



planning consultants

Statement of Environmental Effects



Section 96(1A) Modification to Amend Condition Nos. 5, 29 and 37 of Development Consent No. DA2012/1361

No. 1 Echunga Road (also known as Lot 53 DP 774913
Yanderra Road), Duffys Forest

Prepared for: Northern Beaches Christian School
Project No: 7801E
Date: August 2013



Statement of Environmental Effects

Northern Beaches Christian School – S.96(1A) Modification

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Appendices

- A. Development Consent No. DA2012/1361 issued by Warringah Council dated 6 March 2013
- B. Letter to Minister for Planning and Infrastructure prepared by NBCS dated 2 May 2013

1 Introduction

DFP acts on behalf of Northern Beaches Christian School (NBCS) in relation to a proposed Section 96(1A) modification application to Warringah Council (Council) for proposed amendments to Condition Nos. 5, 29 and 37 of Development Consent No. DA2012/1361 dated 6 March 2013 (**Appendix A**).

This Statement of Environmental Effects report (SEE) considers relevant matters for consideration under Section 79C(1) of the Environmental Planning and Assessment Act (EP&A Act) 1979.

2 Proposal (As Amended)

2.1 Summary

The modified proposal seeks to modify Development Consent No. DA2012/1361 by amending Condition Nos. 5, 29 and 37. No amendments are proposed to the approved plans.

The modified proposal is substantially the same development as that approved by Council on 6 March 2013 and will not alter the following description which is noted on the consent:

“Demolition works and alterations and additions to an existing school and construction of new school facilities, an increase in student numbers and signage.”

The modified proposal will not create any adverse environmental impact and is satisfactory, having regard to Section 79C of the EP&A Act 1979.

Condition No. 5 - Policy Controls

Condition No. 5 - Policy Controls may ultimately need to be deleted consistent with the letter that NBCS has written to The Hon. Brad Hazzard M.P. Minister for Planning and Infrastructure (**Appendix B**).

However, in the interim, Condition No. 5 will need to be amended to ensure that the S.94A contribution is paid prior to the issue of any Interim Occupation Certificate (IOC) or Final Occupation Certificate (FOC) for the buildings (whichever comes first). The proposed modification to Condition No. 5 is acceptable as the development does not contribute towards any burden on infrastructure until such time as it becomes operational.

Condition No. 29 - On-site Stormwater

Condition No. 29 - On-site Stormwater currently includes a reference to “any interim OC” which prevents NBCS from applying for an IOC for the proposed at-grade carparking as it is constructed and becomes available for use. Given that it is proposed to construct the new south-western carparking first as early works, it is necessary for NBCS to be able to obtain an IOC.

Condition No. 37 - Allocation of Spaces

Condition No. 37 - Allocation of Spaces currently states that “255 car parking spaces shall be provided, made accessible and maintained at all times” which does not facilitate the sequencing of building works and is not feasible due to the limitations of the site as some of the front carparking spaces will need to make way for building site access whilst the buildings are being constructed.

Accordingly, not all 255 car parking spaces will be available until the end of the project. At present, Condition No. 37 does not allow NBCS to apply for an IOC for use of the proposed at-grade carparking as it is constructed and becomes available.

2.2 Proposed S.96(1A) Modification

Condition Nos. 5, 29 and 37 of Development Consent No. DA2012/1361 dated 6 March 2013 are proposed to be amended with the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out~~ words/numbers as follows:

2.2.1 Condition No. 5 - Policy Controls

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contribution Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contribution Plan		
Contribution based on a total development cost of \$13,176,840		
Contribution	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$125,180
Section 94A and Planning and Administration	0.05%	\$6,588
Total	1%	\$131,768

The amount will be adjusted at the time of paying accounting 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. **Evidence of contributions being paid is to be issued to the Principal Certifying Authority prior to the issue of any Interim or Final Occupation Certificate for a building (whichever comes first).**

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

2.2.2 Condition No. 29 - On-site Stormwater

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a 'work as executed' (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. 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 approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of ~~any an~~ interim/final Occupation Certificate **for a building**.

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

2.2.3 Condition No. 37 - Allocation of Spaces

255 car parking spaces shall be provided, made accessible and maintained at all times.

Detail demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of ~~any an~~ interim / final Occupation Certificate **for a building**.

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

3 Evaluation - Section 79C(1) of the EP&A Act 1979

The proposed amendments to Condition Nos. 5, 29 and 37 of Development Consent No. DA2012/1361 dated 6 March 2013 will not create any adverse environmental impact.

Accordingly, the proposal is satisfactory having regard to Section 79C and Section 96(1A) of the EP&A Act 1979.

4 Conclusion

DFP has prepared this SEE on behalf of NBCS in relation to a proposed Section 96(1A) modification application to Warringah Council for proposed amendments to Condition Nos. 5, 29 and 37 of Development Consent No. DA2012/1361 dated 6 March 2013.

The modification proposal does not involve any amendment to the approved plans and is satisfactory having regard to Section 79C(1) and Section 96(1A) of the EP&A Act 1979 as it will not create any adverse environmental impact.

DFP considers the modified proposal to be worthy of Council's support.