



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA2009/1327

DEVELOPMENT APPLICATION DETAILS

Applicant Name: RSL Lifecare Limited

Applicant Address: C/- BBC Consulting Planners
PO Box 438, Broadway NSW 2007

Land to be developed (Address): Lot 1, DP 803645, Veterans Parade , Wheeler Heights,

Proposed Development: Alterations and additions to existing structures and land use of site for a Childcare Centre

DETERMINATION

Made on (Date): 19 March 2010

Consent to operate from (Date): 24 March 2010

Consent to lapse on (Date): 24 March 2013

Details of Conditions

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

NOTE:

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

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

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

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GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans and Supporting Documentation

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

Architectural Plans - Endorsed with Council's stamp		
Drawing No	Dated	Prepared By
DA04.01 – DA04.06 (issue B)	October 2009	Young Metcalf Architects

No construction works (including 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 Council and approved plans.*

2. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:
7.00 am to 5.00 pm inclusive Monday to Friday
8.00 am to 1.00 pm inclusive on Saturday,
No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:
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).

- (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) 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.
- (d) 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.



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- (e) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (e) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (f) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB (A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.

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

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) 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.

Reason: Legislative Requirement.

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

4. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of		\$599,500.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	\$5,695
S94A Planning and Administration	0.05%	\$300
Total	1.0%	\$5,995

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

Reason: *To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development.*

5. Compliance with Standards

The development (where applicable) and land use is to be carried out in accordance with all relevant Australian Standards.

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) AS 1428.2 - 1992, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities
- (d) AS 4261 'Reusable container for the collection of sharp items used in human and animal medical applications'
- (e) AS 4031 'Non-reusable containers for the collection of sharp medical items used in health care areas'
- (f) All sound producing plan, equipment, machinery or fitting will not exceed more than 5dB (A) above the background level when measure at the fence line of the proposed childcare centre and will comply with the Environment Protection Authority's NSW Industrial Noise policy.

(The above list 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.)

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

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

6. Food Premises

The kitchen and food storage area shall comply with the requirements of Australian Standards 4674 (Design, Construction and Fit Out of Food Premises) if food is being prepared.

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

Reason: *To ensure compliance with the applicable food standards.*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

7. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: *Protection of Trees.*

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

8. Sydney Water Approval

Prior to occupation certificate (Interim or Final), submit to the Principal Certifying Authority written evidence from Sydney Water regarding evidence of a trade waste agreement.

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

Reason: *Statutory requirement of Sydney Water*

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

9. Plan of Management

The operations of the premises are to be in accordance with the document entitled "Plan of Management – Potts Point Childcare Centre" dated February 2010 for proposed development.

The childcare centre shall only operate based on the Eden Principle as stipulated within the Plan of Management.

Reason: *To ensure that the proposal continues to meet the needs of residents of the locality.*

10. Allocation of Spaces

10 car parking spaces shall be provided and line marked for the purpose of childcare centre at all times.

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

11. Hours of Operation

The hours of operation of the child care centre are restricted to between 7:30am and 6pm Monday to Friday inclusive.

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

12. Separate Development Application for Signs

A separate Development Application for any proposed signs that is visible from a public place (other than exempt and complying signs under Council's exempt and complying controls) must be submitted for the approval of Council prior to the erection or display of any such signs.

Reason: *Control of signage*

13. Child Care Numbers

The maximum number of children to be cared for at any one time on the premises shall not exceed 56 children.

Reason: *To ensure consistency with this consent.*

14. Department of Community Services License Requirement

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.

The application for licensing is to include the requirement of the Plan of Management – Potts Point Childcare Centre" dated February 2010 and the requirements as stipulated by the Department of Community Services for the operations of childcare to be in accordance with the Eden Principle.

Full compliance with any licensing requirements of the NSW Department of Community Services is required.



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Reason: To ensure the child care centre is operated in accordance with the Eden principle and with requirements of the NSW Department of Community Services.

CONDITIONS PROVIDED BY THE NSW RURAL FIRE SERVICES

15. Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

- Arrangements for emergency and evacuation are to comply with section 4.2.7 Of 'Planning for Bush Fire Protection 2006'.

Reason: To comply with the RFS requirement.

Right to Review by the Council

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

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

Right of Appeal

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

Signed on behalf of the consent authority

Signature _____
Name Lashta Haidari

Date 24 March 2010