

Original signed by Robyn Pearson on 9/9/2019
Date determined: 9/9/2019
Date operates: 9/9/2019
Date lapses: 9/9/2024

SCECGS Redlands
C/- Urbis Pty Ltd
Attention: Shaun de Smeth
Level 23, Tower 2, 201 Sussex Street
SYDNEY NSW 2000

D27/19
MS3 (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
NOTICE OF DETERMINATION – Approval

Development Application Number: 27/19

Land to which this applies:

286 Military Road, Cremorne
Lot No.: 1, DP: 583854

Applicant:

SCECGS Redlands

Proposal:

Change of use from a dwelling house to the use of the building as a school for the purpose of a uniform shop. Hours of operation 7am to 6pm, Monday to Friday.

Determination of Development Application:

Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, approval has been granted subject to conditions in the notice of determination.

Date of Determination:

9 September 2019

Reason for approval:

The proposed use of the existing dwelling house as a uniform shop in conjunction with the neighbouring SCEGGS Redlands School is a permitted use as the uniform shop is an ancillary function of the school and is therefore permitted within the R4 High Density Residential zone as provided by State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017. The proposed development meets the relevant objectives of the R4 High Density Residential zone.

The shop would sell branded uniforms as a part of providing the day to day schooling of local students.

The operation of the uniform shop would be limited to school hours and is unlikely to adversely impact the residential amenity of the surrounding residential properties. The use would not generate additional traffic or parking demand given that it would only serve only the students in attendance at the school. In summary the proposed development is considered reasonable and is recommended for approval.

Consent to operate from: 9 September 2019

Consent will lapse on: 9 September 2024

Period of Consent

Subject to Section 4.20 of the Act, this consent becomes effective and operates from the date listed above. The consent lapses five years after the date of consent in accordance with Section 4.53 of the Act and cannot be extended. To activate this consent, works must physically commence onsite by 9 September 2024.

How community views were taken into account:

The development application was notified in accordance with Council's Notification Policy from 22 February 2019 until 8 March 2019 however no submissions were received. Nevertheless, conditions have been recommended to ensure that the operation of the uniform shop would not adversely impact the residential amenity of the area.

Review of determination and right of appeal:

Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

Plans endorsed by the consent authority – please refer to condition A1.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER ASSESSMENTS

(i) Conditions

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of the Environmental Planning & Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning & Assessment Regulation 2000 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.17 of the Act.

(ii) Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act* 1987 as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or ***AS/NZS*** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

NCC means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means North Sydney Council.

Court means the Land and Environment Court.

Local Native Plants means species of native plant endemic to North Sydney LGA.

Stormwater Drainage System means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner Builder has the same meaning as in the *Home Building Act* 1989.

Principal Certifier for building or subdivision work means the certifier appointed as the principal certifier for the building work under section 6.6 (1) or for the subdivision work under section 6.12 (1).

Principal Contractor for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

Professional Engineer has the same meaning as in the *NCC*.

Public Place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

Site means the land being developed subject to this consent.

NSLEP 2013 means *North Sydney Local Environmental Plan 2013*

NSDCP 2013 means *North Sydney Development Control Plan 2013*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** – Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

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A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/documentation

- A1. The development must be carried out in accordance the drawing titled **286 Military Road - Floor Plan**, prepared by **Keith Richardson** dated **24 July 2019** and received by Council **25 July 2019** and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

F. *Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation*

Occupation Certificate

- F1. A person must not commence occupation or use of the whole or any part of a new building (*new building* includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part.

(Reason: Statutory)

G. *Prior to the Issue of an Occupation Certificate*

Provision of Accessible Path of Travel

- G1. An accessible path of travel is to be provided to ensure access to the premise in accordance with the Building Code of Australia and Disability (Access to Premise – Building Standard 2010).

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

Installation of Signage

- G2. A Business Identification Sign is to be installed in a prominent position adjacent to the entry of the uniform shop that includes the name of the school, school logo and words "Uniform Shop". The sign is to have a maximum size of 300mm (h) x 420mm (w) and must not be illuminated. The certifying authority is to ensure that the signage is installed prior to the issue of the Occupation Certificate.

(Reason: To identify the location and nature of the business within the residential area)

I. *On-Going / Operational Conditions*

Hours of Operation

- I1. The hours of operation for the uniform shop at 286 Military Road, Cremorne are restricted to:

7am to 6pm – Monday to Friday

Upon expiry of the permitted hours:

- (a) all service must immediately cease;
- (b) no person shall be permitted entry; and
- (c) all customers on the premises must be required to leave within the following half hour.

The shop may not operate on Saturday's, Sunday's or Public Holidays.

(Reason: to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

Ancillary Use as a Uniform Shop

- I2. The ongoing use of the premises is to remain in conjunction with the educational establishment of SCEGGS Redlands and be limited to the storage and sale of uniforms and school merchandise as required by the students and staff associated with SCEGGS REDLANDS school.

(Reason: to ensure that the development is in accordance with the determination)

No General Retail Use

- I3. The ongoing sale of items at the premises is to remain limited to customers being only SCEGGS Redlands school pupils and their parents and/or guardians, and not to operate as a general retail outlet to the public.

(Reason: to ensure that the development is in accordance with the determination)

Staff Numbers

- I4. The number of staff working at the premise shall not exceed 5 persons at any one time.

(Reason: To ensure the amenity of the residential area is maintained)

External Appearance

- I5. The premises and the external area must be maintained in a safe condition and kept free of rubbish including mail and papers at all times.

(Reason: To ensure the visual amenity of the residential area is maintained)

Waste Collection

- I6. Waste and recycling materials, generated by the commercial use, must not be collected between the hours of 10pm and 6am on any day. Waste and Recycling Bins are to be stored within the rear or side setback areas behind the front building line of the property.

(Reason: To ensure the amenity of surrounding properties is maintained)

Loading within Site

17. All loading and unloading operations must be carried out wholly within the confines of the site at all times and must not obstruct other properties or the public way.

(Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity)

Delivery Hours

18. No deliveries, loading or unloading associated with the operation of the premises are to take place between the hours of 10.00pm and 6.00am on any day.

(Reason: To ensure the amenity of surrounding properties is maintained)

Air Conditioners

19. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2008 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

- a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - i) before 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
 - ii) before 7.00am or after 10.00pm on any other day
- b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy will be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To maintain residential amenity)