

25 October 2006

Universal Childcare
Suite 301, 339 Military Road
Mosman NSW 2088

2006/0010 MOD 1MOD1
MB (PAS)

Dear Sir / Madam,

**RE: LOT 100, DP 1015283, 145 OLD PITTWATER ROAD, BROOKVALE
MODIFICATION OF DEVELOPMENT CONSENT NO. 2006/0010MOD 1**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 23 October 2006 and determined as follows:

- **Condition No. 28** modified to read as follows:

28. Hours of Operation

The operating hours of the subject tenancy shall be confined to the following:

- 6:30am to 7:30pm, Monday to Friday

Upon expiration of the permitted hours, all services shall immediately cease, no person shall be permitted entry and all customers on the premises shall be required to leave within the following half hour.

***Reason:** Information to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality. [I2]*

This letter should therefore be read in conjunction with Development Consent 2006/0010 MOD 1 dated 21 April 2006. Please find attached a consolidated set of conditions incorporating both modifications of consent.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 97(1) of the Environmental Planning and Assessment Act confers on the applicant who is not satisfied with the determination of the Consent Authority has a right of appeal to the Land and Environment Court exercisable within 12 months of receipt of this notice.

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.

Should you have any further enquiries in connection with this matter, please contact the referred to Enquiry Officer.

Please note that if you nominate Council to assess your Construction Certificate, associated forms and information regarding what to submit is also enclosed in the determination kit.

Work must also be in accordance with the relevant MODIFIED conditions of the Development Consent.

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

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

Yours faithfully,

Phil Hoffman
Senior Team Leader Commercial Development

**Consolidated Conditions of Modification No. 1 Approved 23 October 2006 of
Development Consent 2006/0010 Approved 24 April 2006**

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 No.	Drawing Title	Revision No.	Revision Date	Prepared By
D-01A	Site Plan	A	13/12/2005	JDH Design Group Pty Ltd
D-02A	Floor Plan	A	13/12/2005	JDH Design Group Pty Ltd
D-03A	Elevations	A	13/12/2005	JDH Design Group Pty Ltd
D-04A	Sections	A	13/12/2005	JDH Design Group Pty Ltd

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

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

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

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

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

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

3. Fire Safety Measures

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

Reason: Fire Safety [C1]

4. Design for Access & Mobility

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

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

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

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

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

5. Kerb Security Bond

A bond of \$550.00 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]

**Consolidated Conditions of Modification No. 1 Approved 23 October 2006 of
Development Consent 2006/0010 Approved 24 April 2006**

6. Cleanliness and Maintenance of Food Preparation Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:

- (a) the Food Act (as amended)
- (b) the Food Regulation (as in force);
- (c) Council's Code for the Construction and Fitout of Food Premises;
- (d) Sydney Water Corporation - Trade Waste Section;
- (e) the Clean Air (Plant and Equipment) Regulation, ;
- (f) AS 1668 Part 1;
- (g) AS 1668 Part 2;
- (h) the Protection of the Environment Operations Act; and
- (i) the Building Code of Australia;
- (j) The ANZ Foods Standards Code

The relevant matters to be taken into account under this approval relate to:

- (k) construction, materials and finishes;
- (l) installation of fixtures, fittings and equipment;
- (m) washing facilities, other facilities and special requirements;
- (n) mechanical ventilation and exhaust discharges; and
- (o) temperature control.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted to, and approved by, the Council / Accredited Certifier prior to the issue of a Construction Certificate.

***Reason:** To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation. [C42]*

7. 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	
Shop 602, 145 Old Pittwater Road, Bookvale	
DEVELOPMENT APPLICATION NUMBER 2006/0010	
SECURITY BONDS	AMOUNT (\$)
Tree Damage Bond (within the site)	
Street Tree Bond (on Council Property)	
Builders Road/Kerb Security Bond	\$550.00
Engineering Construction Bond · General Works · Road Pavement · Stormwater · Kerb & Gutter, Footpath	

**Consolidated Conditions of Modification No. 1 Approved 23 October 2006 of
Development Consent 2006/0010 Approved 24 April 2006**

TOTAL BONDS	\$550.00
FEES	
Kerb Security Inspection Fee	\$200.00
Long Service Levy	\$1750.00
TOTAL FEES	\$1950.00

Reason: Compliance with the development consent. [C71]

8. Fire Safety Schedule

The following fire safety schedule must be designed, installed and maintained in accordance with the provisions of the Environmental Planning and Assessment Regulation:

No:	Service Currently Installed/Service Required:	Standard	BCA Clause(s)
001	Automatic fire detection & alarm systems	AS 1670 - 1995; AS 1603	Spec E2.2a
002	Automatic fire suppression systems	AS 2118.1 - 1999	Spec E1.5
003	Emergency lighting	AS/NZS 2293.1 - 1998	E4.4
004	Emergency warning and intercommunication systems	AS 2220.1 & 2 - 1989	E4.9, Spec G3.8
005	Exit signs	AS/NZS 2293.1 - 1998	E4.8
006	Fire dampers	AS 1668, AS 1682	-
007	Fire doors	AS/NZS 1905.1 - 1997	Spec C3.4
008	Fire hydrant systems	AS 2419.1 - 1994	E1.3
009	Fire seals protecting openings in fire resisting components	AS 4072.1, AS 1530.4; AS 1038.15	Spec C3.15
010	Hose reel systems	AS 2441 - 1988	E1.4
011	Mechanical air handling systems	AS 1668.1 & 2 - 1991	F4.5, F4.11, F4.12
012	Smoke detectors & heat detectors	AS 1670 - 1995; AS 3786 - 1993	Spec E2.2a
013	Emergency Evacuation Plans	AS 3745 - 1995	-
014	Occupancy Limits	As determined by Council	56 Children and 12 Staff (Maximum)
015	Smoke Control System	AS/NZS 1668.1 - 1998	Spec. E2.2a, E2.2b
016	Hand held fire extinguisher	AS 2444	E1.6

**Consolidated Conditions of Modification No. 1 Approved 23 October 2006 of
Development Consent 2006/0010 Approved 24 April 2006**

Notes:

1. On completion of the building work the owner must furnish Council with a Fire Safety Certificate that states that each essential fire safety measure specified in the current fire safety schedule to which the Certificate relates:
 - (a) has been assessed by a properly qualified person, and
 - (b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.
1. The assessment must have been carried out within the period of three (3) months prior to the date on which the final fire safety certificate was issued.
2. The choice of person to carry out the assessment is up to the owner of the building.
3. The person who carried out the assessment:
 - (a) must inspect and verify the performance of each fire safety measure being assessed, and
 - (b) must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedule for the building.
4. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:
 - (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
 - (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

Reason: Prescribed/Statutory.

9. Essential Services

No existing essential services installed in the main structure may be altered without the prior written consent of Council being obtained or the works being certified as being in conformity with the “alternate solution” for Warringah Mall by a suitably qualified Fire Engineer to Council’s satisfaction.

Reason: Fire safety.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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]

**Consolidated Conditions of Modification No. 1 Approved 23 October 2006 of
Development Consent 2006/0010 Approved 24 April 2006**

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. 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]

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

14. Progress Inspections- (Class 5, 6, 7, 8 and 9 Buildings)

The Principal Certifying Authority (PCA) SHALL BE given a minimum of two (2) working days notice for inspection of the following, where applicable:

- (a) After the building work has been completed and prior 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.

**Consolidated Conditions of Modification No. 1 Approved 23 October 2006 of
Development Consent 2006/0010 Approved 24 April 2006**

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 telephoning Council on 9942 2111 and requesting the relevant inspection. Failure to advise Council at the stages of construction identified above may result in fines being imposed.
- (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. [E9]

15. 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]

16. 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).

**Consolidated Conditions of Modification No. 1 Approved 23 October 2006 of
Development Consent 2006/0010 Approved 24 April 2006**

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]

17. 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]

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

18. 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]

19. Demolition

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

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

20. Site Sign

(1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

**Consolidated Conditions of Modification No. 1 Approved 23 October 2006 of
Development Consent 2006/0010 Approved 24 April 2006**

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

Reason: *Statutory requirement. [F9]*

21. 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]*

22. Prescribed

Change of building use:

If the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house):

- A list of the Category 1 fire safety provisions that currently apply to the existing building, and
- A list of the Category 1 fire safety provisions that are to apply to the building following its change of use,

**Consolidated Conditions of Modification No. 1 Approved 23 October 2006 of
Development Consent 2006/0010 Approved 24 April 2006**

Category 1 fire safety provision means the following provisions of the *Building Code of Australia*, namely, EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and Ep3.2 in Volume One of that Code and P2.3.2 in Volume Two of that Code.

Reason: Statutory Requirement. [F14]

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

23. Occupation Certificate Required

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

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

24. Fire Safety Certificate

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

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

25. Annual Fire Safety Statement for the building

In accordance with the EPA Act & Regulation the owner of a building is to provide Council with an Annual Fire Safety Statement for the building.

Reason: To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants. [G4]

26. Carparking

The section of the above-ground carpark allocated to the childcare centre within the Sea Horse carpark is to be signposted or marked for exclusive use by the subject tenancy.

Reason: To ensure compliance with Councils Determination and allow for adequate carparking to the tenancy.

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL
COMPLETION**

27. Sound Insulation

All sound-producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system shall be sound insulated and/or isolated so that the noise emitted does not exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary.

Certification from an accredited acoustic practitioner shall be provided to the Principal Certifying Authority, to the effect that the development complies with the above condition of consent, prior to the issue of any Occupation Certificate.

NOTE: The method of measurement of sound shall be carried out in accordance with the "NSW Environment Protection Authority, **Industrial Noise Policy**, January 2000".

Reason: Health & amenity. [H1]

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

28. Hours of Operation

The operating hours of the subject tenancy shall be confined to the following:

- 6:30am to 7:30pm, Monday to Friday

Upon expiration of the permitted hours, all services shall immediately cease, no person shall be permitted entry and all customers on the premises shall be required to leave within the following half hour.

Reason: Information to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality. [I2]

29. Trade Waste

Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

Reason: To ensure compliance with Sydney Water's requirements and protect the environment. [I6]

30. Noise Impact On Surrounding Area

Use of the premises shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at any point along the site boundaries.

Reason: To ensure compliance with acceptable levels of noise established under best practice guidelines. [I18]

31. Loading Within Site

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity. [I13]

32. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: To ensure the acoustic amenity of surrounding properties. [I32]

33. Work Site

Trade materials, product and plant to be kept within the confines of the building at all times.

Reason: To ensure the safety of public land. [I46]

34. Loading and Unloading

Loading and unloading shall not take place outside approved loading areas.

Reason: Safety. [I51]

**Consolidated Conditions of Modification No. 1 Approved 23 October 2006 of
Development Consent 2006/0010 Approved 24 April 2006**