

# Manly Council



30 August, 2000  
Reference: DA244/00 HW:RS52142  
Enquiries: Hugh Watson

Stella Maris College  
52 Eurobin Avenue  
MANLY NSW 2095

Council Chambers  
1 Belgrave Street  
Manly NSW 2095  
Correspondence to  
General Manager  
PO Box 82  
Manly NSW 1655  
Telephone 9976 1500  
DX 9205 Manly  
Facsimile 9976 1400

Dear Sir/Madam,

**Environmental Planning and Assessment Act, 1979**  
**Notice of Determination under Section 81(1)(a) of**  
**Development Application No. 244/00**  
**Proposed Development: An Educational Centre - Information**  
**Technology Centre**  
**Land to be developed: 63 Alexander Street, Manly**

Pursuant to the Building Code of Australia, the building is a Class 5 building.

Council determined this application on 30th August, 2000, and has granted consent, subject to the conditions described below.

This consent will operate from **30th August, 2000**, and lapse on the 30th August, 2002.

1. This approval relates to unnumbered drawings/plans received by Council on the 5th June, 2000.
2. As per Section 78 of the Environmental Planning and Assessment Amendment Regulation 1998, the attached Prescribed Conditions of Development Consents: sections 80A(11) and 85A(6)(a) of the Act apply.
- ✓ 3. The window on the south wall on the boundary is to be bricked in to achieve a Fire Resistance Level (FRL) of 90/90/90, with the plans amended **prior to the issue of the Construction Certificate.**
- ✓ 4. An additional exit is required in the south western corner of the design studio, with the details to be submitted to the satisfaction of the Principal Certifying Authority (PCA) **prior to the issue of the Construction Certificate.**
- ✓ 5. A landscape plan is to be submitted for approval of the Principal Certifying Authority (PCA) indicating planting to the setback area to Alexander Street, **prior to the issue of the Construction Certificate.**
- ✓ 6. Windows on the eastern elevation of the building are to have fixed opaque glazing to maintain privacy and noise attenuation, with the plans amended **prior to the issue of the Construction Certificate.**
- ✓ 7. The use of the premises is to be limited to Stella Maris students only, to minimise impact on the locality, and in this regard, an undertaking is to be provided by the School **prior to the issue of the Construction Certificate.**

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- ✓ 8. The premises are to be sound-proofed to ensure that noise emission does not exceed 5db(A) above background noise measured at the boundary of the property with details to be submitted to the satisfaction of the Principal Certifying Authority (PCA) **prior to the issue of the Construction Certificate.**
- ✓ 9. The school is to supply an agreement **prior** to commencement of use, that the students will approach and depart the premises via Balgowlah Road. //
10. The development shall be provided with access and facilities for people with disabilities in accordance with Australian Standard 1428.2-1992 Design for Access and Mobility Part 2: Enhanced and additional Requirements (AS1428.2)
11. Access in accordance with AS1428.2 shall be provided to and within the main entrance and exit points of the development in accordance with the Manly Development Control Plan for Access.
- ✓ 12. At least one unisex sanitary facility designed in accordance with AS1428.2 shall be provided in all new or refurbished buildings and car parking stations which provide public sanitary facilities. Details shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate.**
13. No portion of the proposed building or works, including gates and doors during opening and closing operations, are to encroach upon any road reserve or other public land.
- 0/7/02 ✓ 14. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$200.00. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.  
  
Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, **at least 7 days prior to the commencement of any work on site.**
15. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
- ✓ 16. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate.**
17. The balustrades appurtenant to all balconies and stairways shall comply with Part 3.9.2 of the Building Code of Australia. (Note: A minimum height 1m and restriction of openings - not more than 125mm)
18. Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for carparking as shown on the approved plan shall be used for the parking of vehicles and for no other purpose.

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- ✓ 19. Stormwater from the property is to be collected and piped to Council's nearest underground drainage system. A detailed plan of the method of connection is to be submitted to the Principal Certifying Authority for approval **prior to the issue of the Construction Certificate.**
20. All demolition is to be carried out in accordance with AS2601-1991.
21. In terms of Part 7B "Fire Safety and Matters Concerning the Building Code of Australia" of the Environmental Planning and Assessment Act Amendment Regulation 1998, the fire safety measures required to be implemented in the development are as specified in the attached FIRE SAFETY SCHEDULE.
22. Provision shall be made for escape from the building in accordance with the requirements of the Building Code of Australia.
23. An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of (specification E2.2A of the Building Code of Australia or 3.7.2 of the Building Code of Australia - Housing Provisions).
24. The space below a flight of stairs of a non-fire-isolated stairway (including an external stairway) serving as a required exit shall not be enclosed to form a cupboard or other enclosed space unless -
- (a) the enclosing walls and ceilings have a fire-resistance level of not less than 60/60/60; and
  - (b) any access doorway to the enclosed space is fitted with a self-closing fire door having a fire-resistance of not less than 60/60/30.
25. The existing exit door being altered so that it is readily openable:
- (a) Without a key; and
  - (b) By a single hand downward or pushing action on a single device which:-
    - (i) Is located between 900mm and 1200mm above the floor; and
    - (ii) Does not comprise a bolt or a padlock or a separately operated deadlockfrom the side that would face any person seeking egress from the building.
26. (a) Exit doorways are to be provided having a clear opening of not less than 2000mm in height and not less than 750mm in width to the existing entry and the south west corner of the building in accordance with the relevant provisions of Clause D 1.6 of the Building Code of Australia.
- (b) The exit door shall swing in the direction of egress (unless serving a building or portion of a building not more than 200m<sup>2</sup>, it is the only required exit in the building, and is fitted with a magnetic, mechanical or other similar automatically operated device which is capable of holding the door in the open position).
- (c) The exit door shall be readily openable:
  - (i) without a key; and
  - (ii) by means of a single hand downward action or pushing action (ie. not a knob) on single device which:-

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- A. is located between 900mm and 1,200mm above the floor;  
and
- B. does not comprise a bolt or padlock or a separately  
operated deadlock,  
from the side that would face any person seeking egress from the  
building.

NOTE: Any person who AT ANY TIME contravenes this condition is guilty of an offence and liable to a penalty of \$1,000.00.

- 27. **Hose reels are to be installed** within the building in accordance with the requirements of Clause E 1.4 of the Building Code of Australia.
- 28. **Portable fire extinguishers are to be installed** throughout the building pursuant to Clause E 1.6 of the Building Code of Australia and in accordance with Australian Standard 2444-1990.
- 29. Openings within 3.0m of a fire source feature are to be protected in accordance with Clause C3.4 of the Building Code of Australia.
- 30. The building is to be provided with a system of emergency lighting and illuminated exits and directional exit signage in accordance with Part E4 of the Building Code of Australia and Australian Standard 2293.1.
- 31. No building materials may be stored on the road reserve without separate approval from Council.
- ✓ 32. Details of the design and location of the garbage area, including recycle area, are to be submitted with the Construction Certificate Application and approved by the Principal Certifying Authority **prior to issue of the Construction Certificate.**
- 33. Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.
- 34. All lights used to illuminate the exterior of the buildings or site shall be positioned and/or fitted with cut off luminaries (baffles) so as to prevent the emission of direct light onto adjoining roadways and land.
- 35. Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.
- 36. Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.
- ✓ 37. A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site.**
- 38. The works require the following inspection/certification during the course of construction:-

Drainage inspection  
Landscaping inspection  
Final inspection



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11/7/00  
Inspection Fees  
\$160 -  
P/78121  
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The cost of these inspections by Council is \$160.00 (being \$45 per inspection and \$70 for Final inspection exclusive of GST). GST is payable on the aforementioned inspection fees. Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Land Use Management Group on 9976 1573 or 9976 1587.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$60.

39. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.
40. Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, magnesite flooring, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays.
- Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.
41. The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.
42. The hours of operation of the premises shall not exceed Monday to Friday 8.30am to 5.00pm **without the prior approval of Council.**
43. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.
44. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
45. There is to be a twelve (12) month trial of the extended hours of 5.00pm to 8.00pm Weeknights and 8.00am to 12 noon Saturdays with a review of the impact of these extended hours at the end of this period. The trial period will start from the date of occupation of the premises.
46. Stella Maris School is to operate a shuttle-bus to drop-off and pick-up all students resorting to the subject site from Stella Maris. An agreement to this effect is to be submitted to the Principal Certifying Authority (PCA) **prior to the issue of the Construction Certificate.**
47. The Regulations for Enrolment Policy associated with the facility is to be submitted to the Principal Certifying Authority (PCA) and complied with in the operations of the facility to minimise the impact on the locality. These regulations are to be submitted and approved **prior to the issue of the Construction Certificate.**

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- \* 48. A maximum of seventy (70) students at the facility at any one time. In this regard the applicant is to enter into an agreement to this effect **prior to the issue of the Construction Certificate.**
- / 49. Full details of air-conditioning and fume exhaust systems for the building are to be submitted to the Principal Certifying Authority (PCA) for approval **prior to the issue of the Construction Certificate.**
- / 50. The removal of waste from the Photographic area is to comply with the requirements of the Environmental Protection Authority and Waste Service of NSW, with details to be submitted with Council **prior to the issue of the Construction Certificate.**

The reason for the imposition of the conditions is to ensure that the development generally conforms with section 79C of the Environmental Planning and Assessment Act, 1979, Building Code of Australia and Council's Development Control Plan and Policies.

Notes:

- 1. If you are dissatisfied with this decision, section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.
- 2. If you are dissatisfied with this decision, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right of review by Council within twenty-eight (28) days of the date of determination.
- 3. Details in regard to Notice of Commencement of Building/Subdivision Work and appointment of the Principal Certifying Authority (Form 7 - enclosed) are to be submitted to Council following issue of the Construction Certificate and two (2) working days prior to commencement of building works.

- / 4. It is necessary for payment of a Long Service Levy for works costing \$25,000 or more at a rate of 0.2% of the cost and insurance pursuant to the Builders Licencing Act **prior to issue of a Construction Certificate.**

It is advised that your plans must be submitted to Sydney Water for approval at least fourteen days before commencement of works, with the nearest office at 7-9 Howard Avenue, Dee Why. Further, you are advised to consult with Sydney Electricity with respect to electrical installations, telephone installers with respect to any telecommunication lines and Australia Post should the proposal involve the provision of a letterbox.

The erection of a building in accordance with this development consent must not be commenced until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) the Consent Authority, or
  - (ii) an Accredited Certifier, and
- (b) the person having the benefit of the development consent:
  - (i) has appointed a Principal Certifying Authority, and
  - (ii) has notified the Consent Authority and the Council (if the Council is not the consent authority) of the appointment, and

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- (c) the person having the benefit of the development consent has given at least two days' notice to the Council of the person's intention to commence the erection of the building.

**It is advised that approved plans will only be released if Council is the Consent Authority for the Construction Certificate, and upon such Certificate being issued. In this regard contact Hugh Watson on 9976 1578 to make appropriate arrangements and to finalise details as required to collect the plans.**

Signed below on behalf of the consent authority.

Yours faithfully,

*W. A. Collins sr.*

W.A. Collins  
General Manager

per: R Holten