



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: **DA2007/0705**

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Dee Why RSL Club Ltd

Applicant Address: 932 Pittwater Road, Dee Why, NSW 2099

Land to be developed (Address): 14 Dee Why Parade (Lot 2, DP10476),
2 Clarence Avenue (Lot 5, DP 10476) &
932 Pittwater Road (Lot 1 DP 706230) Dee Why

Proposed Development: Demolition of selected structures & the construction of a two storey building for use as a childcare centre and office/ meeting rooms in association with the Dee Why RSL Club.

DETERMINATION

Made on (Date): 17 July 2008

Consent to operate from (Date): 17 July 2008

Consent to lapse on (Date): 17 July 2011

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.

DA No.DA2007/0705 D



Warringah Council

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Stormwater Plan

The stormwater drainage works are to be generally in accordance with the drainage plan submitted by *Peninsula Consulting Engineers*, drawing number 07-1011 D01 A and D02 A dated 27/01/2008.

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

2. 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 Number	Dated	Prepared By
Ground Floor Plan 935-03 / A	24/7/07	J.D. Evans & Co
First Floor Plan 935-04 / A	24/7/07	J.D. Evans & Co
Elevations Plan 935-05 / A	24/7/07	J.D. Evans & Co
Elevations Plan 935-06 / A	24/7/07	J.D. Evans & Co
Sections Plan 935-07 / A	24/7/07	J.D. Evans & Co

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. (DACGBapasd)*

3. 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. (DACGBbca)*

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

4. Detailed Landscaping Plan

DA No.DA2007/0705 D



A detailed landscaping plan shall be drawn and submitted by a qualified Landscape Architect/Landscape Designer incorporating the additional landscaping and fencing requirements of this consent. The Landscape Plan is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To assist in acoustic and visual screening to adjacent dwellings.

5. Landscape Screening

Additional border landscape screen hedge planting shall be provided to the side boundaries of all the children's play areas. Planting must be 2.0 metres wide, from 10 litre pots, and reach a natural height of 2.0-3.0 metres with native species of plants, suitable for the children's play area. Details to be included on the Landscape plan to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To assist in acoustic and visual screening to adjacent dwellings.

6. Side Boundary Fencing

All common boundary fencing between 12 & 16 Dee Why Parade shall be 1.8 metres above ground level (behind the front setback) capped and lapped timber paling fencing for acoustic protection to neighbours. Details to be included on the Landscape plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To assist in acoustic protection between adjacent dwellings.

7. Front Fencing

Front fencing facing Dee Why Parade and Clarence Avenue shall be open style black/green metal picket fencing suitable for the children's enclosure. Fencing is to be not higher than 1.2 metres above ground level and shall include landscape planting along the fence line. Details to be included on the Landscape plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Streetscape amenity.

8. Street Signage

The development is limited to 1 sign not larger than 5 m² fronting Clarence Street and is to include the street address and information advising that parking and access is available from within the Dee Why RSL car park. Details to be included on the Construction Certificate plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To limit signage in accordance with LEP requirements.

9. Bond for Silt and Sediment Control

The payment of \$1,000 shall be deposited with Council prior to the issue of the Construction Certificate as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

Reason: To ensure appropriate security against environmental damage. (DACECbssc)



Warringah Council

10. Development/Construction Security Bond

A bond (determined from cost of works) of \$2,000 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of any Construction Certificate. This bond is to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

Reason: *To ensure adequate protection to Council infrastructure. (DACECdcbsb)*

11. Design for Access & Mobility

The development must be designed to comply with the requirements of the *Disability Discrimination Act 1992* and *Australian Standard AS1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities*. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To ensure equitable access to members of the community to all public facilities. (DACGCdam)*

12. 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. 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.

Reason: *Prescribed - Statutory. (DACGCIsI)*

13. No External Service Ducts

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To ensure quality built form of the development. (DACGCnesd)*

14. Reflectivity Index of Glazing

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve



Warringah Council

compliance with this requirement.

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

15. External Roof Colours

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. (DACGCrmr)*

16. External Colours

The external finishes and materials of the building shall be of natural colours and tones to suit the surrounding environment. Bright or highly reflective colours are not to be selected. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *Streetscape amenity.*

17. Section 94A Contribution

\$8,207.00 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate.

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). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of		\$ 820,685.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$7,797	6923
S94A Planning and Administration	0.05%	\$410	6924
Total	1.0%	\$8,207	

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. (DACGCS94ac)*

18. Design, Construction and Fit Out

The design, construction and fit out of the Child Care Centre kitchen shall comply with



Warringah Council

all relevant Australian Standards. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Note: The following Standard applied at the time of determination:

- a) Australian Standard AS 4674 - 2004 Construction and fit out of food premises

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

19. Location of hand washing facilities

Hand washing facilities shall be located and installed so that they are; not obstructed, are at bench height either permanently fixed to the wall, to a supporting frame (freestanding hand basins) or set in a bench top and accessible and no further than 5m from any place where food handlers are handling open food. Hand wash basins shall be provided adjacent to all nappy change and bottle preparation areas. Hand basins shall be provided with a towel dispenser that dispenses a single-use paper or cloth towel or automatically dispenses a single-use portion of paper or cloth towel or other means of effectively drying hands and arms, which prevents the transfer of pathogenic micro-organisms to the hands or arms.

Such details are to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To ensure compliance with the Australian Standard AS 4674 - 2004 - 'Design, Construction and fit-out of food premises and to ensure personal hygiene is able to be maintained.*

20. Soil and Water Management Plan

A Soil and Water Management Plan shall be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The Soil and Water Management Plan shall be prepared and implemented by the person(s) supervising the works on site and must be in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004), and include:

- a) Planned stages of excavation and building;
- b) The slope of the land;
- c) Location of all pits, waterways and drains on and nearby the site;
- d) Location of washdown and storage of material areas;
- e) Proposed erosion and sediment controls and their location;
- f) Sediment control basin locations and volume;
- g) Covering materials and methods;
- h) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites.*

21. Acid Sulphate Soils Management Plan

A Management Plan for acid sulphate soils is to be prepared to provide an appropriate course of action should the groundwater table be found to be less than 2



Warringah Council

metres from the surface. Details of the management plan are to be included with the Construction Certificate plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *Requirement to ensure appropriate hazard management of potential Acid Sulphate Soils on the subject land.*

22. Adequate Lighting

Adequate lighting is to be provided for safety and security along pathways and entry doors to the premises. Lighting is to be designed, shielded and positioned to ensure there is no glare nuisance to surrounding neighbours. Details to be included on the Construction Certificate plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *Requirement for safety and security.*

23. Acceptable form of Security Bonds

Council will accept a bank guarantee in lieu of cash for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to Council and shall not have an expiry date. The bank guarantee shall be in place prior to the issuing of any Construction Certificate and shall remain in place until the submission of the Final Occupation certificate or termination of any maintenance period.

Reason: *Information, Protection of infrastructure and the environment. (DACECasb)*

24. Special Work Zone

An application for a "Work Zone" in Clarence Avenue in front of the site is to be lodged for Council's consideration and approval. (The provision of a "Work Zone" will require approval from the Warringah Traffic Committee. Applications for "Work Zones" are available from Customer Service and should be lodged at least 4 weeks prior to work commencing.)

Reason: *Requirement for a work zone permit.*

25. Car Parking Allocation

Ten (10) car parking spaces at the southern end of the Ground Level car park shall be designated for parent/carer set-down and pick-up. A total of 29 spaces are to be available for the proposed building, in unison with the Dee Why RSL operations, during business hours Monday to Friday. One (1) of these car parking spaces must be an AS1428.2 compliant space, convenient to the pedestrian ramp. Details of signage and line marking are to be included on the Construction Certificate plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *Requirement for the provision and management of car parking.*

26. Shade Structures

Shade structures are not to be within the front setback to Clarence Street. Retractable shade structures should be used in preference to permanent canopy shade structures where practicable. Details are to be included with the Construction



Warringah Council

Certificate plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Requirement for amenity and to prevent structures within the street setback.

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 \$10 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. **(DACEDpliwp)**

28. 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.

Reason: Statutory requirement (Roads Act 1993). **(DACEDrop)**

29. 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's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time. (See below)

a) 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.

b) Hoarding Permit



Warringah Council

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.

- c) 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.

- d) 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.

Reason: *Proper management of public land. (DACEDsp)*

30. Excavation/Building Works

No excavation or building works shall be carried out until a Construction Certificate has been issued.

Reason: *To ensure compliance with statutory provisions. (DACGDebw)*

31. 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 the Environmental Planning and Assessment 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. (DACGDnc)*

32. 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:

- (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



Warringah Council

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. (DACGDss)*

33. Toilets

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
- (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer; or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:

accredited sewage management facility means a sewage management facility to which Division 4 Sub-division 5 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in of the Regulation.

approved by the Council means the subject of an approval in force under the Local Government (General) Regulation 2005.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

Reason: *To ensure adequate facilities are provided for workers on the site. (DACGDt)*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK



34. Applicant's Cost of Work on Council Property

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

Reason: To ensure the proper management of public land. (DACEEacwcp)

35. 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. (DACEEmrr)

36. 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. (DACEEtcdrw)

37. 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).

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

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

38. Demolition Works



Warringah Council

All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with all relevant Acts, Regulations and Australian Standards. Note: The following Australian Standard applied at the time of determination

- a) Australian Standard AS2601.2001 - Demolition of Structures

Reason: *To ensure a satisfactory standard of demolition works. (DACGE_{dw})*

39. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.

Reason: *To ensure the health and safety of the community and workers on the site. (DACGE_{hs})*

40. 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 condition shall be complied with during demolition and building work.

Reason: *To ensure public safety and amenity on public land. (DACGE_{pekws})*

41. 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 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. (DACGE_{epos})*

42. 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



Warringah Council

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.

Reason: To ensure public safety and the proper management of public land. (DACGEppp)

43. Dust emission and air quality

Materials must not be burnt on site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the Landcom's *Managing Urban Stormwater: Soils and Construction* (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.

Reason: To ensure residential amenity is maintained in the immediate vicinity. (DACHEdeaq)

44. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) 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. (DACHEnv)

45. Removing, Handling and Disposing of Asbestos

Any works involving asbestos based products in relation to removal, handling and disposing of material must be undertaken in accordance with all relevant Acts, Regulations, Guides and Codes.

Note: The following standards applied at the time of determination:

- a) Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- b) Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. (DACHErhda)



Warringah Council

46. Sediment and Erosion Control Signage

A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACHEsecs)

47. Noxious Plants

All plants on the site that are declared as noxious weeds in Warringah shall be eradicated before the commencement of landscape works.

Reason: To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality-landscaping outcome. (DACLEnp)

48. No Removal of Trees on Public Property

No trees or native shrubs or understorey on public property (footpaths, roads, reserves, etc.), unless specifically approved in this consent, shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

Reason: Protection of existing environmental infrastructure and community assets. (DACLEnrtp)

49. Protection of Trees

The following tree/trees are required to be retained as part of the development consent:

- a) The two (2) *Archontophoenix alexandrae* (Alexander palms) in the front setback of 2 Clarence Avenue (Lot 5)
- b) The one (1) *Araucaria heterophylla* (Norfolk Island Pine) at the rear of 2 Clarence Avenue (Lot 5) ;
- c) The one (1) *Lophostemon confertus* (Brush Box) street tree in front of No. 14 Dee Why Parade (Lot 2); and
- d) all other trees on land immediately adjoining the site.

Reason: Protection of existing environmental infrastructure and community assets. [E22]

50. Tree Pruning

Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified Arborist and be in accordance with the relevant Australian Standards.

Note: The following Australian Standard applied at the time of determination:

- a) Australian Standard AS 4373.2007 - Pruning of Amenity Trees.



Warringah Council

Reason: To ensure protection and longevity of existing trees. (DACLEtp)

51. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

52. 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 following requirements shall be met:

- (a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning;
- (b) Include provision for the separation and storage of in appropriate categories of material suitable for recycling;
- (c) The storage area shall be adequately screened from the street, with the entrance to the enclosures no more than 2m from the street boundary of the property;
- (d) If a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay shall be provided no more than 2m from the street boundary of the property;
- (e) Garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- (f) Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

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

53. 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 Specification 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. (DACEEtdrw)

54. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe



Warringah Council

condition at all times during the course of the work.

Reason: Public Safety. (DACEEmrr)

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

55. 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 work-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, for authorisation prior to the issue of an Interim/Final Occupation Certificate.

Reason: To create encumbrances on the land. (DACEFaldsd)

56. Creation of Positive Covenant and Restriction as to User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as to user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall to 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" prior to issue of the Interim/Final Occupation Certificate.

Reason: To identify encumbrances on land. (DACEFcpclu)

57. 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. The Compliance Certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Interim/Final Occupation Certificate.

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

58. 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 prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's



Warringah Council

expense and endorsed by Council prior to lodgment with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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

59. 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 on-site storm water detention as to user is to be submitted to Council prior to the issue of an Interim/Final Occupation Certificate.

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

60. Reinstatement of Kerb

Prior to the issue of an Interim/Final Occupation Certificate all redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Reason: *To facilitate the preservation of on street parking spaces. (DACEFrk)*

61. 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 prior to the issue of an Interim/Final Occupation Certificate. 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 lodgment with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

Reason: *To ensure no modification to the on-site stormwater detention structure without Council's approval. (DACEFrusd)*

62. Access for People with Disabilities

Prior to the issue of an Interim/Final Occupation Certificate provision shall be made ensure all access to and within the building on site has been completed for persons with a disability in compliance with the provisions of *Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities.*

Reason: *Equitable access for people with a disability. (DACGFapd)*

63. Consolidation of Lots

Prior to the issue of an Interim/ Final Occupation Certificate Lots Lot 2 DP10476 & Lot 5 DP 10476, are to be consolidated into one lot and evidence of the registration of the appropriate survey plan by Land & Property Information is to be submitted to the Principal Certifying Authority.

Reason: *To ensure the orderly development of land. (DACGFcl)*



Warringah Council

64. 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.

Note: In issuing an Interim / Final Occupation Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

Reason: *To ensure compliance with the provisions of the Environmental Planning and Assessment Act. (DACGFocr)*

65. Noise Management Plan

A Noise Management Plan shall be prepared by an appropriately qualified acoustic consultant and kept onsite at all times under the care of the Duty Manager demonstrating how noise levels emitted by children using the outdoor play areas will be controlled so as to minimise impacts on any surrounding residents. The Noise Management Plan shall be implemented to ensure the childcare centre is operated in a manner that is responsive to any noise complaint issues that may occur from time to time. The plan is to detail noise management issues and response measures such as restructuring play hours, reduced occupancy, different outdoor equipment or sound shielding to enable the centre to respond to any noise amenity issues if required. A draft of the noise management plan is to be submitted to Warringah Council for approval prior to the final occupation of the building.

Reason: *Requirement to ensure neighbours amenity is maintained and protected.*

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

66. Child Care Numbers

The maximum number of children to be cared for at any one time on the premises shall not exceed 90 children.

Reason: *To ensure consistency with this consent. (DACGGccn)*

67. 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.

Reason: *To ensure the child care centre is operated in accordance with the requirements of the NSW Department of Community Services. (DACGGdcsir)*

68. Child Care Facility

All requirements of the *Department of Community Services* (DoCS) must be complied with including minimum space requirements for indoor and outdoor areas per child and maximum numbers of children per age group within the Child Care Centre as regulated by DoCS.



Warringah Council

Reason: Requirement for the provision of child care services in accordance with DoCS standards.

69. Delivery Hours

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

Reason: To ensure the acoustic amenity of surrounding properties. (DACGGdh)

70. Separate Development Application for Signs

A separate Development Application for any additional signs to that approved with this consent (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 additional signs.

Reason: Control of signage. (DACGGsdas)

71. Use of Outside Play Areas (Childcare Centres)

The periodic use of the outside play areas shall be limited to between 9.00am to 11.00am and 3.00pm and 5.00pm Monday to Friday. The Noise Management Plan is to reflect this as a maximum restriction.

Reason: To prevent loss of amenity to the area. (DACGGuopa)

72. Requirement for Commercial Waste Contract

The proprietor shall enter into a commercial contract for the collection of waste and recycling. A copy of the commercial waste and recycling contract and invoices are to be made available for inspection at any time.

Reason: To protect the local amenity of the neighbourhood. (DACHGfspr)

73. Noise Generation

Noise from the combined operation of all mechanical plant and equipment (e.g. Air Conditioners) shall not generate noise levels that exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary when measured in accordance with the Environment Protection Authority's NSW Industrial Noise Policy.

Reason: Health & amenity. (DACHGng)

74. Notification of the food premises

The proprietor of a food business (involving food preparation for human consumption) 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 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 Warringah Council to inform them of their notification number and business details prior to trading.

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

75. Amenity

The operations 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.'*

76. Car Parking User Restriction

The provision of parking within Lot 1 DP 70623014 shall be limited to the continued operation of the Child Care Centre and office/meeting rooms in association with the Dee Why RSL Club. Should the approved use on the land currently identified as Lot 2 DP10476 & Lot 5 DP 10476 cease, then the allocated 29 car parking spaces within Lot 1 will also cease to be available to the approved development. The owners of Lot 1 DP 70623014 are to ensure that convenient access and parking is available to the Child Care Centre and office/meeting rooms in accordance with the conditions of this consent.

Reason: *Requirement to prevent cross allocation of car parking.*

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.*



Warringah Council

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 Steve Findlay

Date 17 July 2008