

25 October 2021



Neeson Murcutt + Neille Architects
Level 1 9 Roslyn Street
POTTS POINT NSW 2011

Dear Sir/Madam

Application Number: Mod2021/0369
Address: Lot 1 DP 1215531 , 70 South Creek Road, DEE WHY NSW 2099
Proposed Development: Modification of Development Consent DA2019/1274 granted for alterations and additions to the existing school and an increase in student numbers to 1,091

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Peter Robinson
Executive Manager Development Assessment

NOTICE OF DETERMINATION

Application Number:	Mod2021/0369
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Neeson Murcutt + Neille Architects
Land to be developed (Address):	Lot 1 DP 1215531 , 70 South Creek Road DEE WHY NSW 2099
Proposed Development:	Modification of Development Consent DA2019/1274 granted for alterations and additions to the existing school and an increase in student numbers to 1,091

DETERMINATION - APPROVED

Made on (Date)	20/10/2021
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA04 - Rev 3	25/05/21	Neeson Murcutt + Neille
DA04.2 - Rev 01	19/09/21	Neeson Murcutt + Neille
DA05 - Rev 2	25/05/21	Neeson Murcutt + Neille
DA08 - Rev 3	25/05/21	Neeson Murcutt + Neille
DA08.1 - Rev 1	25/05/21	Neeson Murcutt + Neille
DA08.2 - Rev 1	25/05/21	Neeson Murcutt + Neille
DA08.3 - Rev 1	25/05/21	Neeson Murcutt + Neille
DA11 - Rev 2	25/05/21	Neeson Murcutt + Neille
L-DA-000 - Rev C	26/05/21	JILA
L-DA-001 - Rev B	26/05/21	JILA
L-DA-001 - Rev B	26/05/21	JILA
L-DA-002 - Rev B	26/05/21	JILA
L-DA-003 - Rev C	26/05/21	JILA

L-DA-104 - Rev B	26/05/21	JILA
L-DA-105 - Rev B	26/05/21	JILA
L-DA-502 - Rev B	26/05/21	JILA
L-DA-503 - Rev B	26/05/21	JILA
L-DA-508 - Rev A	26/05/21	JILA

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Access Report	3 June 2021	Funktion
Arboricultural Impact Assessment Report	25 May 2021	Arborsafe

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

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

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

B. Add Condition No.4A - Staging of Development to read as follows:

The development may be staged in accordance with the plan titled 'Staging Plan - DA 04.2 Rev 01' dated 17/09/2021 and in accordance with the conditions of this development consent.

Reason: To allow the orderly and economic development of land and minimise the impact upon the school activities.

C. Modify Condition No. 5 - Policy Controls Northern Beaches 7.12 Contributions Plan 2019 to read as follows:

A total monetary contribution of \$147,656.55 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a total development cost of \$14,765,655 and is to be paid as follows:

- Stage 1A – A monetary contribution of \$9,285.79 is payable prior to the Construction Certificate for Stage 1A (based on a cost of works of \$928,579)
- Stage 1B – A monetary contribution of \$39,466.26 is payable prior to the Construction Certificate for Stage 1B (based on a cost of works of \$3,946,626)
- Stage 2 – A monetary contribution of \$98,904.50 is payable prior to the Construction Certificate for Stage 2 (based on a cost of works of \$9,890,450).

The monetary contribution for each stage will be adjusted at the time the relevant payment is made in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the

total monetary contribution has been paid. A copy of the development contributions plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

D. Modify Condition No.8 Stormwater Disposal to read as follows:

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Warringah Water Management Policy PL850, and generally in accordance with the concept drainage plans prepared by Stellen Consulting, drawing number DR-000, DR-100 to DR-106, DR-200 and DR-201, revision 1, dated 30/10/19. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

E. Modify Condition No.11 Traffic Management Control to read as follows:

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the relevant Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

F. Modify Condition No.12 Traffic Facilities Plans - Local Road Impact Mitigation to read as follows:

The applicant must provide additional detailed engineering plans to address:

1. Impacts on the free flow of through traffic on South Creek Road.

The applicant must provide a median island to restrict right turn movements into and out of the car parks that are accessible from South Creek Road, to provide an engineering control to enhance the left in left out operation of this access.

2. Impacts on through traffic in Westmoreland Avenue.

The applicant is required to provide an inlaid bus bay along the road carriageway to allow for parking on the northern kerb of Westmoreland Avenue, two (2) 3.0 metre wide traffic lanes, and a bus bay to facilitate school services provided by STA and other operators.

3. The relocation of the existing pedestrian crossing in South Creek Road adjoining the proposed staff car park and relocated bus zone.

The detailed engineering plans must be provided to Council's Traffic Engineers for approval prior to the issue of the relevant Construction Certificate.

Reason: To reduce the impact of the development on the local road network and amenity of the adjoining residents.

G. Modify Condition No.13 Building Code of Australia Report to read as follows:

The recommendations made in the Building Code of Australia Assessment Report prepared by Steve Watson & Partners, dated 29 October 2019, Report Ref No. 2019/1167 are to be carried out in full to the building.

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

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

H. Modify Condition No.14 Vehicle Crossing Application to read as follows:

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

I. Modify Condition No.15 Stormwater Drainage Application to read as follows:

The applicant is to provide a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the stormwater connection to Council's stormwater infrastructure which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1. The form can be found on Council's website at www.northernbeaches.nsw.gov.au > Council Forms > Stormwater Drainage Application Form.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management and compliance with the BASIX requirements, arising from the development.

J. Modify Condition No.16 Pre-Construction Stormwater Assets Dilapidation Report to read as follows:

The Applicant is to submit a pre-construction/demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at: <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/generalinformation/engineeringspecifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

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

Reason: Protection of Council's infrastructure.

K. Modify Condition No.17 Compliance with standards to read as follows:

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

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

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

L. Modify Condition No.32 Landscape completion certification to read as follows:

a) Prior to the issue of the relevant Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.

b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been established and maintained in accordance with the approved landscape plan.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.

M. Modify Condition No.33 Stormwater Disposal to read as follows:

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

N. Modify Condition No.35 Certification of Structures Located Adjacent to Council Pipeline or Council Easement to read as follows:

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed footing works have been constructed in accordance with this consent, Northern Beaches Council's Warringah Water Management Policy PL850 and the approved Construction Certificate plans. Civil Engineer demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

Reason: Protection of Council's Infrastructure.

O. Modify Condition No.36 Restriction as to User for Overland Flow to read as follows:

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create a restriction as to user on the title over the overland flow path and any associated structures, restricting any alteration to the levels and/or any construction on the land. The terms

of such restriction are to be prepared by a registered surveyor with terms acceptable to Council at the applicant's expense. Council shall be nominated as a party to release, vary or modify such restriction. A copy of the certificate of title demonstrating the creation of the restriction as to user for overland flow is to be submitted.

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

Reason: To ensure no modification of the overland flow path without Council's approval.

P. Modify Condition No.37 Required Tree Planting to read as follows:

a) Trees shall be planted in accordance with the following schedule:

As indicated on the approved Landscape Plans

No. of Trees Required	Species	Location	Pot Size
All trees	As indicated on the approved Landscape Plans	As indicated on the approved Landscape Plans	As indicated on the approved Landscape Plans

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

Reason: To maintain environmental amenity.

Q. Modify Condition No.38 Waste Management Certification to read as follows:

Prior to the issue of the relevant Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

R. Modify Condition No.39 Fire Safety Matters to read as follows:

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate.

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety

Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

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

S. Modify Condition No.40 Traffic Facilities Plans - Local road impact mitigation to read as follows:

The following works must be completed, in accordance with the plans approved by Council's Traffic Engineers:

1. A median island to restrict right turn movements into and out of the car parks that are accessible from South Creek Road, to provide an engineering control to enhance the left in left out operation of this access.
2. An inlaid bus bay along the road carriageway to allow for parking on the northern kerb of Westmoreland Avenue, two (2) 3.0 metre wide traffic lanes, and a bus bay to facilitate school services provided by TfNSW and other operators.
3. The relocation of the existing pedestrian crossing in South Creek Road adjoining the proposed staff car park and relocated bus zone.

Details demonstrating compliance must be provided to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

Reason: To reduce the impact of the development on the local road network and amenity of the adjoining residents.

T. Modify Condition No.41 Operational Management Plan to read as follows:

An Operational Management Plan (OMP) is required to be prepared and submitted to Council detailing the operation of the development. The OMP shall include, but not be limited to the following:

- Vehicle access and egress.
- Through-site circulation of vehicle movements.
- Management of car parking areas.
- The location and content of directional signage.
- Complaints management.
- Noise management.
- Truck delivery times and methods of control to manage the sequencing of the loading docks.
- Waste management.

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

Reason: To ensure that the development operates with minimum disruption to the surrounding area.

U. Modify Condition No.42 Signage and Linemarking – External to read as follows:

A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Local Traffic Committee prior to the issue of the relevant Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the local Traffic Committee if the proposal requires change in existing

V. Add Condition No. 42A - Development Contributions - Prior to the Release of the Occupation Certificate for Stage 2 to read as follows:

Prior to the release of the Occupation Certificate for Stage 2 the proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution of \$147,656.55 (to be adjusted at the time of relevant payments for each stage) has been paid.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

W. Modify Condition No.45 Allocation of Spaces to read as follows:

The car parking spaces shall be provided, made accessible, and maintained, at all times. The spaces shall be allocated as outlined on the approved plans.

Car-parking provided shall be used solely in conjunction with the school. Each car parking space allocated to a particular person/position shall be line marked and numbered or signposted to indicate the person/position to which it is allocated.

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

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

Important Information

This letter should therefore be read in conjunction with DA2019/1274 dated 28 October 2020.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application must be submitted to Council within 28 days of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

NOTE: A fee will apply for any request to review the determination.



Signed On behalf of the Consent Authority

A handwritten signature in dark ink, appearing to read 'P. Robinson', written over a horizontal line.

Name Peter Robinson
Executive Manager Development Assessment

Date 20/10/2021

NOTE: Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 20/10/2021.