to be forwarded to Council or the accredited certifier, prior to release of the Occupation Certificate.

E86. The building is not to be occupied or used until an Occupation Certificate has been issued, confirming that the project complies with the relevant standards and the conditions of development consent. The request for an Occupation Certificate is to be accompanied by a copy of all of the Compliance Certificates required by the conditions of development consent (see copy of form attached).

E89. Prior to the issue of an Occupation Certificate a certificate of compliance with the accessibility audit report dated June 2001 by Accessibility Solutions, **and Accessibility Assessment Report, dated 03 July 2017, prepared by Morris Goding Accessibility Consulting**, is to be submitted to Council, prepared by an accredited access advisor.

E100. A certificate is to be provided by a qualified Civil Engineer stating that the water quality/quantity controls have been installed in accordance with approved plans and the "Water Management Specification for Warriewood Valley.

E101. A certificate is to be provided by a qualified Civil Engineer stating that the access roads to and within the site have been constructed in accordance with the approved plans, Warriewood Road Master Plan and Access Spec #1 – Construction.

- E102. Dedication of land at the north-eastern corner of the site to Council to provide for a minimum footpath width from kerb to the property boundary of 2.5m, adjacent to the proposed turning area at the entrance in Forest Road.
- E103. Prior to the issue of the Occupation Certificate, a qualified and experienced arborist is to certify that all trees located outside the area of site works for the Chapel construction as shown on the Site Plan – Stage 1 (Drawing No AWD – 102 Rev B) have been retained in a safe and healthy condition.
- E104. An Accredited Bushfire consultant is to provide a certification to the Principal Certifying Authority confirming that;**

b)The requirements of the NSW Rural Fire Service have been complied with. The listed requirements of the Rural Fire Service dated 26 September 2017 must be satisfied, as follows:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- 1. At the commencement of building works, and in perpetuity, the property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' from the existing school buildings as follows:***
 - 30 metres to the north and northwest;***
 - 20 metres to the west; and,***
 - To the site boundaries to the east and south.***

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

- 2. The provision of water, electricity and gas shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006' including the provision of a hydrant in close proximity to the proposed fire trail turning area.***

Access

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

3. ***The proposed fire trail turning area shall be provided in accordance with the relevant provisions of section 4.1.3(3) of 'Planning for Bush Fire Protection 2006'.***

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

4. ***A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.***

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. ***New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959- 2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.***

Landscaping

6. ***Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.***

E105. A landscape practical completion report is to be prepared by the consultant landscape architect/designer and submitted to the Principal Certifying Authority with the Occupation Certificate application. This report is to certify that all landscape works have been completed in accordance with the provided Landscape Plans by Groundlink, dated 11/ August 2017, Revision Draft, Drawing no. LA-01-LA-04, and any conditions of this development consent.

E106.

- a) ***The Certifying Authority is to submit to Council the completed and signed Food Premises Occupation Certificate Fit-Out Form, this form is available at http://www.pittwater.nsw.gov.au/business/commerce_and_industry_premises/information_for_food_premises.***
- b) ***Council's Environmental Health Officer is to be contacted (phone: 9970 1111) to make arrangements for an inspection of the premises for verification of compliance with the form. A minimum 48 hours notice is required for inspection.***
- c) ***Council is to forward written advice of the result of the inspection in order to confirm that there is no objection to the issuing of the Occupation Certificate.***

E107. Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to the issue of the Occupation Certificate.

E108. Documentation supplied by a practicing mechanical engineer certifying that all mechanical exhaust ventilation systems, as installed, complies with AS/NZS 1668.1:1998 (Fire and smoke control in multi-compartment buildings) and 1668.2-2012 (Mechanical ventilation for acceptable indoor-air quality), must be provided to the certifying authority prior to the issue of the Occupation Certificate.

E109. The certifying authority must be provided with evidence that the food business has been notified with Environmental Health - Northern Beaches Council by lodging a completed food notification form to Council.

E110. Prior to the issue of an Occupation Certificate, including an Interim Occupation Certificate, the following landscaping is to be implemented:

- Any landscaping in association with the new building, as approved by development consent N1038/00/S96/2, including any terraces and any adjoining landscaped areas.**

Certification is to be provided to the Principal Certifying Authority by a suitably qualified person that that above landscaping has been planted, prior to the issue of any Occupation Certificate.

E111. Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

E112. The stormwater drainage system must be constructed and completed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards must be provided.

E113. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a member and has appropriate experience and competence in the related field, that the stormwater drainage system has been completed in accordance with the engineering plans and specifications required under this consent.

E114. The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of all property, infrastructure, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

E115. Prior to the issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.

E116. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

F. MATTERS TO BE SATISFIED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Nil

G. ADVICE

- G1. You are reminded of your obligations under the provisions of the Disability Discrimination Act.
- G5. This approval does not prejudice any action in respect of upgrading the building pursuant to the provisions of the Section 121B of the Environmental Planning and Assessment (Amendment) Act, 1997.
- G23. Failure to comply with the relevant provisions of the Environmental Planning and Assessment Act, 1979 (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
- G24. The applicant is also advised to contact the various supply and utility authorities, ie Sydney water, Sydney electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
- G25. It is the Project Manager's responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with Council. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent Council from issuing the Occupation Certificate or the Building Certificate.
- G26. In accordance with Section 80A(1)(d) and (e) of the Act, any consent given shall be void if the development to which it refers is not commenced within two (2) years after the date of approval, provided that Council may, if good cause be shown, grant an extension of renewal of such consent beyond such period.

NOTE: Council may be prepared to consider an extension of this Consent period for a further 12 months, however, the request for extension would have to be received during the initial 2 year period.

- G27. To ascertain the date upon which the determination becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979 (as amended).
- G28. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the Environmental Planning and Assessment Act, 1979. Such request to Council must be made in writing together with a \$500 fee, within 28 days from the date of determination.
- G29. If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
- G30. *The proposed food business requires a Food Safety Supervisor.***
- 1. *Ensure that, you have a staff member who is a suitably qualified Food Safety Supervisor.***
 - 2. *The Food Safety Supervisor certificate (or a copy) must be valid and remain onsite at all times.***
 - 3. *A food business must notify the NSW Food Authority of the appointed Food Safety Supervisor with seven days of commencement of trading. The food business owner can notify online at the Authority's website: www.foodauthority.nsw.gov.au,***
 - 4. *Should the current Food Safety Supervisor leave or cease to act in that role at the food premise, the business owner must appoint a new Food Safety Supervisor within 30 operational days (ie days that food is processed and sold) of that FSS leaving, or ceasing to act in that role. The business owner must then notify the NSW Food Authority of the new FSS' details within seven days of their appointment.***

***For further information regarding the Food Safety Supervisor training and certification please refer to the NSW Food Authority's website:
<http://www.foodauthority.nsw.gov.au/industry/fss-food-safety-supervisors/>***
