

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0051
Responsible Officer:	Benjamin Price
Land to be developed (Address):	Lot 6 DP 11209, 18 Alfred Road BROOKVALE NSW 2100
Proposed Development:	Use of Premises as an educational establishment
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Mario Raso Felice Raso
Applicant:	Apg
Application lodged:	23/01/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	31/01/2019 to 18/02/2019
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval
Estimated Cost of Works:	\$ 0.00

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;

- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C3 Parking Facilities

SITE DESCRIPTION

Property Description:	Lot 6 DP 11209 , 18 Alfred Road BROOKVALE NSW 2100
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Alfred Road Brookvale.</p> <p>The site is regular in shape with a frontage of 12.19m along Alfred Road and a depth of 39.625m. The site has an area of 423.5m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a single storey school building associated with St Augustines College - Sydney.</p> <p>The site is generally flat and does not contain any significant landscape features.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>The development will form part of the existing school St Augustines College to the west and north. St Augustine's College is characterised by clustered school buildings interspersed with wide setbacks and landscaped street frontages to the public domain. Access to this site is currently gained from Alfred Street, Gulliver Street and Federal Parade. The school bus zones and student drop off/pick up zone are within Alfred Street. The formal car parking for the school is within the school grounds and the open car park facing Gulliver Street.</p> <p>The development adjoining the school is characterised by low and medium density residential accommodation.</p> <p>The Public Recreation Area known as Brookvale Oval is directly to the east.</p>

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

PROPOSED DEVELOPMENT IN DETAIL

The proposal is for the change of use of 18 Alfred Road (Lot 6 DP11209) to an educational establishment. The proposal has applied for the use of the site in conjunction with the existing school and does not include the use of any building, building works or the increase to staff or student numbers. The consent will be conditioned in accordance with the proposal.

It is noted that the structures on this site have been demolished and a building associated with the school has been constructed. This application is for the use of the site only and does not include building works. As such the construction on this site is not relevant to this assessment. This matter has been referred to Councils Building Control Department for investigation.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any	None applicable.

Section 4.15 Matters for Consideration'	Comments
planning agreement	
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental</p>

Section 4.15 Matters for Consideration'	Comments
	social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Kim Doyle	

The following issues were raised in the submissions and each have been addressed below:

- Parking

The matters raised within the submissions are addressed as follows:

- Parking
Comment:
There are no building works proposed in this application. Therefore this application will not increase student/staff numbers and will not result in a further requirement for parking on the site. The matter of future building works are not a matter for consideration under this application and will be considered as part of any future development application made to Council for works on the subject site. The application is silent with respect of the intended use of the new allotments

(open space or class rooms etc), however the proposed use of the land as an educational establishment is permissible with consent within the R2 Low Density Residential zone.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building C Safety Department. There are no objections to approval of the development subject to inc conditions of approval and consideration of the notes below.</p> <p><i><u>Note:</u> The proposed development may not comply with some requirements of the BCA at Standards. Issues such as this however may be determined at Construction Certificate S</i></p> <p>Change of Use/Fire Safety Upgrade</p> <p>The existing levels of fire safety within the premises are to be upgraded to achieve an ad in accordance with the provisions of clause 94 of the Environmental Planning and Assess</p> <p>The fire safety upgrading works are to be included in the Construction Certificate and be occupation of the new building or part.</p> <p>Reason: To ensure adequate provision is made for fire safety in the premises for building</p> <p><u>Planning Comments</u></p> <p>The conditions recommended are no longer relevant as the existing buildings on the site This matter has been referred to Councils Building Control department. The conditions h this recommendation.</p>
NECC (Development Engineering)	<p>The application proposes to change the use of the land.</p> <p>No construction work is proposed in the application.</p> <p>As such, Development Engineer has no objection to the application.</p>



Internal Referral Body	Comments
Strategic and Place Planning	<p>The proposal is considered acceptable in terms of Council's Strategic Planning.</p> <p>The proposal is part of St Augustine's ongoing plans for expansion of the school site. It is a DA2018/1804 for use as part of an educational establishment. That a four previously residential properties to the school site creating a total site area of approx 423sqm to the school site.</p> <p>There is no suggestion in the application of any increase in student enrolments, nor are any proposed. If consent is granted for the change of use, future building works will be subject to SEPP (Educational Establishment and Child Care Facilities). Under that SEPP, the RMS development will result in the school being able to accommodate 50 or more additional students.</p> <p>All land forming part of the school site should be consolidated into a single allotment to be known as "land within the boundaries of an existing school" under the SEPP.</p> <p>Draft Brookvale Structure Plan</p> <p>On 8 August 2017, Council endorsed the Draft Brookvale Structure Plan for public exhibition. The plan was exhibited for 6 weeks until 20 November 2017.</p> <p>The Draft Structure Plan Map designated the St Augustine's school site (as it was at that time) and all immediately adjoining properties as Low Density Residential (including the four residential properties since been added to the school site and approved for change of use to educational establishment). The plan also designated that any properties lawfully forming part of the school site will be designated for Educational Establishment. As educational establishments are permissible uses in the R2 zone, the Structure Plan for Low Density Residential would not preclude the possible further expansion of the school site to include more adjoining properties.</p> <p>The Draft Structure Plan Map designates Alfred Road between Pittwater Road and Federal Street. This is indicative of an intention for future streetscape works and planting to enhance the attractiveness of the street as a link to an important open space asset, being Brookvale Oval, which fronts Federal Parade.</p> <p>The Draft Structure Plan Map designates Brookvale Oval to the east as Public Open Space. The State Government is investigating possibilities for future redevelopment of Brookvale Oval but has not yet been formally released for review. Future redevelopment of the Oval may include recreational facilities that could be of use to the school. As previously advised in meetings with Council staff, the school is encouraged to liaise with the State Government in relation to the future redevelopment of the Oval and the potential for shared use of facilities in line with the long term needs of the school.</p> <p>Following consultation and in response to over 100 submissions received on the Draft Structure Plan, Council engaged consultants to investigate transport and traffic issues. At the same time, LGA-wide</p>

Internal Referral Body	Comments
	<p>employment studies have commenced as part of the LEP Review. These studies will assess options are considered for the future growth and development of Brookvale as a vital Strategic region. Once the transport, housing and employment studies are complete, the Draft Broomevale LEP will be revised.</p> <p>The proposal to expand the school site does not compromise the intent of the Draft Brookvale LEP.</p> <p>Conclusion</p> <p>These comments are provided in relation to the strategic planning framework for Brookvale and any assessment of the application against relevant planning controls.</p> <p>Strategic Planning considers the proposal to be minor and a logical expansion of a school site for a growing population.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Police - Local Command (CPTED)	The NSW Police advised that they had no objections to the proposed development.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP Educational Establishments and Child Care Facilities 2017

35 Schools—development permitted with consent

Clause 35 of State Environmental Planning Policy (Educational Establishments and Child Care

Facilities) 2017 stipulates that:

(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.

(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:

- (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and*
- (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

As previously outlined this application is for the use of 18 Alfred Road Brookvale as a School.

As per the provisions of Clause 35, the provisions of the SEPP are applicable.

With regard to sub-clause 6(a), an assessment of the design quality principles has been carried out below. It is noted that this application is for the use of a single lot to extend the existing school. As a result a number of the design quality principles do not have relevance.

DESIGN QUALITY PRINCIPLES

Principle 1—context, built form and landscape

Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.

Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.

School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.

Comment

The development is for the use only and does not include any construction. The context for the proposal is appropriate given that it will assist in the amalgamation of sites into the existing school.

Principle 2—sustainable, efficient and durable

Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.

Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.

Comment

No construction works are proposed. This principle is not applicable.

Principle 3—accessible and inclusive

School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.

Note. Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.

Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.

Comment

No construction works are proposed. This principle is not applicable.

Principle 4—health and safety

Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.

Comment

No construction works are proposed. This principle is not applicable.

Principle 5—amenity

Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.

Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.

Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.

Comment

The proposal will result in the consolidation of a residential lot into the school. The consolidation of the adjoining residential lots will minimise the impacts on the residential occupants within the locality and promote a greater level of amenity within the community. As there are no construction works proposed the amenity of the school itself is not relevant to this application.

Principle 6—whole of life, flexible and adaptive

School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.

Comment

Not applicable

Principle 7—aesthetics

School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.

The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.

Comment

Not applicable.

With regard to sub-clause 6(b), the schools facilities, upon admission, is available for use by community members. The broader community does not have access to school facilities. It is noted that this sub-clause is not a requirement.

57 Traffic-generating development

(1) This clause applies to development for the purpose of an educational establishment:

- (a) that will result in the educational establishment being able to accommodate 50 or more additional students, and
(b) that involves:

- (i) an enlargement or extension of existing premises, or
(ii) new premises,

Comment

The development does not include building works and will therefore not result in the premises being able to accommodate 50 or more additional students. This application does not require referral to the Roads and Maritime Services.

Conclusion

The proposed development is consistent with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the use as an educational establishment.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

The proposal includes no construction or subdivision work. As such the development will not alter the sites compliance with any principal development standards.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
C3 Parking Facilities	1 space per staff member in attendance, plus as relevant, adequate pickup/setdown area on site, plus - adequate provision of bicycle racks, plus - adequate provision for student parking, plus - provision of bus standing and turning area	Nil additional	N/A	N/A, see discussion below

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes

Detailed Assessment

C3 Parking Facilities

The proposal is for the use of the land only. The application does not identify how this land will be utilized as part of the school (ie open space or additional classrooms). As a result this application alone will not result in an increased requirement for additional parking facilities. The existing parking facilities are deemed adequate in this circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Council Contributions Plan 2018

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects,

all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/0051 for Use of Premises as an educational establishment on land at Lot 6 DP 11209, 18 Alfred Road, BROOKVALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A1.004 Site Plan - Proposed School Use - Revision 01	17 December 2018	fjmt

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

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

2. **Approval for Land Use Only**

This development consent relates to the use of 18 Alfred Road (Lot 6 DP11209) as an Educational Establishment. No consent is granted for any development outside of this use.

Reason: To ensure compliance with the terms of this consent.

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement

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

4. Lot consolidation or Restriction as to User

Prior to the issue of a Final Occupation Certificate, either of the following is to be carried out:

1. Lot consolidation: Lot 1 of DP 1220407 and Lot 6 of DP 11209 are to be consolidated into one lot and evidence of the registration of the appropriate survey plan by Land Registry Services is to be submitted to the Principal Certifying Authority.
2. Creation of Restriction as to User: A restriction as to use/ restrictive covenant (under the provision of S88E of the Conveyancing Act) is to be registered on the property title of Lot 6 DP 11209 restricting the use of the land to an Educational Establishment (School). All costs associated with the preparation, execution and registration of the instrument are to be borne by the applicant. Northern Beaches Council is to be nominated as the only person with the right to release, vary or modify the instrument, and Northern Beaches Council shall execute these documents prior to submission to Land Registry Services.

Reason: To ensure the orderly development of land.

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

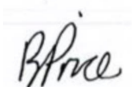
5. No consent for additional staff/students

This consent is for the use of the site only and does not grant consent for any increase to staff or student numbers.

Reason: To ensure compliance with the terms of this consent.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Benjamin Price, Principal Planner

The application is determined on //, under the delegated authority of:



Rodney Piggott, Manager Development Assessments