

14 November 2007

Elizabeth Heath
6 Wyatt Avenue
BELROSE NSW 2086

2006/1121/MOD1
GC (PDS)

Dear Madam,

**RE: 8 WYATT AVENUE, BELROSE
MODIFICATION OF DEVELOPMENT CONSENT NO. 2006/1121/MOD 1
MODIFICATION 1 TO RE-LIST CONDITION 20A TO BE COMPLETED 'PRIOR
TO OCCUPATION' WITHIN DEVELOPMENT CONSENT 2006/1121 FOR
DEMOLITION WORK AND THE CONSTRUCTION OF TWO (2) NEW
CLASSROOMS FOR THE 'JOHN COLET SCHOOL'.**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 13 November, 2007 and determined as follows:

- Condition No. 20A to be deleted.
- Insert Condition No. 57A to read as follows:

57A. Section 88B Instrument for conservation of endangered *Grevillea caleyi* and Duffys Forest Ecological Community

All native vegetation within Zone A as depicted in Figure 4 of the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy* is to be retained, conserved, rehabilitated and managed in accordance with the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy* at all times in perpetuity.

Prior to the issue of the occupation certificate, an instrument containing a public positive covenant in favour of the Council pursuant to section 88B Conveyancing Act 1919 shall be prepared with respect to the retention, conservation, rehabilitation and management of endangered native vegetation within Zone A, as depicted in Figure 4 of the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy*, and shall be submitted to the Council's Conservation and Land Management Department for approval. No work is to be carried out pursuant to this consent until such approval has been granted.

Prior to the issue of a occupation certificate a section 88B instrument which includes the covenant pursuant to section 88B Conveyancing Act 1919 in

registrable form and a site plan prepared by a registered surveyor showing the boundaries of Zone A shall be prepared by the owner of the land and produced to Council for approval and execution. The covenant is to be registered on the title of the lot. The instrument must stipulate that the only person with the right to release, vary or modify the covenant is the Council. All costs associated with the preparation, execution and registration of the instrument are to be borne by the owner of the land.

Reason: To ensure bushland management

This letter should therefore be read in conjunction with Development Consent 2006/1121 dated 3 September, 2007. Please find attached a consolidated set of conditions incorporating both modifications of consent.

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.

Section 96(6) 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.

Should you require any further information on this matter, please contact **Alex Keller** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our DA's Online System at www.warringah.nsw.gov.au.

Yours faithfully

Amy Sutherland
**Acting Manager Development Assessment
Planning and Development Services**



GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing Reference	Dated
Ground Floor Plan JC-DA 01 drawn by Templum Design	7/11/06
Level 1 Floor Plan JC-DA 02 drawn by Templum Design	7/11/06
Roof Plan JC-DA 03 drawn by Templum Design	7/11/06
North Elevation Plan JC-DA 04 drawn by Templum Design	7/11/06
South Elevation Plan JC-DA 05 revision B drawn by Templum Design	21/6/07
West Elevation & Section JC-DA 06 revision A drawn by Templum Design	21/6/07
Lower Ground Floor Plan JC-DA 14 revision B drawn by Templum Design	21/6/07
Site Analysis Plan* JC-DA 11 revision B drawn by Templum Design	21/6/07
Landscaping plan* (unnumbered) by Mark Ronald	1/6/07

*The Site Analysis Plan and Landscaping Plan must be revised to indicate that the "access driveway" marked on the plans in the front setback area is to be a maximum of 3.5 metres wide. In this regard additional landscaping is to be provided on the western side of the driveway. The front setback area is not to be utilized for parking vehicles.

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

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. **[A1 (1)]**

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of

conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance. [A2]

CONDITIONS THAT REQUIRE SUBSIDIARY MATTERS TO BE COMPLETED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

3. Fire Safety Measures

Submission at the Construction Certificate stage of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, and such fire safety schedule shall specify the minimum standard of performance for each fire safety measure.

Reason: Fire Safety [C1]

4. Design for Access & Mobility

Access/egress/services and facilities including external and interior access are required in accordance with the provisions of AS 1428.1 (2001) - Design for Access and Mobility.

The building being adequately adjusted where required complying with the provisions of the *Disability Discrimination Act (1992)*. Note that any approval granted by Council does not necessarily guarantee compliance or otherwise with the *Disability Discrimination Act (1992)* and the applicant should investigate their liability under the Act. You are directed to the following sources to achieve compliance with the DDA: -

- (a) AS 1428.1 (2001) - Design for Access and Mobility
- (b) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998)
- (c) Disability Discrimination Act (1992)

Details being submitted and approved by Council / Accredited Certifier prior to the issue of a Construction Certificate.

Reason: To ensure equitable access to members of the community to all public facilities. [C5]

5. Kerb Security Bond

A bond of \$2,200.00 shall be deposited with Council and inspection fees paid, prior to the issue of any construction certificate, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process. (See Schedule)

Reason: To ensure appropriate security is in place for the protection or repair of Public Infrastructure. [C16]

6. Bond for Silt & Sediment Control

The payment of \$2,000.00 shall be paid prior to issue of a construction certificate

a security to ensure that:

- (a) all silt and sediment control measures are installed and maintained;
- (b) there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems; and
- (c) maintenance of all facilities in accordance with Council's Specification for Erosion Control and Sediment Control.

Reason: *To ensure appropriate for works and environmental protection. [C20]*

7. Parking for People with Disabilities

A minimum of 1 car-parking space for use by persons with a disability shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, (Administration, Library and central classroom and courtyard area), to other essential/facilities or areas within the site. Footpaths and roads shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

Reason: *To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation. [C37]*

8. Pruning

Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified arborist. Details prepared by an appropriately qualified person, on measures to be employed during construction indicating the nature of the pruning and the long term effects on the tree shall be submitted to the Council / Accredited Certifier for approval with the Construction Certificate

Reason: *To ensure the protection and longevity of existing significant trees. [C41]*

9. Asbestos & Hazardous Material

- (1) In relation to the demolition of the existing building (or part of a building) on the site:

- (a) A report prepared by a WorkCover licensed asbestos removalist is to be submitted to the Council / Accredited Certifier, with the Construction Certificate application, detailing whether any hazardous materials exist on the site (eg lead in paints and ceiling dust or asbestos).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the following conditions, including dust control and WorkCover requirements.

- (b) Should any hazardous materials be identified as per item (i), a Work Plan shall be submitted to Council in accordance with AS2601 - Demolition of Buildings. The report shall contain details regarding:
 - (i) The type of hazardous material
 - (ii) The level or measurement of the hazardous material in

comparison to National Guidelines;

- (iii) Proposed methods of containment; and
 - (iv) Proposed methods of disposal.
- (c) Where unacceptably high levels of lead are found in a premises to be demolished, item (ii) is to be followed, and the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition. This will determine whether remediation of the site is necessary.
- (d) The demolition must be undertaken in accordance with AS2601.
- (e) Any works involving asbestos cement sheeting must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice.
- (f) All work involving lead paint removal must not cause lead contamination of air or ground. Particular attention must be given to the control of dust levels on the site.

Details demonstrating compliance with these requirements are to be approved by the Council / Accredited Certifier and submitted with the Construction Certificate.

(Note: Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at www.lead.org.au

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. [C53 (1)]

- (2) A person taking down, demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Work Cover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. [C53 (2)]

10. Reflectivity Index of Glazing

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

(Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. [C54]



11. Roofing Materials - Reflectivity

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details being submitted with the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. [C55]

12. Security Bond Schedule

All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

SECURITY BOND & FEE SCHEDULE	
John Colet School, Wyatt Ave, Belrose	
DEVELOPMENT APPLICATION NUMBER 2006/1121	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$2,200.00
Engineering Construction Bond · General Works · Road Pavement	\$2,000.00
TOTAL BONDS	\$4,200.00
FEES	
Kerb Security Inspection Fee	\$ 200.00
Section 94 contribution	\$ 8,750.00
Long Service Levy	\$ 3,062.00
TOTAL FEES	\$12,012.00

Reason: Compliance with the development consent. [C71]

13. S94A Contribution

The payment of \$8750.00 as a 94A levy prior to the approval/release of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan 2006. It is current at the time of issue of this Consent. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated. (see schedule)

The basis for the contributions is as follows:

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on total development cost of		\$875,000.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
S94A Levy	0.95%	\$8,313	6923
S94A Planning and Administration	0.05%	\$437	6924

Total	1.0%	\$8,750	
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Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. [C82]

14. On-Site Stormwater Detention

Submission to Council / Accredited Certifier (Civil Works) for approval, drainage plans detailing the provision of On Site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification". Component certification is to be issued to the Council / Accredited Certifier certifying the above requirements, prior to the issue of the Construction Certificate. If Council is to issue the component certification, then fees are to be paid in accordance with Council's fees and charges.

On completion of works a works as executed drawing and certification of the works by the design engineer is to be submitted to the Principal Council / Accredited Certifier. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the above approved plans and Council's "On-site detention technical specification", the compliance certificate is to be submitted to the Principal Council / Accredited Certifier prior to occupation. Council can issue the Compliance Certificate if required subject to a prescribed fee.

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

15. Windows

The openable section of all windows to all buildings shall be screened with non-corrosive steel mesh to prevent the entry of wind blown embers and reduce the radiant heat impact upon the glass.

Reason: Bushfire protection

16. Roofing materials

Roofing to all buildings shall have leafless guttering and valleys which are to be screened with non corrosive mesh to prevent the build up to flammable material. Any material use shall have a Flammability Index no greater than 5.

Reason: Bushfire protection

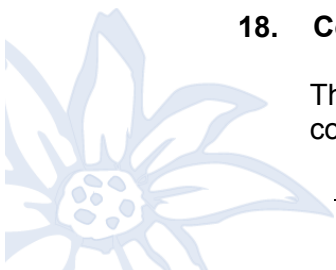
17. Inner Protection Area

The entire property shall be managed as an Inner Protecting Area as outlined in Section 4.2.2(b) of 'Planning for Bushfire Protection 2001'.

Reason: Bushfire protection

18. Construction Standard

The proposed building is to fully comply with the requirements of Level 1 construction as required by Australian Standard AS3959-1999 "Construction of



buildings in Bushfire Prone Areas.

Reason: *Bushfire protection*

19. Bush Fire Evacuation Plan

A Bush Fire Evacuation Plan is to be submitted to the District Office of the NSW Rural Fire Service for approval. The evacuation plan is to detail the following:

- a. Under what circumstances will the complex be evacuated;
- b. Where will all persons be evacuated to;
- c. Roles and responsibilities of persons co-ordinating the evacuation;
- d. A procedure to contact the NSW Rural Fire Service District Office / NSW fire Brigade and inform them of the evacuation and where persons will be evacuated to;

Reason: *Bushfire protection*

20. Bushfire Management Plan

A Bush Fire Management Plan is to be submitted to the District Office of the NSW Rural Fire Service for approval. The BFMP shall address the following requirements:

- a. Contact person / department and details;
- b. Schedule and description of works for the construction of Asset Protection Zones and their continued maintenance;
- c. Management strategies, proposed schedule and description of works of any remnant bushland within the property boundary;
- d. Details of access through any gate / fire trail system for remnant bushland areas.

Reason: *Bushfire protection*

20A. Deleted

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

21. Silt & Sediment Control

Provision shall be made throughout the period of demolition / Excavation & Construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

Reason: *To avoid siltation to adjoining properties and waterways. [D1]*

22. Construction Certificate

A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.

Reason: Legislative requirements. [D3]

23. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with section 81A of EP & A Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

Reason: Legislative requirement for the naming of the PCA. [D4]

24. WorkCover

Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

Reason: Statutory requirement. [D5]

25. Protection of Trees During Works

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Protection methods shall be provided to the Principal Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

Reason: To ensure compliance with the requirement to retain significant planting on the site. [D10]

26. Inspection Fees

Where Council is acting as the Principal Certifying Authority and where an inspection of building, civil or landscape work is required by these conditions, inspection fees and component certification fees must be paid to Council before Council will undertake any inspections. These fees may be paid at the time of submission of the required Notice of Commencement of works. This condition applies regardless of whether a Certification fee is also payable.

Note: The submission of a Notice of Commencement of works form to Council at least two (2) days prior commencing works is a statutory requirement.

Reason: Statutory requirement and information. [D14]

27. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

(Note: Applications for hoarding permits, vehicular crossings etc will require



evidence of insurance upon lodgement of the application.)

Reason: *To ensure the community is protected from the cost of any claim for damages arising from works on public land. [D17]*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

28. Natural rock outcrops

Any natural exposed rock outcrops are to be protected during the construction process from materials and equipment damage by fencing or cordoning off these areas.

Reason: *Protection of unique environmental features.*

29. Notification of Inspections

If Council is the Principal Certifying Authority, Council's Development Engineer is to be given 48 hours notice when the works reach the following stages as and where required:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level/basecourse level
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification as conditioned above. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: *Appropriate notice for works to be carried out. [E1]*

30. Sign on Site

A visually prominent sign to be erected and maintained on-site adjacent to the property's access point, for the duration of the landfill works. This condition must be complied with during demolition and building work.

Reason: *Proper identification of landfill works. [E2]*

31. No Changes To Openings

The windows / doors / fenestration shall not be enlarged or relocated on any elevation of the development. The use of rooms served by windows shall not be altered from that detailed on the approved plans.

Reason: *To ensure compliance with the terms of this development consent. [E5]*

32. Approved Materials

The colour, texture and substance of all external materials shall be generally in accordance with that detailed in the application.

Reason: *To ensure compliance with the terms of this development consent. [E6]*

33. Progress Inspections

The Principal Certifying Authority SHALL BE given two (2) working days notice for inspection of the following as and where applicable:

- (a) After excavation for, and prior to the placement of any footings.
- (b) Prior to pouring any in-situ reinforced concrete building element.
- (c) Prior to covering of the framework for any floor, wall roof or other building element.
- (d) Prior to covering waterproofing or damp proofing in any wet areas.
- (e) Prior to covering stormwater drainage connections.
- (f) After the building work has been completed and prior any Occupation Certificate being issued in relation to the building.

Notes:

- (1) Where Warringah Council is acting as the Principal Certifying Authority for the project, notice is to be given by telephoning Council on 9942 2111 and requesting the relevant inspection. Failure to advise Council at the stages of construction identified above may result in fines being imposed.
- (2) Failure to advise the Principal Certifying Authority of the need for MANDATORY INSPECTIONS at the critical stages of construction detailed above may result in fines being imposed, works being required to be demolished, or delays experienced in obtaining final certification and occupation of the development in order to resolve issues.

Reason: *Compliance, health and safety. [E10]*

34. Replacement of Principal Certifying Authority

If the person exercising the benefits of a development consent changes or replaces the Principal Certifying Authority (PCA) during works on the site, the replacement PCA must notify Warringah Council within two (2) days of appointment. If the original PCA was Warringah Council, written approval from Council must be obtained for any change to the PCA role.

(Note: Special legislative provisions in the Environmental Planning and Assessment Act 1979 apply to the procedure for replacing a PCA)

Reason: *Statutory requirement. [E11]*

35. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for

noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity.*
[E17]

36. Dust Emission and Air Quality

Materials must not be burnt on the site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity.*
[E18]

37. No Work on Public Open Space

The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

Reason: *Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.* **[E19]**

38. Protection of Trees

The following tree/trees are required to be retained as part of the development consent:

All trees that are not indicated for removal on site plan drawing no.JC-DA10 dated 7/11.06 that are not listed as exempt or noxious in Warringah.

Reason: *Protection of existing environmental infrastructure and community assets.* **[E22]**

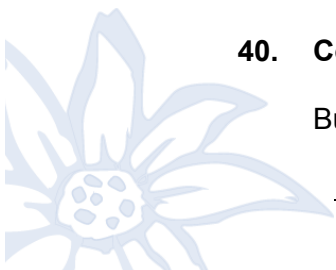
39. Noxious Plants

All lantana, privet, rubber trees, parateria, and other declared noxious plants on the site, shall be eradicated before the commencement of landscape works.

Reason: *To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality-landscaping outcome.* **[E25]**

40. Construction Hours

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm



Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E26]*

41. Out of Hours Work Permits

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

(Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.)

Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E27]*

42. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council guidelines. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised. This Condition must be complied with during demolition and building work.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites. [E28]*

43. Aboriginal Heritage

If in undertaking excavations or works, any Aboriginal site or relic is, or is thought to have been found, all works are to cease immediately and the applicant is to contact Aboriginal Heritage Officer for Warringah Council, and the National Parks and Wildlife Service (NPWS). Any work to a site that is discovered to be the location of an Aboriginal relic, within the meaning of the National Parks and Wildlife Act, requires a permit from the Director of the NPWS.

Reason: *Aboriginal Heritage Protection. [E34]*



44. Trees

- (1) Tree roots of 50mm or greater in diameter encountered during excavation, shall only be cut following consultation with a qualified Arborist. Tree roots between 10mm and 50mm in diameter, severed during excavation, shall be cut cleanly by hand.

Reason: Protection of trees. [E37 (2)]

- (2) Underground services should use common trenches as far away from tree roots as possible. If the services need to be run within the protection zone, all utility pipes are to be laid using appropriate directional boring techniques. Directional Boring shall be carried out at least 600mm beneath natural ground to avoid damage to tree/trees root system. Entry and exit points are to be located outside the protected area. No tree roots are to be severed, or damaged during this work. Should problems arise, work is to cease until those problems are resolved and confirmed in writing by Council's Tree Management Officer and Assigned DA Officer.

Reason: Protection of trees. [E37 (3)]

- (3) All overhead utility services are to be located outside the canopies of existing trees.

Reason: Protection of trees. [E37 (4)]

- (4) The following guidelines are to be complied with at all times:
 - (a) The applicant shall ensure that at all times during the development period no activities, storage or disposal of materials shall take place beneath the canopy of any tree covered under Council's Tree Preservation Order unless specifically approved by Council.
 - (b) Trees marked for retention are not to be damaged or used to display signage, or as fence or cable supports for any reason.
 - (c) Siting of sheds, stockpiles and vehicle parking should be sited so that they are remote from trees.
 - (d) Site personnel are to be made aware of tree requirements and protective measures. Paving materials placed within the dripline of any tree should be of a porous material.

Reason: Protection of trees. [E37 (5)]

- (5) During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:
 - (a) A general decline in health and vigour.
 - (b) Damaged, crushed or dying roots due to poor pruning techniques.
 - (c) More than 10% loss or dieback of roots, branches and foliage.
 - (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
 - (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
 - (f) An increase in the amount of deadwood not associated with normal growth.
 - (g) An increase in kino or gum exudation.
 - (h) Inappropriate increases in epicormic growth that may indicate that the



plants are in a stressed condition.

- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

Reason: *Protection of trees. [E37 (6)]*

45. Maintenance of Road Reserve

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.

Reason: *Public Safety [E39]*

46. Demolition Works

All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with the:-

- (1) Building controls:
 - (a) Approved Demolition Work Method Statement;
 - (b) Australian Standard AS2601 Demolition of Structures;
 - (c) Relevant Codes of Practice and guidelines of the WorkCover Authority (NSW);
 - (d) Relevant provisions of the *Occupational Health and Safety Act 2000 and the Occupational Health and Safety Regulation 2001*; and
 - (e) All other relevant Acts and Regulations.
- (2) All demolition works shall comply with the following requirements:
 - (a) Demolished materials shall not be stockpiled and are to be removed from the site within seven (7) days of demolition unless such material is to be re-used in the development on the site in which case all such material to be re-used is to be stored in a clean and tidy manner and not within the dripline of any tree;
 - (b) Materials shall not be used for the purposes of fill;
 - (c) Burning off of any demolition material on site is not permitted;
 - (d) Demolition is not to commence until required fences, hoardings and sedimentation control measures are in place (refer to other conditions of this consent);
 - (e) Adequate fire precautions are to be taken at all times to prevent the possibility of fire;
 - (f) The site is to be kept free from vermin at all times and control measures implemented prior to demolition commencing should vermin be present on the site;
 - (g) Waste containers are to be stored wholly within the property and not on the public footpath, place or road unless otherwise approved in writing by Council;
 - (h) The site is to be cleared of all debris and left in a clean and tidy condition at the completion of all works;

- (i) The use of explosives is not permitted;
- (j) All spillage of materials on the public footpaths or roadways are to be removed immediately.

Reason: *To ensure residential amenity is maintained in the immediate vicinity, a satisfactory standard of demolition works and that all waste materials are disposed of adequately. [E45]*

46A. Radiant Heat Barrier Fence

A 1.8 metre high radiant heat barrier sheet metal fence is to be constructed along the alignment of the existing 1.8 metre high mesh fence along the northern boundary of the site as per *Site Analysis Plan JC-DA 11 B drawn by Templum Design*. The fence is to incorporate 3 (three) ground level holes and 2 (two) overlaps in accordance with the Rural Fire Service letter of advice to John Colet School dated 7 May 2007.

Reason: *Fire Protection and wildlife conservation and protection.*

46B. Endangered Plant protection during Fence Construction

No native vegetation (trees, shrubs, groundcover) is to be removed during fence construction. No damage to any endangered shrub is to occur during fence construction. Any necessary vegetation trimming for fence construction is to be kept to a minimum. All necessary vegetation trimming is to be undertaken by a qualified (minimum TAFE Certificate III in Natural Area Restoration) and experienced bush regenerator.

All recommendations for protection of native plants during fence construction as outlined under section 3.2.5 of the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy* are to be followed.

A qualified (minimum TAFE Certificate III in Natural Area Restoration) and experienced bush regenerator must provide certification that this condition has been complied with. A copy of this certification is to be provided to Warringah Council.

Reason: *To protect endangered vegetation*

OPERATIONAL CONDITIONS IMPOSED UNDER EP&A ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

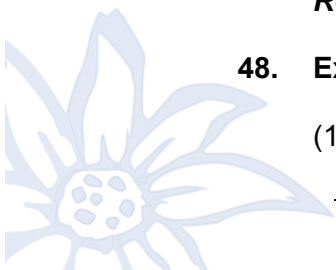
47. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: *Prescribed - Statutory. [F1]*

48. Excavation / 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.

Reason: *To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. [F5]*

49. Demolition

Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

Reason: *To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. [F6]*

50. 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 inconvenient; or
 - (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place.
- (2) If necessary, an awning 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.
- (5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout.

Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given.

Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

Reason: *To ensure public safety and the proper management of public land. [F8]*



51. Site Sign

- (1) 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 being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

Reason: Statutory requirement. [F9]

52. Toilets

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer; or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:

accredited sewage management facility means a sewage management facility to which Division 4 Sub-division 5 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in of the Regulation.

approved by the Council means the subject of an approval in force under the Local Government (General) Regulation 2005.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local



Government (General) Regulation 2005.

Reason: To ensure adequate facilities are provided for workers on the site. [F10]

53. Long Service Levy

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation.

Advisory note: The rate of the Long Service Levy at the time of consent is 0.35% of the building construction works. At the time of consent, payment is not required where the value of the works is less than \$25,000. For works that are \$25,000 or over, a fee is required at the prescribed rate. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply and is based on the building construction works identified in the Construction Certificate.

Reason: Prescribed - Statutory. [F12]

54. Retaining Walls & Drainage

If the soil conditions require it:

- (a) 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
- (b) adequate provision must be made for drainage in accordance with the provisions of AS3500.3.2.

Reason: To ensure appropriate measures are in place to address site conditions and provide appropriate site drainage. [F13]

55. Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to issue of the Construction Certificate to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- ☐ Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- ☐ Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.

Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. [F15]

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

56. Occupation Certificate Required

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

Reason: *To ensure compliance with the provisions of the Environmental Planning and Assessment Act. [G1]*

57. Fire Safety Certificate

To ensure the safety of occupants of the building a "Fire Safety Certificate" which identifies the schedule of "Fire Safety Measures" that have been completed to satisfactory standard shall be provided to the Principal Certifying Authority prior to the issue of an "Occupation Certificate" as required in the "Environmental Planning and Assessment Act & Regulation.

Reason: *To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants. [G3]*

57A. Section 88B Instrument for conservation of endangered *Grevillea caleyi* and Duffys Forest Ecological Community

All native vegetation within Zone A as depicted in Figure 4 of the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy* is to be retained, conserved, rehabilitated and managed in accordance with the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy* at all times in perpetuity.

Prior to the issue of the occupation certificate, an instrument containing a public positive covenant in favour of the Council pursuant to section 88B Conveyancing Act 1919 shall be prepared with respect to the retention, conservation, rehabilitation and management of endangered native vegetation within Zone A, as depicted in Figure 4 of the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy*, and shall be submitted to the Council's Conservation and Land Management Department for approval. No work is to be carried out pursuant to this consent until such approval has been granted.

Prior to the issue of a occupation certificate a section 88B instrument which includes the covenant pursuant to section 88B Conveyancing Act 1919 in registrable form and a site plan prepared by a registered surveyor showing the boundaries of Zone A shall be prepared by the owner of the land and produced to Council for approval and execution. The covenant is to be registered on the title of the lot. The instrument must stipulate that the only person with the right to release, vary or modify the covenant is the Council. All costs associated with the preparation, execution and registration of the instrument are to be borne by the owner of the land.

Reason: *To ensure bushland management*



58. Conservation of Water & Energy

Compliance with Clause 68 "Conservation of Energy and Water" of Warringah Local Environmental Plan 2000 with respect to appliances. Details to be submitted with the Occupation Certificate.

Reason: *Provision of energy requirements. [G5]*

59. Termite Control

- (1) Termite control measures being installed in accordance with AS 3660.1-2000 "Termite Management: New Building Work."

Reason: *Termite control. [G6 (1)]*

- (2) A durable notice is to be permanently fixed to the building in a prominent location, such as the meter box or the like, indicating: The method of termite protection; date of installation; life expectancy of chemical barrier (if used); and installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

Reason: *Termite control. [G6 (2)]*

60. Access for People with Disabilities

Prior to occupation provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Parts 1 and 4. Access to the second floor must be possible by retrofitting stair climber lift at a future date if required. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment (AS 1428.4).

Reason: *Equitable access for people with a disability. [G10]*

61. Regulated Systems- Air Handling

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems if they are to be installed shall be designed, constructed and installed in accordance with the provisions of:

- (a) The Building Code of Australia,
- (b) AS 1668 Part 1 & 2,
- (c) The Public Health Act,
- (d) Public Health (Microbial Control) Regulation,
- (e) Work Cover Authority,
- (f) AS 3666 Air Handling and water system of building microbial control:
 - Part 1 - Design installation and commissioning
 - Part 2 - Operation and maintenance
 - Part 3 - Performance based maintenance of cooling water systems

An application to register any regulated system installed must be made to Council prior to commissioning of the system.

Reason: *To ensure public health is maintained to statutory requirements for record keeping. [G24]*

61A. Bushland Management

Bush regeneration/Weed control work outlined in section 3.3 of the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 revised 1/8/07 By Edgar Freimanis and Alex McCarthy* are to start as soon as site works commence.

All works and recommendations and outlined in the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy* are to be implemented.

All work is to be undertaken in accordance with specifications of the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy*.

Reason: To ensure bushland management

61B. Bushland Management Plan Monitoring and Reporting

Monitoring and Reporting is to be carried out in accordance with section 3.5 of the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy*.

Reason: To ensure bushland management

61C. Bushland Management Plan Certification of Completion

Prior to the final compliance certificate being issued an appropriately qualified ecologist is to certify that all works as outlined within the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy* have been satisfactorily carried out.

Reason: To ensure bushland management

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

62. Demountable Classroom

The demountable classroom as indicated for removal on the plans shall be removed from the site within one (1) month of the date of occupation of the new classroom building, and the foundation area restored to native landscaping or grass. The demountable classroom is not to be relocated within the school properties of Lot 1 DP 601101 or Lot 101 DP 874509.

Reason: To ensure the structures are removed from the site.



63. Lighting amenity

Security lighting for the School is to be installed and directed to prevent lighting spill and glare to surrounding areas that will affect the amenity of neighbours.

Reason: *Amenity.*

64. School enrolment numbers

The maximum school enrolment shall be limited to 150 students.

Reason: *To limit intensification of Category Three development for the site.*

64A. Bushland Management

Bush regeneration/Weed control work outlined in section 3.3 of the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy* are to start as soon as site works commence.

All works and recommendations and outlined in the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy* are to be implemented.

All work is to be undertaken in accordance with specifications of the *Bushland Management Plan v1.1 (Incorporating a Works Environment Protection Plan) For John Colet School, Wyatt Avenue, Belrose June 2007 Revised 1/8/07 By Edgar Freimanis and Alex McCarthy*.

Reason: *To ensure bushland management*

64B. Front setback

No parking of vehicles is permitted within the 17 metre front setback from Wyatt Avenue in accordance with this consent.

Reason: *Streetscape.*

