

**NOTICE OF DETERMINATION**

**Application Number:** DA2014/0344

**APPLICATION DETAILS**

**Applicant Name and Address:** Warringah Council  
C/- Kim Stewart  
725 Pittwater Road  
DEE WHY NSW 2099

**Land to be developed (Address):** Lot 1 DP 1193308 Part Lot 100 DP 1041823 36-48  
Kingsway DEE WHY NSW 2099 Civic Centre 725  
Pittwater Road DEE WHY NSW 2099

**Proposed Development:** Demolition of existing car parking and construction of  
a Multi-Purpose Community facility (Police and  
Citizens Youth Club) including car parking,  
landscaping and signage

**DETERMINATION – APPROVED**

**Consent Authority:** Sydney East Region Joint Planning Panel

**Made on (Date):** 6 August 2014

**Consent to operate from (Date):** 7 August 2014

**Consent to lapse on (Date):** 7 August 2019

**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.*



## GENERAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

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

#### a) Approved Plans

Architectural Plans – Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA 11	28.03.2014	Francis-Jones Morehen Thorp
DA 12	28.03.2014	Francis-Jones Morehen Thorp
DA 13	28.03.2014	Francis-Jones Morehen Thorp
DA 14	28.03.2014	Francis-Jones Morehen Thorp
DA 21	05.06.2014	Francis-Jones Morehen Thorp
DA 22	05.06.2014	Francis-Jones Morehen Thorp
DA 23	05.06.2014	Francis-Jones Morehen Thorp
DA 24	05.06.2014	Francis-Jones Morehen Thorp
DA 25	28.03.2014	Francis-Jones Morehen Thorp
DA 31	05.06.2014	Francis-Jones Morehen Thorp
DA 41	05.06.2014	Francis-Jones Morehen Thorp
DA 51	28.03.2014	Francis-Jones Morehen Thorp
DA 52	28.03.2014	Francis-Jones Morehen Thorp
DA 54	28.03.2014	Francis-Jones Morehen Thorp
DA 61	28.03.2014	Francis-Jones Morehen Thorp
DA 63	28.03.2014	Francis-Jones Morehen Thorp
DA 92	28.03.2014	Francis-Jones Morehen Thorp
DA 93	28.03.2014	Francis-Jones Morehen Thorp
DA 94	28.03.2014	Francis-Jones Morehen Thorp
DA 95	28.03.2014	Francis-Jones Morehen Thorp
DA 96	28.03.2014	Francis-Jones Morehen Thorp



<b>Reports/Documentation – All recommendations &amp; requirements contained within:</b>		
<b>Report No./Page No./Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Geotechnical Investigation	23 April 2013	JK Geotechnics
Arborist Report	12 February 2014	Eco Logical Australia
Statement on Provision of Site Stormwater Drainage	21 March 2014	Warren Smith & Partners
Section J Assessment	26 March 2014	Medland Metropolis
Preliminary Contamination Screening and Acid Sulfate Soil Assessment	1 May 2013	Environmental Investigation Services
Parking and Traffic Report	25 March 2014	Taylor Thomson Whitting
Acoustic Assessment	24 March 2014	Acoustic Studio
Signage Concept Strategy	28 March 2014	Francis-Jones Morehen Thorp
Solar Light Reflectivity Analysis	25 March 2014	Windtech
Tree Construction Impact Statement	12 February 2014	Eco Logical Australia
Access Report	13 March 2014	Accessibility Solutions
Lighting Report	6 March 2014	Medland Metropolis
CPTED Report	24 March 2014	Francis-Jones Morehen Thorp

<b>Civil Infrastructure Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
C30	25.03.14	Taylor Thomson Whitting
C31	28.02.14	Taylor Thomson Whitting

- b) Any plans and/or documentation submitted to satisfy the Conditions of this consent.
- c) No construction works (including demolition or excavation) shall be undertaken prior to the release of the Construction Certificate.

**Reason:** To ensure the work is carried out in accordance with the determination of the JRPP and approved plans. (DACPLB01)

## **2. Compliance with Ausgrid Requirements**

- (a) Prior to any development being carried out, the approved plans must be submitted to Ausgrid's (formerly EnergyAustralia ) local customer service office



for approval to determine whether the development will affect Ausgrid's network or easements.

- (b) The applicant must check the location of underground cables by using Dial Before You Dig and comply with the requirements of Ausgrid's NS 156 Working Near or Around Underground Cables
- (c) Prior to the issue of a Construction Certificate, the applicant must provide to the Council and Ausgrid a noise assessment report. The report must address, in relation to the adjacent substation, the requirements of the amenity or intrusive criteria in section 2.4 of the EPA's NSW Industrial Noise Policy, 2000.
- (d) The development must comply with both the Reference Levels and the precautionary requirements of the draft ARPANSA's Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz 3 kHz, 7 December 2006.
- (e) The development must comply with Ausgrid's Tree Safety Management Plan
- (f) The development must be carried out in accordance with the Energy Network Association's Substation Earthing Guide, ENA EGI2006 so that hazardous step, touch and transfer voltages do not exist during fault conditions (50Hz or transient).

**Reason:** To ensure the work is carried out in accordance with the requirements of Ausgrid

### **3. Compliance with NSW Police Requirements**

The car park walls are to be designed and constructed of suitable materials so that they are not climbable.

**Reason:** To ensure the safety and security of the facility in accordance with NSW Police requirements.

### **4. Prescribed Conditions**

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



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

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

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

**Reason:** Legislative Requirement (DACPLB09)

## **5. General Requirements**

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

7.00 am to 5.00pm inclusive Monday to Friday

8.00am to 1.00pm inclusive on Saturday

No work on Sundays and Public Holidays

Demolition and excavation works are restricted to:

8.00am to 5.00pm 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).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.



- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured at any receiving residential property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i. Building/s that are to be erected
  - ii. Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii. Building/s that are to be demolished
  - iv. For any work/s that is to be carried out
  - v. For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

**Reason:** To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)





## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

### 6. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with Council's Stormwater Drainage Policy. Engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site. (DACENC04)

### 7. Sub-Soil Seepage

All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being the kerb inlet pit in The Kingsway and is to be carried out in accordance with relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Standards applied:

- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 Plumbing and drainage – Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 / Amdt 1 - 2006 Plumbing and drainage - Stormwater drainage.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure appropriate drainage and stormwater management on site to protect amenity of residents. (DACENC10)

### 8. Utilities Services

Prior to the issue of the Construction Certificate, evidence is to be submitted to the Certifying Authority that

- (a) A letter from the telecommunications service provider confirming that satisfactory arrangements have been made for the provision of underground telecommunications for the approved development have been made; and
- (b) Evidence that notification has been received from an Electricity Service Provider of electricity supply requirements for the development can be provided.

**Reason:** To ensure that services have been provided as required by this consent. (DACENC15)



## **9. 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.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Safety. (DACENC19)

## **10. On-site Stormwater Detention**

An On-site Stormwater Detention system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification, and generally in accordance with the concept drainage plans prepared by Warren Smith & Partners Pty Ltd, drawing number 4440000 C-201 Issue B, C202 Issue B, C203 Issue B, C-204 Issue B, C-205 Issue B, C-206 Issue B and C-207 Issue B, dated 21.03.2014.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- (a) A high level overflow is to be provided to OSD Tank 2 to achieve a minimum 300mm freeboard to the Foyer Level of FFL 33.50 AHD.
- (b) All upstream flows from the existing carpark adjacent to the southern entry to the building are to be diverted around the OSD system.
- (c) A long section of the outlet pipe between the junction pit at the north western corner of the site to the existing Council pit in the Kingsway.
- (d) Council's existing stormwater pits and pipes including their positions, the lengths of pipe and the number of pits to be removed, up to the junction pit in the Kingsway from the existing carpark, are to be detailed on the drawing.

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with Council's current On-site Stormwater Detention Technical Specification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.





**Reason:** To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC20)

#### **11. Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENCO5)

#### **12. Submission of Engineering Plans for Civil Works within the Site**

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the following list of works which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

- (a) The provision of one vehicle crossing 7 metres wide at the boundary and 9 metres wide at the kerb alignment with Civic Drive in accordance with Warringah Council Drawing No. A4-3330/1 Normal and specifications.
- (b) The provision of one layback 9 metres wide in accordance with Warringah Council Drawing No. A4- 2276/B and specifications.
- (c) The sight distance for the above crossing is to be in accordance with Section 3.2.4 of AS/NZS2890.1:2004 with no landscaping other than ground covers are to be provided within the sight lines of the driveway.
- (d) The provision of a footpath 2.5 metres wide with a minimum crossfall of 2% and maximum of 4% along the Civic Dr frontage and southern boundary from the proposed entry to the building to the corner of Civic Dr.
- (e) The provision of pedestrian ramps on both sides of the western side of the existing roundabout on Civic Dr to provide a pedestrian link to the existing footpath in this location. The pedestrian ramps are to be in accordance with Warringah Council Drawing No. A4 7284.
- (f) The provision of a kerb, gutter and asphalt adjustment to the northern side of the existing car parking area to the west of the roundabout to provide the drop off area to the proposed building.
- (g) Adjustment to the existing planter beds and driveway within the existing car park to permit one way clock wise vehicular access to the drop off area to the proposed building.
- (h) The provision of a street lighting design for Civic Drive and the proposed drop off zone to meet the increase in pedestrian traffic in accordance with the relevant Australian and New Zealand Standard.



- (i) The provision of a pedestrian ramp on the north western side of the existing roundabout on Civic Dr to provide a pedestrian link to the existing footpath in this location. The pedestrian ramps are to be in accordance with Warringah Council Drawing No. A4 7284.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure compliance with Council's specification for engineering works.  
(DACENPC1)

### **13. Submission of Engineering Plans for Civil Works within the Road Reserve**

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the following list of works which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

- (a) Reconstruction of the kerb and gutter with associated regrading of the crossfall to 3% [half road and beyond if necessary] of the southern side of the Kingsway to alleviate the scrapping at the intersection with Civic Drive. The pavement shall be designed for full depth AC to minimise traffic disruption.
- (b) Reconstruction of the kerb & gutter and associated pavement to the frontages of the Kingsway and Fisher Road to 150mm high kerb.
- (c) The provision of a concrete footpath 2.5 metres wide minimum along the Kingsway and Fisher Road frontages with a minimum cross fall of 2% to the kerb. The path design is to include all line marking and associated sign posting.
- (d) The provision of pedestrian ramps on both sides of the intersection of the Kingsway with Fisher Rd and on the western side of the intersection of Kingsway with Civic Drive.
- (e) The provision of a bus parking bay on the Fisher Rd frontage. The bus bay must include a cross fall of 2% toward the new kerb alignment. Approval from all public utility service authorities for the proposal must be submitted with the design. This may require the dedication of a portion of the site as road reserve to accommodate the relocation of the services if required by the public service authority.
- (f) The provision of a bicycle path extension 2.5 metres wide between the south eastern corner of the Kingsway and Fisher Road to the south eastern corner of the intersection of Regent St and Fisher Road.
- (g) The provision of a refuge island and associated blister islands on Kingsway at the intersection with Fisher Road to prevent the right turn movement from Kingsway. The island is to be designed to permit a bicycle path to cross at this point. Any adjustment to line marking and signposting is to be included in the design.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure compliance with Council's specification for engineering works.  
(DACENPCC3)



#### 14. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS2601.2001 - Demolition of Structures\*\*
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- (e) AS 4970 - 2009 'Protection of trees on development sites'\*\*\*
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking\*\*
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- (l) AS 1428.1 - 2009\* Design for access and mobility - General requirements for access - New building work\*\*
- (m) AS 1428.2 - 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*

\*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [www.hreoc.gov.au/disability rights /buildings/good.htm](http://www.hreoc.gov.au/disability_rights/buildings/good.htm).  
<[www.hreoc.gov.au/disability%20rights%20/buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm)>

\*\*Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

**Reason:** To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

#### 15. Proposed Pedestrian Crossing Design Requirements

Proposed pedestrian access to the development near Civic Drive is to be delineated as a crossing point and set back at least one car length from the exit of the roundabout and clear of vehicles reversing from the adjacent angle car parking bays.

A plan demonstrating compliance is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Pedestrian Safety (DACTRCPC1)



**16. Proposed Pedestrian Crossing Lighting**

The proposed pedestrian crossing near Civic Drive is to be provided with adequate lighting in accordance with the Australian Standards at the applicant's cost.

**Reason:** To ensure adequate lighting is provided.

**17. Install a concrete island on Kingsway to ban the right turn**

The applicant is to submit a plan for a concrete island on Kingsway (that provides for pedestrians) to physically ban the right turn from the Kingsway to Fisher Road. The plan is to be submitted for Council's consideration and approval via the Warringah Traffic Committee. Construction of the concrete island, subject to the approval of the Traffic Committee is to be installed at the applicant's expense.

A plan demonstrating compliance is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To reduce vehicular conflicts (DACTRCPC2)

**18. Amendment to entry access driveway from Civic Drive**

The proposed entry access driveway from Civic Drive is to be amended to provide for at least 2 vehicles to stand clear of Civic Drive. The design is also to ensure that pedestrians on Civic Drive are not obstructed by queued vehicles. In this regard consideration should be given to moving the proposed footpath back to its current position along the kerb on Civic Drive and the proposed landscaping move to the west of the footpath.

A plan demonstrating compliance is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Traffic and Pedestrian Safety (DACTRDPC1)

**19. Proposed access road to be constructed as a standard driveway**

The entry and exit from Civic Drive is to be constructed as a driveway with a 9m gutter crossing along the Civic Drive kerb line and a minimum width of 7m at the property boundary.

**Reason:** To minimise pedestrian and vehicular conflict (DACTRDPC2)

**20. Design, construction and fit out of food premises (prior to issue of CC)**

The design construction and fit out of the kitchen shall comply with Australian Standard AS 4674 – 2004 – 'Design, Construction and fit-out of food premises'. Such details are to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate for that component of the building/use.

**Reason:** To ensure compliance with the Australian Food Standards Code (DACHPCPC1)



## **21. Project Ecologist**

A Project Ecologist is to be employed during of the habitat tree removal (Figure 1) to ensure fauna protection measures are carried out consistent with Table 1 of the Flora and Fauna Assessment and Biodiversity Management Plan 36-48 Kingsway, Dee Why (Ecological Australia 7 March 2014).

**Reason:** To ensure bushland management. (DACNEC07)

## **22. Construction Management Program**

A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (b) the proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) Estimated volumes of waste and excavated material and method of disposal;
- (h) Evidence that waste and excavated material has been appropriately disposed of is to be provided to the Certifying Authority prior to the issue of Occupation Certificate;
- (i) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (j) The location and operation of any on site crane.

**Reason:** To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.





### **23. Dilapidation survey**

A photographic survey of the adjoining properties to the south (being the apartments at 25 Fisher Road) detailing the physical condition of the properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Certifier prior to the issue of a Construction Certificate.

This survey is to be prepared by an appropriately qualified person.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.

If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to a final Occupation Certificate being issued.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of the Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible)

**Reason:** Proper management of records (DACPLCPCC1)

### **24. Street Tree Planting Program**

To compensate for removal of all trees from site, a Landscaping Plan including street tree plantings, is to be submitted to the Tree Management Officer for approval. The approved plan shall be implemented following completion of works.

**Reason:** Maintain and enhance street tree assets (DACHPCPCC1)

### **25. Protection of Public Trees**

A Tree Protection Plan is to be prepared for trees in the public area adjacent to the southern boundary of the site. The plan should be prepared in accordance with AS4970 - 2009 Protection of trees on development sites.

**Reason:** To ensure protection of public trees (DACHPCPCC2)





## **26. External Colours and Materials**

All glazing and other reflective materials used on the façade must have a maximum normal specular reflectivity of visible light of 20% to avoid adverse solar glare to occupants of neighbouring buildings.

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

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

## **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 \$20 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.

**Reason:** To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

## **28. Notification of the food premises**

The proprietor of a food business must notify the NSW Food Authority of the details of the business prior to commencement of trading.

Notification may be done either online at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

Note: A fee in accordance with Warringah Council's Fees and Charges applies when lodging notification forms with Council.

The proprietor of a food business must also contact an Environmental Health Officer of Council to inform them of their notification number and business details prior to trading.

**Reason:** To ensure compliance with the Australian Food Standards Code. (DACHPDPC1)

### **CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

## **29. Progress Certification (Road & Subdivision)**

Written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Certifying Authority for the following stages of works.



- (a) Silt and sediment control facilities
- (b) Laying of stormwater pipes and construction of pits
- (c) Sub-grade trimmed and compacted \*\*
- (d) Base-course laid and compacted \*\*
- (e) Kerb and gutter construction
- (f) Pavement
- (g) Landscaping and vegetation
- (h) Clean-up of site, and of adjoining Council roadway and drainage system.

(\*\*To be tested by a recognised N.A.T.A. approved laboratory).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To ensure compliance of civil works with Council's specification for engineering works (see [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)). (DACENE02)

### **30. Stormwater Pipeline Construction**

Where connection to Council's nearest stormwater drainage system is required, being the inlet pit at the corner of Kingsway and Fisher Road, the applicant shall construct the pipeline in accordance with Council's specification for engineering works (see [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)) and shall reconstruct all affected kerb and gutter, bitumen reinstatements, adjust all vehicular crossings for paths, grass verges and household stormwater connections to suit the kerb and gutter levels. All works shall be undertaken at the applicant's cost, and upon completion certified by an appropriately qualified and practicing Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To ensure compliance of drainage works with Council's specification for engineering works. (DACENE03)

### **31. Civil Works Supervision**

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

### **32. Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

**Reason:** Public Safety. (DACENE09)



### **33. Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

**Reason:** Public Safety. (DACENE11)

### **34. Construction Management**

As part of the proposed method of construction vehicle access to and from the site during excavation and building works the applicant is to consider and apply for a work zone adjacent to the site frontage in Kingsway or Fisher Road. The provision of a work zone will require approval from Warringah Traffic Committee. Applications for work zones are available on Councils Web Site and should be lodged at least 4 weeks prior to work commencing.

**Reason:** To provide construction vehicle access and reduce vehicular conflicts (DACTREDW2)

### **35. Requirement to Notify About New Contamination**

Any new information revealed during excavation works that has the potential to alter previous conclusions about contamination shall be immediately notified to the Council and the Principal Certifying Authority prior to further commencement.

**Reason:** To protect the environment (DACHPEDW4)

## **CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### **36. Parking Management Plan**

A Parking Management Plan is to be submitted for Council's consideration and approval prior to issue of the final Occupation Certificate. The plan shall cover the following matters: Users of the facility, fee structure for the pay parking that is balanced having regard to potential displacement of existing long stay parking to adjacent residential streets.

**Reason:** To manage car parking in order to minimise the displacement of car parking to surrounding streets.

### **37. Final Operational Management Plan**

The Preliminary Operational Management Plan accompanying this Development Application has not been approved by this consent.

A Final Operational Management Plan must be prepared to address all operational and management procedures to be employed within the PCYC and the car park to ensure



that the premises can operate without disturbance to the surrounding locality. The plan must reflect the whole of the operations within the building, car park and the surrounding public domain.

The plan must include but not restricted to; compliance with all other operational conditions of this consent; hours of operation; noise management; behaviour of patrons, security management; and handling complaints. It must also address management measures specific to the holding of PCYC events and private functions, including responsible service of alcohol during private functions and behaviour of patrons.

The plan must be submitted to and approved by Council prior to the final Occupation Certificate being issued.

**Reason:** To protect the amenity of surrounding residential premises (DACPLB10)

### **38. Outdoor Area Management Plan**

An Outdoor Area Management Plan must be submitted and approved by Council prior to the issue of the final Occupation Certificate that adequately addresses the following issues:

- (a) Hours of use of terrace,
- (b) Acceptable behaviour of patrons on terraces,
- (c) Management of improper behaviour of patrons on terraces,
- (d) Control of Noise and Smoke emissions from terraces,
- (e) Regular review of the Management Plan and Amendment if required
- (f) Contact details, name and phone number, of person to be contacted in case of complaint. Such person and number to be available at all times the club is open.

The Outdoor Area Management Plan to be enforced by the club at all times and a current copy to be submitted to Council and available to the public upon request from the club.

**Reason:** To protect local amenity (DACHPCPCC2)

### **39. Authorisation of Legal Documentation Required for On-site Stormwater Detention**

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To create encumbrances on the land. (DACENF01)



#### **40. Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for onsite storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To identify encumbrances on land. (DACENF02)

#### **41. Restriction as to User for On-site Stormwater Detention**

A restriction as to user shall be created on the title 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 are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands.

Warringah Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

#### **42. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Note:** The following Standards and Codes applied at the time of determination:

- (a) Australian/New Zealand Standard AS/NZS 3500.3 - 2003 - Plumbing and drainage – Stormwater drainage
- (b) Australian/New Zealand Standard AS/NZS 3500.3 - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

**Reason:** To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

#### **43. On-Site Stormwater Detention Compliance Certification**

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 interim / final Occupation Certificate.

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

#### **44. Positive Covenant for the Maintenance of Stormwater Pump-out Facilities**

A Positive Covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the property title to ensure the on-going maintenance of the stormwater pump-out facilities on the property being developed.

Warringah Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Warringah Council's delegate shall sign these documents prior to the submission to the Land & Property Information Department.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. (DACENF11)

#### **45. Positive Covenant for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

#### **46. Creation of Positive Covenant and Restriction as a User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

**Reason:** To identify encumbrances on land. (DACENF14)





#### **47. Certification of Road Works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed road works including the kerb, gutter, footpath, bus bay and associated road works have been constructed in accordance with this consent and the approved Construction Certificate plans. Work as Executed data certified by a registered surveyor prepared in accordance with Council's requirements shall be submitted to Council for approval prior to the issue of the Occupation Certificate.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

**Reason:** To ensure compliance of road works with Council's specification for engineering works. (DACENFPOC2)

#### **48. Road Widening Dedication**

The proposed bus bay on Fisher Road may require the relocation of public utility services within the site to ensure that they are located within the road reserve.

Where required to facilitate the location of the services, the dedication to Council of a strip of land a minimum of 2.5 metres wide and variable to enable the widening of the road reserve in order to permit the construction of the proposed bus bay, associated footpath alignment and public utility service relocation along the Fisher Road frontage. All affected services are to be relocated in accordance with respective service authority requirements. Documentation of the approval for the relocated services from each public service authority is to be provided prior to dedication of the land.

The dedication is to be registered with the 'Land and Property Information NSW' prior to release of the Occupation Certificate. The original documentation for the dedication is to be submitted to Council for authorisation. All costs associated with the dedication are to be borne by the developer/applicant.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

**Reason:** To facilitate the construction of the bus bay and ensure the new footpath and associated public utility services are located within the road reserve. (DACENFPOC3)

#### **49. Certification of Drainage Works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' shall be submitted to the Council for approval prior to the issue of the Occupation Certificate. Council's guidelines are available at [http://www.warringah.nsw.gov.au/plan\\_dev/NaturalEnvironmentGuidelines.aspx](http://www.warringah.nsw.gov.au/plan_dev/NaturalEnvironmentGuidelines.aspx)

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

**Reason:** To ensure compliance of drainage works with Council's specification for engineering works. (DACNEF12)



**50. Submission of a signage plan for the proposed bus bay on Fisher Road**

The applicant is to submit a signage plan for the proposed 35m indented bus bay on Fisher Road. The plan will need to take into account changes to existing parking controls. The signposting of the bay with 'No Parking, Authorised vehicles excepted' will require the approval of the Warringah Traffic Committee.

**Reason:** Compliance with Traffic Regulation (DACTRFPOC1)

**51. Kitchen Design, construction and fit out of food premises certification**

Prior to the issuing of any final occupation certificate for that component of the building/use, certification is to be provided from a person who is eligible as a 'Member' of Environmental Health Australia (EHA) that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To ensure that the kitchen complies with the design requirements. (DACHPFPOC3)

**52. Mechanical Ventilation certification**

Prior to the issuing of the final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To ensure that the mechanical ventilation system complies with the design requirements. (DACHPFPOC4)

**53. Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

**Reason:** Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)



## ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

### 54. Trial Hours of Operation

The hours of operation of the facility are to be subject to a two year trial from the date of commencement of operation of the facility. The trial hours of operation are to be restricted to:

#### **PCYC Facility**

6am to 10pm	Monday to Thursday
6am to 12 midnight	Friday to Saturday
7am to 10pm	Sundays and Public Holidays

#### **Car park**

5.30am to 12.30pm	Monday to Thursday
5.30am to 12.30am	Friday to Saturday
6.30am to 12.30pm	Sundays and Public Holidays

During the trial period a Complaints Register should be kept by Council and at the end of the two year trial Council should conduct a review of the level of compliance with the Final Operational Plan of Management.

At the end of the two year trial period, an application may be lodged to continue the hours of operation on a permanent basis. Council's consideration of whether the hours of operation should be made permanent should be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received, submissions received following notification of the review and any views expressed by the Police.

**Reason:** To ensure that amenity of the surrounding locality is maintained.  
(DACPLG08)

### 55. Noise Impact on Surrounding Area

The use of the premises shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level when measured at any receiving residential property boundary when measured in accordance with the Environment Protection Authority's Industrial Noise Policy.

**Reason:** To ensure compliance with acceptable levels of noise established under best practice guidelines. (DACHPBOC1)

### 56. Amenity

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.



**Reason:** To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997. (DACHPBOC2)

**57. Hours of Illumination**

Illumination of signage at the subject premises shall only be permitted during opening hours of the facility. Signs must not flash, move or be constructed of neon materials.

**Reason:** To ensure residential premises are not affected by inappropriate or excessive illumination. (DACPLG11)

**58. Illumination Intensity and design**

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

**Reason:** To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. (DACPLG12)

**Review of Determination**

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. The review must be determined within 6 months.

*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 6 months after the date on which you receive this notice.

**Signed** on behalf of the consent authority

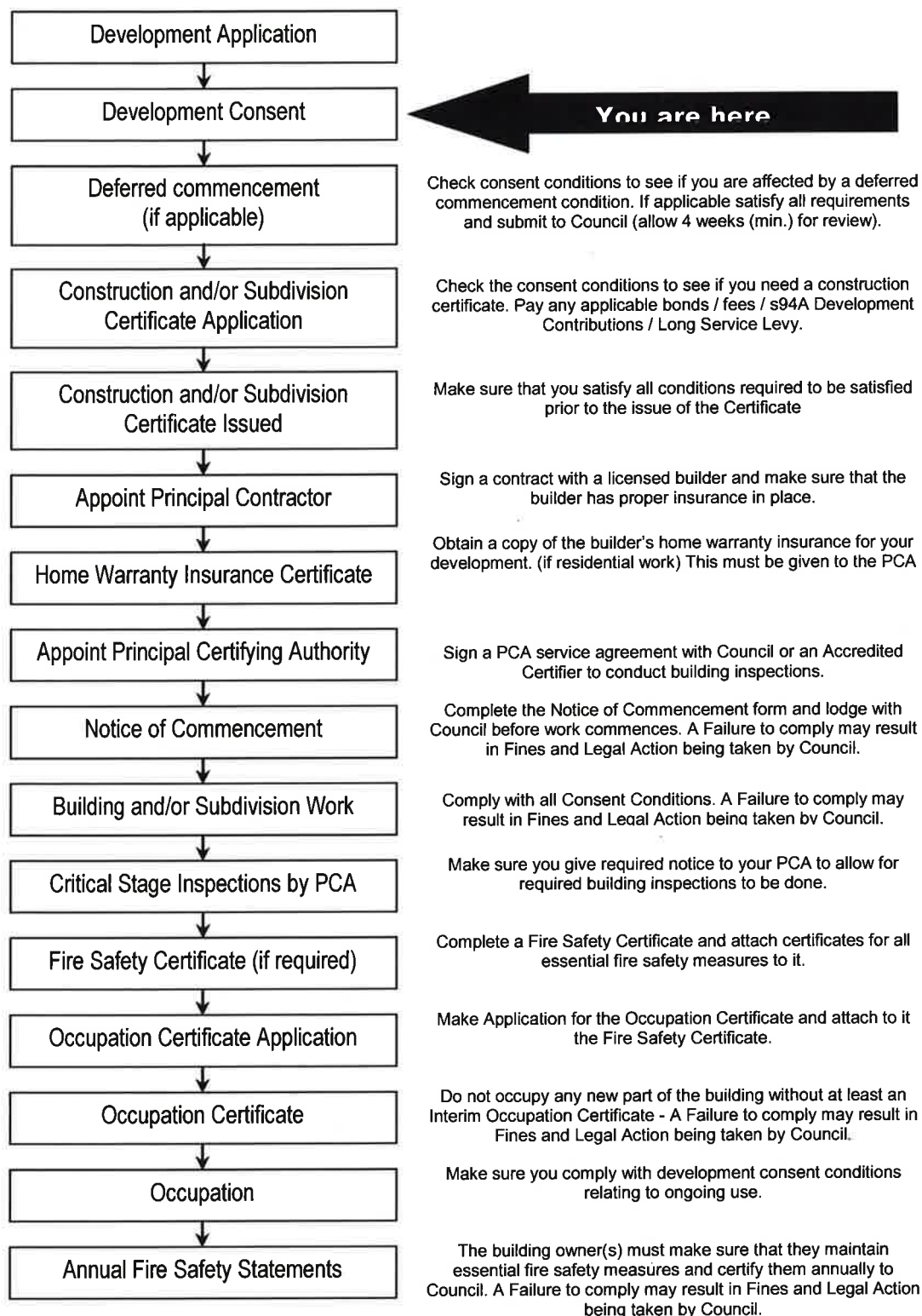
Signature  CoSign Digital Signature  
Name David Kerr, Group Manager Development and Compliance Services

Date 7 August 2014

**NOTE:** Signed by Warringah Council in accordance with the EP&A Act 1979 and EP&A Reg 2000 as determined by the Joint Regional Planning Panel – Sydney East Region Joint Planning Panel on **6 August 2014**.



## Where are you in the development process?





### **General Advice**

The attached Notice of Determination includes conditions of consent which must be complied with.

*(Note: A failure to comply is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)*

### **Building Certification**

The Environmental Planning and Assessment Act 1979 provides that:

- Building work cannot occur unless a construction certificate has been issued;
- Occupation of building works cannot occur unless an occupation certificate has been issued
- Subdivision cannot be registered until a subdivision certificate has been issued
- Mandatory Inspection for building work must be completed

Please refer to process chart for more detail.

*(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)*

### **Certification Services**

Construction Certificates / Occupation Certificate / Subdivision Certificates / Strata Certificate, can be issued by Council or an accredited private certifier (Note Council must be the Principal Certifying Authority (PCA) for subdivisions).

Council is well placed to provide Certification Services. Council can issue Construction Certificates and act as your Principle Certifying Authority at competitive rates. Please visit our web site [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) or speak to our Customer Service Officers if you have any further questions about our Certification Services or if you wish to use Council as your certifier.

### **Charges Associated with the Development Consent**

All bonds, fees, (s94A) Development Contributions, Long Service Levy detailed within the Notice of Determination are required to be paid prior to the issuing of any Construction Certificate.

### **Acceptable Form of Security Bonds**

Council will accept bank guarantee (in a form acceptable to Council) in lieu of cash and is required prior to the issue of a construction certificate.

### **Modifications to the consent**

If you seek to make any changes to the development (which may include internal / external configuration of the building, variation to facades, site layout or any changes to the proposed operation or use), the modifications *will* require the submission and approval of an application to modify the development consent prior to the issuing of a Construction Certificate and prior to the works being carried out.

*(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)*

### **Other Matters not detailed within the Notice of Determination**

The Notice of Determination does not stipulate every requirement that must be completed to satisfy New South Wales and Commonwealth legislation.

You should check, as may be relevant, with other authorities including but not limited to:

- ☐ Workcover NSW for work safety and asbestos requirements
- ☐ Sydney Water – Quick Check Agent for the provision of water and sewer services
- ☐ Energy & Gas suppliers for utility services





- ☐ *Department of Fair Trading* for advice about builders and licensing
- ☐ *Building Professionals Board* for advice about private certifiers
- ☐ *NSW Roads and Traffic Authority* for works on state roads only
- ☐ *Human Rights and Equal Opportunity Commission* for access issues
- ☐ *NSW Land and Property Information Service* for Land Title matters
- ☐ *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;

#### **Model**

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

#### **Trade waste agreement**

A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

#### **Waste collection**

Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the *Protection of the Environment Operations Act 1997*. Records must be kept of all waste disposal from the site.

Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the approved Waste Management Plan.

#### **Aboriginal Heritage**

If in undertaking excavation or works and any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

#### **On-Site Sewage Management System**

This approval does not authorise the installation or operation of a new or modification of an existing on-site wastewater management system. An On-Site Sewage Management System must not be installed or operated unless an 'Approval to Install an On Site Sewage Management System' is obtained from Warringah Council.

#### **Cost of Works**

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

#### **Relocation of stormwater drainage**

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

#### **Tree preservation**

Where tree work has not been approved by this Development Consent the developer is notified that a general Tree Preservation Order applies to all trees in the Warringah Local Government Area. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, transplanting, injuring, or wilful destruction of such trees except without the prior written consent of Council.

#### **Storage bins on footpath and roadway**

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.



### **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.**

### **Road Opening Permit**

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

### **Special Permits**

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time.

☒ *Permit for on-street mobile plant*

Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

☐ *Hoarding Permit*

Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

☐ *Storage of building materials and building waste containers (skips) on Council's property*

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.

☐ *Kerbside restrictions, work zones*

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Other permits may include out of construction hours permits.

**Licensing requirements for removal of bonded asbestos**

Anyone who removes, repairs or disturbs bonded asbestos must hold a bonded or a friable asbestos licence, or a demolition licence in accordance with Workcover requirements and the Occupational Health and Safety Act 2000.

**Pool Access**

Access to pools are required to be restricted by a child resistant barrier in accordance with the regulations prescribed in all relevant Acts, Regulations and Australian Standards including:

- Swimming Pools Act 1992
- Swimming Pools Regulation 2008
- Australian Standard AS1926 Swimming Pool Safety
- Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

It is your responsibility as a land owner to ensure any fencing is maintained.

**Dewatering**

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Department of Water and Energy. The bore license must be obtained prior to commencement of dewatering works.

**Requirement to Notify about New Contamination Evidence**

Any new information revealed during works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to Council and the Principal Certifying Authority.

**Flood Evacuation Plan**

If your site is on flood prone land you may wish to consider the preparation of a flood evacuation plan.

Generally a Flood Evacuation Plan would be prepared by suitably qualified Engineer (e.g. Hydraulic) with a number of years experience in flood management and who is eligible for Membership to the Australian Institute of Engineers.

Some matters that you may wish to consider (but not limited to) include:

- (i) a route of evacuation to higher ground and / or point of shelter
- (ii) depth of water for a Possible Maximum Flood event surrounding the building
- (iii) details of 'last chance' evacuation water levels / times for evacuation prior to floodwaters surrounding the building
- (iv) provide details of flood warning systems and protocols
- (v) details of how this information will be distributed and people educated for users of the site.

You may seek to discuss this with the State Emergency Service of NSW.

**Utility Service Requirements**

Where development requires the installation of, or the relocation of utility services being (but not limited to) gas, water, electricity and telecommunications, the installation of, or the relocation of utility services shall be conducted in accordance with the requirements of the relevant service provider / authority (unless stipulated by any other condition of the consent or will result in damage to threatened or endangered species defined under the Threatened Species Conservation Act).

**Plant & Equipment Kept Within Site**

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This does not prevent any requirement to comply with the Protection of the Environment Operations Act.

**Lighting**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 - 1997 Control of the obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

**OTHER MATTERS****Child Care Centres**

A license to operate a child care centre must be obtained from the NSW Department of Community Services prior to the commencement of the use of the child care centre.

**Disability Access**

This decision does not ensure compliance with the Commonwealth Disability Discrimination Act 1992. Applicants are strongly advised to investigate their requirements under that Act

**Food Premises**

Food premises are required to comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standards.

The proprietor of a food business must notify the NSW Food Authority of the details of the business. Notification may be done either online at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

**Wheel washing facility**

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council's roads. The wheel wash facility shall be constructed prior to any truck movements occurring. Water from the wheel wash facility must not cause pollution. Any direction of Council with regard to cleaning trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

**Monitoring State of Roadways**

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

**Storage of Dangerous Goods**

Prior to the storage of any "dangerous goods" on the premises, a copy of a license obtained from the Chemical Safety Branch of Work Cover Authority must be submitted to Council.

**Storage of Flammable and Combustible Liquids**

Flammable and combustible liquids must be stored in accordance with Australian Standard 1940 The Storage and Handling of Flammable and Combustible Liquids.

**Noise and Vibration**

The premises, including operation of vehicles, shall be conducted so as to avoid offensive noise or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

**Hairdressing/Beauty Treatment/ Skin penetration Requirements**

The premises must comply with the following requirements before the commencement of business:

1. A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap and paper towel.
2. The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
3. The premises must be provided with washing, drainage, ventilation and lighting that are



- adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.
4. The floor coverings must be smooth and impervious.
  5. All furniture, shelves and fittings must be constructed of, or covered with a material that is smooth, impervious to moisture and capable of being easily cleaned.
  6. Adequate lockers must be provided for the storage of employees clothing and personal effects.
  7. The premises must be provided with facilities that are adequate for the purpose of storing of hairdressing/beauty treatment/skin penetration appliance and utensils.
  8. The premises must be provided with a sink sullied with hot and cold water for washing equipment.

#### **Food Premises Construction Requirements**

The food premises must comply with the following specific construction requirements:

- Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);
9. Walls in food preparation and wash up areas must be finished with a smooth and impervious surface to a height of at least 2 metres.
  10. Hand wash basins must be provided with warm water delivered through a common spout with taps that are hands free operation;
  11. Coving with a radius of 25mm must be provided between all floor and wall joints in food handling areas;
  12. The open space between the top of the coolroom and the ceiling must be fully enclosed and kept insect and pest proof;
  13. The coolroom must be able to be opened from the inside with out a key and fitted with an alarm that can only be operated from within the coolroom;
  14. The doors to the toilet air lock and toilet compartment must be tight fitting and self closing;
  15. The rear external door must be self closing or be provided with a fly screen that is self closing;
  16. Where cooking or extensive heating processes or such other processes as may be specified are carried out in food preparation areas, an approved mechanical ventilation system shall be installed and operated in accordance with AS 1668 part 1 & 2.

#### **Legionella Control**

Cooling towers, warm water systems, water cooling systems must be registered with the Council. Details of registration are to be provided to the Council prior to operation.

