



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2007/0523

DEVELOPMENT APPLICATION DETAILS

Applicant Name: St Vincent De Paul

Applicant Address: Po Box 1426 Chatswood NSW 2057

Land to be developed (Address): Lot 5 in DP 1521, No 3 Green Street, Brookvale

Proposed Development: Change of use of existing premises for the operation of a youth centre

DETERMINATION

Made on (Date): 4 July 2007

Consent to operate from (Date): 4 July 2007

Consent to lapse on (Date): 4 July 2010

Details of Conditions

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

NOTE:

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

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

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

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

The approved land use is to be carried out within the area annotated on Plan No. DA01 dated 3/7/07 (dated and numbered by Council) endorsed with Council's stamp as "Warehouse 2", except where amended by other conditions of consent:

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

2. Occupancy

Nothing in this consent shall authorise the use of the area defined as "Warehouse 2" on the approved plans detailed in Condition No 1 of this Notice of Determination for any land use of the site beyond that of a '**Youth Centre**'.

For the purposes of this Development Consent a '**Youth Centre**' shall be defined as follows:

"Youth Centre means a building or place owned or operated by a Public Authority or by a Non Government Organisation being supervised by appropriately qualified persons. The centre may provide for the physical, social, cultural or intellectual development or welfare of the youth community. A youth is described as persons up to (and including) the age of 24 years."

Failure to comply with this requirement/definition will render the development inconsistent with the approved land use and may result in infringements and/or legal action being taken by Council.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: *To ensure compliance with the terms of this consent. [I5]*

3. Demolition of Extra Fabric

No approval is granted or implied for any alterations to, or demolition of, removal and/or rebuilding of any portion of the existing building or for the construction of partitioning etc. except as detailed by any other condition of this Notice of Determination.

Reason: *To ensure compliance with the approved development. [A3]*



4. Signage

Approval is not granted for the erection of any advertising or business identification signage. A separate Development Application is required to be submitted and approved by Council/Consent Authority for any advertising or business identification signage visible from a public space.

Reason: To ensure statutory compliance with food regulations.

APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY (PCA)

5. Notice of Commencement

Prior to the Occupation of the premises and the issuing of any Compliance Certificate, Council must be informed, by the submission of appropriate documentation of the name and details of the Principal Certifying Authority.

Reason: Legislative requirement for the naming of the PCA. [D4]

6. Replacement of Principal Certifying Authority

If the person exercising the benefits of a development consent changes or replaces the Principal Certifying Authority (PCA), the replacement PCA must notify Warringah Council within two (2) days of appointment. If the original PCA was Warringah Council, written approval from Council must be obtained for any change to the PCA role.

(Note: Special legislative provisions in the Environmental Planning and Assessment Act 1979 apply to the procedure for replacing a PCA)

Reason: Statutory requirement. [E11]

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

7. Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises.

The Centre and/or operator shall enter into a private agreement with a Waste Removal contractor for the collection and removal from the site of all waste and recyclable material generated by this premises.



Details demonstrating compliance with this requirement are to be submitted to the satisfaction of the Principal Certifying Authority prior to issuing of a Occupation Certificate.

Reason: *To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors. [C45]*

8. Fire Safety (Change of Use Involving No Building Work)

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed use.

Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to this development consent. It is recommended that you discuss the requirements for achieving compliance with this condition with an Accredited Certifier- (Building), who will be able to assist in advising of any action or works that may be required in the particular circumstances.

Reason: *Statutory requirement. [F11]*

9. 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,

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 A COMPLIANCE CERTIFICATE

10. High Quality Lighting

High quality external lighting for security shall be installed, without adverse affects on public amenity from excessive illumination levels, nor providing light overspill onto adjoining or public land.

Reason: *To ensure lighting provides security and amenity. [C78]*



11. Provision of wet chemical fire extinguisher and fire blanket

The provision of a wet chemical fire extinguisher and installation of a fire blanket to the kitchen.

Reason: *Fire Safety. [G2]*

12. Fire Safety Certificate

To ensure the safety of occupants of the building a "Fire Safety Certificate" issued by an appropriately qualified person, 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 Occupation of the building. As required under 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]*

PRIOR TO THE OCCUPATION OF THE PREMISES

13. Final Compliance Certificate

Prior to the occupation of the premises a Certificate of Compliance under Section 109C (1) (a) of the Environmental Planning and Assessment Act 1979 must be provided to the Principal Certifying Authority. This Compliance Certificate must certify that the matters detailed within Conditions 7, 8, 9, 10, 11 & 12 of this Notice of Determination have been completed and fully complied with.

Reason: *To ensure compliance with the terms of this development consent. [E13]*

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

14. 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]*

15. Hours of Operation

The Youth Centre may be open for business only between the following hours:

- 9am to 5:30pm Monday to Friday
- Closed Saturday and Sunday

Upon expiration of the permitted hours, all service (and entertainment) shall



Warringah Council

immediately cease, no person shall be permitted entry and all patrons 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. [12]*

16. Ancillary Use

The use of the office area shall only be ancillary to the use of the premises, as a 'Youth Centre' at all times.

Reason: *To ensure that the primary use of the premises is the approved use under this application, and that any other uses are ancillary to the approved use. [14]*

17. Single Occupancy

Nothing in this consent shall authorise the use of the premises other than for a single occupancy.

Reason: *To ensure compliance with the terms of this consent. [15]*

18. 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. [18]*

19. Parking Station

The off-street car parking area shall not be used as a Public Car Parking Station.

Reason: *Clarification of the terms of this consent. [19]*

20. 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. [113]*

21. Patron Behaviour

The Youth Centre Staff and Operators shall take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises.

Reason: *To ensure patrons do not interfere with the acoustic amenity of residents in the immediate locality. [126]*

22. No Live Bands

No live bands shall perform on the premises.

Reason: *Clarification of terms of this consent and ensure compliance with relevant legislation. [I27]*

23. Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: *To ensure the acoustic amenity of surrounding properties. [I31]*

24. 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]*

25. Staff Carparking

Four (4) staff carparking spaces shall be permanently available; not reallocated and clearly marked.

Reason: *To ensure staff carparking is available at all times and is clearly identified. [I45]*

26. Visitor Carparking

Three (3) visitor carparking spaces shall be permanently available; not reallocated and clearly marked.

Reason: *To ensure visitor carparking is available at all times and is clearly identified. [I45]*

27. Pollution

The operation of the premises must be conducted in a manner, which does not pollute as defined by the *Protection of the Environment Operations Act 1997*.

Reason: *Environmental and Amenity Protection*

28. Noise control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

Reason: *Environmental and Amenity Protection*



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 _____
Peter Robinson – Manager, Major Developments

Date 4 July 2007