



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2006/849

DEVELOPMENT APPLICATION DETAILS

Applicant Name: St Martins Primary School

Applicant Address: 149 Prahran Avenue Davidson NSW 2085

Land to be developed (Address): Lot 51, DP 826470, 149 Prahran Avenue Davidson

Proposed Development: earthworks and retaining wall to create a hard surface playing field

DETERMINATION

Made on (Date): 18 April 2007

Consent to operate from (Date): 4 May 2007

Consent to lapse on (Date): 4 May 2010

Details of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.

Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

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 Number	Dated
0576A drawn by Total Land Surveying - Land and Property Surveyors	September 2005
2005-0204/01 drawn by Burgess, Arnott and Grava	December 2005
2005-205-H1 drawn by Burgess, Arnott and Grava	January 2007
2005-205-H2 drawn by Burgess, Arnott and Grava	January 2007

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]*

3. Retaining Wall

The retaining wall shall be constructed using keystone construction methods or similar. Details shall be submitted to the satisfaction of the Accredited Certifier/Council prior to the issue of the Construction Certificate.

Reason: *Safety.*

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

4. Kerb Security Bond

A bond of \$825.00 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]*

5. Protection of Footpaths and Roadways

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: *Protection of footpath and roadways. [C22]*

6. 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	
149 Prahran Avenue, DAVIDSON (Property address)	
DEVELOPMENT APPLICATION NUMBER 2006/0849DA	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$825.00
TOTAL BONDS	\$825.00
FEES	
Kerb Security Inspection Fee	\$200.00
Long Service Levy	\$193.00
TOTAL FEES	\$393.00
Progress Inspections if Council is the PCA, as applicable.	\$275.00 <i>per inspection</i>

Reason: *Compliance with the development consent. [C71]*

7. Structural Design Certificate

That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to issue of the construction certificate.

Reason: *To ensure the safety and structural adequacy of the approved development and compliance with the appropriate Australian Standards. [C83]*

8. Waste Collection Contract

Prior to the issue of a construction certificate and prior to the commencement of demolition work the owner must ensure that there is a contract with a licensed contractor for the removal of trade/demolition waste. No garbage or demolition/building waste is to be placed on the public way eg: Footpaths, roadways, plazas and reserves at any time.

Reason: To maintain the property in a safe and hygienic state. [C84]

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

9. 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]

10. 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]

11. 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]

12. 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]

13. Structural adequacy and Excavation work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.



All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Before excavation, the responsible person must notify their intention to the adjoining owner/s and shall at the same time furnish to such owner/s particulars of the work proposed to be carried out.

Reason: Safety. [D9]

14. 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]

15. Excavation/Building Works

No excavation or building works shall be carried out until a Construction Certificate has been issued.

Reason: To ensure compliance with statutory provisions. [D13]

16. 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]

17. Cigarette Butt Receptacle

A cigarette butt receptacle is to be provided on the site for the duration of demolition/construction process, for convenient use of site workers.

Reason: To ensure adequate provision is made for builders' waste. [D16]

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

18. Progress Inspections (Class 1 and 10 Buildings)

The Principal Certifying Authority (PCA) SHALL BE given a minimum of forty-eight (48) hours notice for mandatory inspection of the following, where applicable:

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

The appointed Principal Certifying Authority MUST do the first inspection at the commencement of building work, and at completion of building work.

Notes:

- (1) The appointed Principal Certifying Authority has a discretion to determine additional inspections, or nominate other Accredited Certifiers to undertake inspections other than the first and last inspections, which are required to ensure compliance or otherwise with relevant codes and standards. In any event, the Principal Certifying Authority MUST be advised at all of the stages of construction identified above.
- (2) The PCA must advise the person with the benefit of the consent of the mandatory critical stage inspections referred to in the EP & A Regulations.
- (3) Where Warringah Council is acting as the Principal Certifying Authority for the project, notice is to be given by telephone to Council on 9942 2111 and requesting an relevant inspection. Failure to advise Council at the stages of construction identified above may result in fines being imposed.



- (4) 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: Prescribed mandatory inspections under legislation. [E7]

19. 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]

20. 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]

21. 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]

22. Protection of Trees

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



- All trees which are not listed as exempt or noxious in Warringah that are not required to be removed to undertake the works.

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

23. 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]*

24. 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]*

25. 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]*

26. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries. This Condition shall be complied with during demolition and building work.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the Internet at www.WorkCover.nsw.gov.au.

Reason: *To ensure the health and safety of the community and workers on the site. [E30]*

27. Excavation Distance from Boundary

No excavation is to occur within 1.0m of the property boundary.

Reason: *To ensure the protection of adjoining properties from the effects of excavation and potential collapse. [E33]*

28. Prohibition on Use of Pavements

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

Reason: *To ensure public safety and amenity on public land. [E35]*

29. 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) 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)]

- (3) 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)]

30. 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]

31. Tree Pruning

Pruning of trees that overhang the proposed playing court may be undertaken provided that works are carried out in accordance with Australian Standard AS 4373 - 1996 Pruning of Amenity Trees.

Reason: Safety.

32. Filling of Site

To the extent that this consent permits filling of site such fill must be *virgin excavated natural material* (“VENM”).

VENM means “Virgin excavated natural material (such as clay, gravel, sand, soil and rock” that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human-made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphidic ores or soils.”

Note: if a person transports waste to a place (the site) that cannot lawfully be used as a waste facility for that waste: (a) the person, and, (b) if the person is not the owner of the waste, the owner, are each guilty of an offence under section 143 of the Protection of the Environment Operations Act 1997.

Reason: *To protect the environment from contaminated material from development sites.*

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

33. 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]*

34. 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]*

35. 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]*

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

36. On-Site Stormwater Detention Compliance Certification

The on-site detention system and associated drainage works are to be in accordance with the drainage plan submitted by Burgess, Arnott and Grava consultants (Drawing No 2005-205-H1 and 2005-205-H2 dated January 2007). 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 Certifying Authority. 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 Certifying Authority prior to occupation. Council can issue the Compliance Certificate if required subject to prescribed fee.

Reason: *To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded. [G27]*

37. Creation of Positive Covenant and Restriction as to User

- (a) Where any conditions of this Consent require the creation of a positive covenant and/or restriction as to user, the original completed request forms shall be submitted to Warringah Council for authorisation.
- (b) Following Council authorisation, the certified documents shall be approved and registered at the NSW Land and Property Information Department".
- (c) Upon such approval a copy of the certified documents shall be provided to Warringah Council prior to occupation.

Reason: *To identify encumbrances on land. [G28]*

38. Restrictions as to User

Restrictions as to User shall be created over the on-site stormwater detention system,



restricting any alteration to the levels and/or any construction on the land. The terms of such restriction is to be prepared to Warringah Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with the "NSW Land and Property Information Department". Warringah Council shall be nominated as a party to release, vary or modify such restriction.

Reason: *To ensure no modification of the stormwater detention structure without Council's consent. [G29]*

39. Positive Covenant (Onsite Detention Structure)

The applicant shall create a Positive Covenant of the Title of the land requiring the proprietor of the land to maintain the stormwater detention structures required by this Consent, in accordance with the standard requirements of Council. The Positive Covenant is to be prepared by the applicant using terms acceptable to, and which are available from Warringah Council. The positive covenant is to be endorsed by Council prior to its lodgement with the 'NSW Land and Property Information Department'.

Reason: *To ensure ongoing maintenance of the stormwater detention structure. [G32]*

40. Safety Fence

A 1200mm high safety fence constructed in accordance with the appropriate Australian Standard(s) shall be erected along the top of the proposed retaining wall where the height of the retaining wall exceeds 1000mm above the finished level of the court. Amended plans demonstrating compliance are to be submitted and approved by an accredited certifier prior to the issue of the Construction Certificate.

Reason: *Safety.*

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION

41. Screening Trees

Six (6) trees within a mulched garden bed shall be planted in accordance with the schedule hereunder prior to the issue of the final Compliance Certificate require on completion of the works:

Tree Species	Location	Pot Size
3 x <i>Eucalyptus luehmanniana</i> 3 x <i>Corymbia gummifera</i>	Grouped in a mulched bed approximately 6m x 3m on the embankment fronting Kambora Avenue	As available

Reason: *To maintain environmental amenity.*

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

42. No Commercial Use

Nothing in this consent shall authorise the use of the playing court for commercial purposes.

Reason: *Information and clarification of terms of this consent. [11]*

43. Hours of Operation

The may be used only between the following hours:

- 9am and 5pm Monday to Friday.

Reason: *Information to ensure that amenity of the surrounding locality is maintained [12]*

44. No Illumination

This consent doe not allow for the playing court to be illuminated or floodlit at any time.

Reason: *To ensure that the use of the court does not interfere with amenity of nearby properties. [118]*



Right to Review by the Council

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice.

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

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Signed on behalf of the consent authority

Signature _____
Name Rebecca Fisher

Date 4 May 2007