



Warringah Council

NOTICE OF DETERMINATION

Application Number: DA2011/1274

APPLICATION DETAILS

Applicant Name and Address: Salvation Army NSW Property Trust
GPO Box 5487
SYDNEY NSW 2001

Land to be developed (Address): Part Lot 11 DP 577062 23 Fisher Road DEE WHY
NSW 2099

Proposed Development: Stage 1 Demolition Works and Construction of
Residential Flat Buildings with Associated
Carparking, Landscaping and Site Works

DETERMINATION – APPROVED

Consent Authority: Sydney East Region Joint Planning Panel

Made on (Date): 15 February 2012

Consent to operate from (Date): 16 February 2012

Consent to lapse on (Date): 16 February 2017

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.



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The following consent is granted for Stage 1 of the development in accordance with Section 83B (3)(a) of the *Environmental Planning and Assessment Act 1979*. The subsequent stage, being Stage 2, will be the detailed design stage of the development and will require the submission of a separate development application.

STAGE ONE CONDITIONS OF CONSENT
In accordance with Section 83B (3) (a) of the *Environmental Planning and Assessment Act 1979*

1. Approved Plans and Supporting Documentation

Stage 1 development consent is granted only for the following:

- (a) The above and below ground building envelopes, but no building works.
- (b) The general arrangement of uses within the development as detailed in the plans described below, being:
 - (i) Basement South Car Parking (FFL 32.515);
 - (ii) Basement North Lower Car Parking (FFL 33.985 and 34.830);
 - (iii) Basement North Upper Car Parking (FFL 37.840);
 - (iv) Building A (FFL 41.830 to 53.830);
 - (v) Building B (FFL 37.200 to 49.200);
 - (vi) Building C (FFL 35.515 to 48.715);
 - (vii) Retention of Pacific Lodge and associated heritage items;
 - (viii) Vehicular entry on Fisher Road;
 - (ix) 42.9% (4,556.5m²) of deep soil landscaped area.

The uses shall be consistent with the following table:

| Architectural Plans – Endorsed with Council’s stamp | | |
|--|--------------|--------------------|
| Drawing No. | Dated | Prepared By |
| SK-100 Basement level B2 | 19/08/2011 | Hassell |
| SK-101 Site Plan RL 36.200 | 19/08/2011 | Hassell |
| SK-102 Site Plan RL 39.600 | 19/08/2011 | Hassell |
| SK-103 Site Plan RL 42.000 | 19/08/2011 | Hassell |
| SK-104 Site Plan RL 45.000 | 19/08/2011 | Hassell |
| SK-105 Site Plan RL 48.000 | 19/08/2011 | Hassell |
| SK-106 Site Plan RL 51.000 | 19/08/2011 | Hassell |
| SK-107 Site Plan RL 54.000 | 19/08/2011 | Hassell |
| SK-120 Site Plan: Landscaped Open Space | 19/08/2011 | Hassell |
| SK-150 Elevations | 19/08/2011 | Hassell |
| SK-151 Elevations | 05/08/2011 | Hassell |
| SK-200 Proposed Sections | 19/08/2011 | Hassell |
| SK-201 Proposed Sections | 19/08/2011 | Hassell |



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| Reports/Documentation | | |
|---|----------------|---------------------------------------|
| Report/Document | Dated | Prepared By |
| All recommendations made in the Preliminary Conservation Management Plan (Issue 02) | September 2011 | Tropman & Tropman Architects |
| All recommendations made in the Stage 1 Environmental Site Assessment | 8 July 2011 | Coffey Environments Australia Pty Ltd |
| All recommendations made in the Geotechnical Study | 29 June 2011 | Coffey Geotechnics Pty Ltd |
| All recommendations made in the Flora and Fauna Investigation | 01/08/2011 | LesryK Environmental Consultants |
| All recommendations made in the Arboricultural Impact Report | 5 August 2011 | Landscape Matrix Pty Ltd |
| All recommendations made in the Aboriginal Objects Due Diligence Assessment | September 2011 | Niche Environment & Heritage Pty Ltd |

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

The development is to be undertaken generally in accordance with the following:

| Landscape Plans – Endorsed with Council’s Stamp | | |
|--|--------------|--------------------|
| Drawing Number | Dated | Prepared By |
| L-SK001 Landscape Plan | 28/09/2011 | Hassell |
| L-SK003 Landscape Character Zones | 23/08/2011 | Hassell |
| L-SK004 Tree Retention/Deep Planting Plan | 23/08/2011 | Hassell |
| L-SK005 Landscape Image Board | 23/08/2011 | Hassell |

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

2. Limitations of this consent

This consent grants approval for the Stage 1 concept of the development only, in accordance with Section 83B(3)(b) of the *Environmental Planning and Assessment Act 1979*, and does not authorise or approve of any works.

A subsequent Stage 2 Development Application will require the submission of a detailed development application to Warringah Council for final approval under the provisions of Section 78A of the *Environmental Planning and Assessment Act, 1979*.

Reason: To communicate the limitations of this consent.

3. New Development Application Required

This consent is for a concept approval of Stage 1 only. Separate development application(s) will be required for approval of the detailed designs required for Stage 2.

Reason: To ensure a detailed design DA is submitted and approved prior to construction.



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4. **Assessment and Determination of Future Applications**

The assessment and determination of the Stage 2 development application must be generally consistent with the approved plans and conditions of approval contained in this development consent.

Reason: To ensure the future Stage 2 DA is consistent with the concept proposal.

5. **Building Envelopes**

The above and below ground building envelopes shown on approved drawings in Condition 1 are only approved on the basis that the final building design, including lift overruns, plant, equipment, services, vents, communication devices, architectural features and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring buildings and structures and the public domain.

Reason: To ensure compliance with the approved concept plans and satisfactory amenity.

6. **Approved Design Roof Top Plant**

All roof top plant and associated equipment incorporated within the Stage 2 DA must be located within the approved building envelopes. The design and external finishes of rooftop plant shall be integrated with the design of the building and roof to minimise visual bulk. Rooftop plant is to be adequately attenuated to avoid acoustic impacts on the development and adjoining and surrounding properties.

Reason: To ensure satisfactory visual and acoustic amenity.

7. **Architectural and Urban Design Report**

The Stage 2 DA is to be accompanied by a detailed ***Architectural and Urban Design Report*** addressing State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the provisions of the Residential Flat Design Code. The Stage 2 design is to demonstrate compliance or fully justify any non-compliance with SEPP 65 and the RFDC. The detailed design of the buildings is to be consistent with the Stage 1 concept design parameters to ensure that the intended development outcome is achieved.

Reason: To ensure the architectural and urban *design outcomes are consistent with the concept approval, SEPP 65 and the RFDC.*

8. **Design Excellence**

The applicant is to provide detailed architectural plans and visual aids in the form of an architectural scale model, photomontages, 3D modelling and a comprehensive sample board of external finishes to demonstrate the design excellence of the development.

Reason: To ensure design excellence is achieved at Stage 2.



9. Wind Effects

A **Wind Impact Report** shall be submitted with the Stage 2 DA. Details of the integration of devices to minimise the wind tunnel effect and downdrafts, including awnings, devices, trees, blades, etc are to be provided addressing the town square, pedestrian link, communal podium level and bus interchange are to be incorporated into the Stage 2 development application.

Reason: To ensure a satisfactory wind environment for the development and its surrounds.

10. Sun Control Devices

Details of solar protection and glare control for residential units to be provided with the Stage 2 and are to maximise internal amenity and internal environment control.

Reason: To ensure adequate solar control for internal amenity.

11. Residential Unit Mix

The proportions of studio (if proposed), 1, 2 and 3 bedroom units is have regard to housing affordability principles and the requirements of SEPP 65.

Reason: To ensure adequate provisions are made for affordable housing.

12. Landscape Design

(a) The Stage 2 DA is to be accompanied by a detailed **Landscape Plan**, prepared by a Landscape Architect or landscape designer for the internal communal open space areas and outer perimeters of the site. Details of the landscaped treatment is to address safety, crime prevention, casual surveillance, the provision of courtyards in association with residential units adjacent to the internal communal open space areas and recreational facilities for residents, including BBQ's, children's play areas, shelter and relaxation. The design is to also include:

- i. details of retaining walls, mounding and planter boxes,
- ii. location, numbers and types of plant species,
- iii. drainage and watering systems,
- iv. deep soil planting zones,
- v. planting procedure and maintenance.

(b) The Arboricultural Impact Report dated 5 August 2011 and prepared by Landscape Matrix Pty Ltd is to be updated to address the following:

- i. Several trees with high retention values are potentially impacted by the proposed development and will require specific tree protection measures and design considerations in the Stage 2 DA. In particular, the following trees;



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- Tree No. 12;
- Tree No. 31;
- Tree No. 32;
- Tree No. 34;
- Tree No. 41;
- Tree No. 56;
- Tree No. 59;
- Tree No. T61;
- Tree No. T72 – adjoining property and is prominent in the streetscape;
- Tree No. T90– adjoining property; and
- Tree No. 107.

The above impacts will need to be addressed in the Stage 2 DA through the appropriate design modifications demonstrating that these trees will not be detrimentally affected by the development and to ensure the protection of those trees. In particular, pathways and the driveway are to be configured in such a manner to accommodate the retention of trees identified as having a moderate to high retention value/landscape significance.

- ii. Tree Protection measures are to be installed as per Arborist recommendations and as per AS4970 – 2009 Protection of trees on development sites.
- iii. Details of the proposed plant species with locations are to be provided in the Stage 2 DA.

Reason: To ensure satisfactory tree retention and landscape amenity.

13. Use of Renewable and Recyclable Materials

The Stage 2 DA is to be accompanied by details of how renewable and recyclable materials can be integrated into the design of the development.

Reason: To ensure ESD principles are provided for in the development.

14. Environmentally Sustainable Development (BASIX)

The detailed Stage 2 design for the development shall be accompanied by BASIX reports which demonstrate compliance with the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and

Reason: To ensure ESD principles are provided for in the development.

15. Motorcycle and Bicycle Parking

The Stage 2 DA shall incorporate adequate levels of motorcycle parking in the basement and bicycle parking within the public domain areas of the development.

Reason: To ensure that alternative forms of transport are provided for in the development.



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16. Shadow and Sunlight Access Report

The Stage 2 DA is to be accompanied by a detailed **Shadow and Sunlight Access Report** addressing the requirements of part 'D6 Access to Sunlight' in Warringah Development Control Plan 2011 and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Reason: To ensure satisfactory levels of compliance with relevant standards.

17. Traffic and Parking Report

A **Traffic and Parking Report** is to be submitted with the Stage 2 DA addressing alternative access and egress arrangements, carparking area, ramp, provisions for garbage trucks, disabled parking and motorcycle parking. The number of carparking spaces is to comply with 'Part C3 Parking Facilities' and 'Appendix 1 Carparking Provision for Various Landuses' in Warringah Development Control Plan 2011, the design of the carpark layout and vehicular access is to demonstrate compliance with the relevant Australian Standards. Any variation to these controls is to be supported by detailed traffic surveys and associated information to justify such variations.

In relation to service vehicles, the following matters are to be addressed in the report:

- a. The design of the access driveway to and proposed loading bays is to be in accordance with the Standards Australia AS 2890.1-2004 and AS 2890.2-2002.
- b. Provision is to be made for removalist's trucks servicing the residential units.
- c. The provision of a crash barrier along the northern boundary opposite the basement car park entry/exit.
- d. The design of proposed access arrangements is to take into consideration the impact on pedestrian crossings and pedestrian movements and safety along the frontage roads.

The Traffic and Parking Report is to contain current traffic study data by way of sample surveys to ascertain the impacts of the development upon the surrounding road network.

Reason: To ensure traffic and parking issues satisfy relevant standards.

18. Bus movements

The Stage 2 DA is to address the impact of the exit ramp on bus movements in Fisher Road.

The proponent is to consult with Sydney Buses in relation to the location of bus stops prior to the submission of the Stage 2 DA.

The traffic studies have identified the need for modifying the kerb radii at corner of Fisher Road and St. David Avenue to accommodate buses. The impact of the modifications is to be assessed as to whether sufficient footpath area is preserved.

Reason: To ensure adequate provisions are made for buses and taxis in the development.



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19. Environmental Noise Impact Assessment

The Stage 2 DA is to be accompanied by a detailed Environmental Noise Impact Assessment addressing the requirements of 'Part D3 Noise' in Warringah Development Control Plan 2011, and including noise sources (mechanical plant, loading dock and garbage removal operations, basement carparking, vehicle access/egress, residential apartments, retail spaces) and noise control measures in relation to glazing, mechanical equipment, sound transmission between neighbouring internal and external properties, construction noise and compliance with the BCA.

Reason: To ensure a satisfactory acoustic environment.

20. Security Review/Crime Prevention Report

The Stage 2 DA is to be accompanied by a detailed Security Review/Crime Prevention Report addressing Crime Prevention Through Environmental Design (CPTED) and is to demonstrate compliance with the four CPTED Principles outlined in 'Crime Prevention and the Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979' prepared by the Department of Urban Affairs and Planning (now Department of Planning). The report is to address safety and security issues and make specific recommendations on lighting, entrances, lobbies and the like. The assessment is to address the requirements of the NSW Police.

Reason: To ensure a satisfactory level of for future residents, workers and visitors.

21. Phase 1 Contamination Report and Remediation Action Plan

The Stage 2 DA is to be accompanied by a detailed Contamination investigation by a suitably qualified environmental consultant is to be undertaken in the existing and historic garden beds as recommended in the contamination assessment report prepared by Coffey Environment Australia dated 8 July 2011. If contamination is present, it must be managed or remediated in accordance with in accordance with the Contaminated Lands Management Act 1997, SEPP 55 and "Sampling Design Guidelines for Contaminated Sites", 1995 NSW EPA.

Reason: To satisfy relevant statutory requirements.

22. Geotechnical Report

The Stage 2 DA is to be accompanied by a detailed geotechnical Design Report containing sufficient detail on the approved concept design of the basement to confirm feasibility of the design philosophy adopted and allowing impacts on the adjoining structures to be identified. This is to include predicted levels of movement of the basement walls so that "trigger" levels for intervention are identified. A Construction Monitoring Program is to be included in this report.

Reason: To ensure geotechnical issues are adequately addressed in the Stage 2 design.

23. Construction Environmental Management Plan

The Stage 2 DA is to be accompanied by a detailed **Construction Traffic Management Plan** which provides details of the safe operation of traffic and pedestrians during construction. The plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the current version of Australian Standards AS1742 –Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.

The plan is to address the above issues including stormwater and wastewater disposal, waste management, air quality, noise management, truck parking, construction staging, noise and vibration control plan, soil and water sediment control management plan (including a **Dust Management Strategy**).

Specifically, the CMP is to address the following in terms of traffic related matters:

- a. Car parking arrangements whilst the development is under construction.
- b. Construction staff parking.
- c. Construction vehicle access to and from the site during excavation and building works.
- d. The need for a work zone adjacent to the site frontage is to be considered as part of the construction management plan.

The CMP is also to provide details of all geotechnical and groundwater monitoring points, how they will be monitored, responsibilities for carrying out the monitoring, intervention trigger levels and actions to be taken if intervention levels are reached. Council is to be given an observational role to assist with the implementation of the CMP.

Reason: To ensure all construction related impacts and methods are appropriately managed.

24. Staging Plan

The Stage 2 DA is to be accompanied by a detailed **Staging Plan**, including demolition, remediation (if required), excavation, construction, landscaping and public domain works.

Reason: To provide details as to the staging of the development.

25. Lighting Design Statement

The Stage 2 DA is to be accompanied by a detailed **Lighting Design Statement** which addresses the number, type, design, luminosity and location of major lighting fixtures, the issue of glare and reflection, including building colours and materials, internal and external lighting of the building, driveway, communal landscaped open space areas, the pedestrian link/walkways.

Reason: To minimise the impacts of lighting.

26. Waste Management Plan

The Stage 2 DA is to be accompanied by a detailed **Waste Management Plan**, which addresses the generation of waste from the residential uses, the location of garbage storage areas and the recycling and re-use of demolition materials in accordance with Warringah Council's Policy Number 'PL 850 – Waste'.

Reason: To ensure the efficient and sustainable treatment of waste.

27. Pedestrian Mobility Plan and Access Report

The Stage 2 DA is to be accompanied by a detailed **Pedestrian Mobility Plan and Access Report** providing details of access and facilities for people with a disability in accordance with the Building Code of Australia, AS 1428.2 and be addressing the Disability Discrimination Act 1992.

Reason: To ensure satisfactory provisions are made for disabled and less mobile persons.

28. Electricity Substation

The design of any electrical substation(s) must be integrated into the design of the final development and not intrude within the public domain or detract from the streetscape presentation of the development. The location of any future substation must be included with the Stage 2 Development Application and is to comply with Ausgrid Requirements.

Reason: To ensure adequate arrangements are made for infrastructure.

29. Site Infrastructure and Services

The Stage 2 DA is to be accompanied by a detailed **Infrastructure and Services Reports** to demonstrate how the development can be adequately and properly serviced. The report is to include an outline of any necessary augmentation of existing services. All infrastructure planning and design is to be undertaken in consultation with the relevant authorities, including Ausgrid, AGL, Sydney Water and Telecommunications Providers.

Specifically, a survey plan to Australian Height Datum of the location of all utility services in the Fisher Road, St. David Avenue and Civic Drive road reserves is to be provided.

Reason: To ensure adequate arrangements are made for infrastructure.

30. Infrastructure – Roads and Footpath Works

The Stage 2 Development Application is to be accompanied by engineering plans for the full road reconstruction on the corner of Fisher Road and St. David Avenue, including kerb and gutter reconstruction, associated street stormwater drainage and inlet pits, line marking, traffic signage etc.

Full width paving and associated streetscape works will be required to be constructed along the Fisher Road and St. David Avenue frontages.

All works are to be designed in accordance with Council's Engineering specification – Auspec 1 and other Council specifications. The proponent shall also demonstrate the road geometry complies with Council's specifications.

Reason: To ensure adequate arrangements are made for infrastructure.

31. Landscape open space

The Stage 2 Development Application is to be accompanied by a Deep Soil Area Plan which clearly indicates the location of deep soil in accordance with 'D1 Landscaped Open Space and Bushland Setting' (and the associated DCP Map 'Landscaped Open Space and Bushland Setting') in Warringah Development Control Plan 2011.

Reason: To ensure satisfactory levels of compliance with relevant controls.

32. Management of Site Stormwater

The Stage 2 development application shall address the following:

- i. Provision of an On-site Stormwater Detention system for the development. Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" is to be submitted to the Council for assessment and approval.
- ii. The stormwater management plan shall also demonstrate the provision of Water Sensitive Urban Design (WSUD) measures in accordance with Council's draft - "Water Sensitive Urban Design Policy and technical guidelines".

The proposed buildings are to feature rainwater harvesting tanks for toilet flushing and irrigation. Pollution control devices are also to be provided.

The stormwater management plans shall also demonstrate compliance with the State Environmental Planning Policy –BASIX.

Reason: To ensure adequate arrangements are made for infrastructure.

33. Water Quality Management Plan

A Water Quality Management Plan demonstrating compliance with the Stormwater Management Objectives, as set out in the Northern Beaches Stormwater Management Plan must be provided for Council's consideration. This requires the inclusion in the hydraulics plans of Gross Pollutant Traps (GPT's), oil and grease separators, etc.

Reason: To ensure adequate arrangements are made for infrastructure.

34. Water Sensitive Urban Design

Stormwater drainage plan is to be designed in accordance with Council's draft Water Sensitive Urban Design Policy. Details demonstrating compliance with this policy are to be submitted for Council's assessment and approval.

Reason: To ensure adequate arrangements are made for infrastructure.

35. Hydrant/Booster Location

The Stage 2 Development Application is to clearly identify the proposed location of all required fire hydrants and booster valves. The hydrant/booster valve and fire services location must be verified as being acceptable to the NSW Fire Brigade.

Reason: To ensure adequate arrangements are made for infrastructure.

36. Median strip

The proposed median and associated signs and line-marking in Fisher Road shall be designed and constructed at no cost to Council. Detailed construction plans of the proposed median shall be submitted to Council with the Stage 2 DA.



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Any works proposed within the road reserve will be required to be referred to Council's Traffic Committee for approval and it is recommended that this occur prior to the lodging of the Stage 2 DA to establish certainty.

Reason: To ensure adequate arrangements are made for infrastructure.

37. Section 94A contributions

A quantity surveyors report must be submitted for the development application for Stage 2 to enable Section 94A contributions to be assessed for all components within this Stage.

Reason: To enable accurate calculation of section 94A contributions

NOTE: Building Code of Australia

The Stage 2 DA is to be accompanied by a more detailed assessment to ensure the development is capable of meeting the performance requirements of the Building Code of Australia.

Review of Determination

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

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

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Signed _____ on behalf of the consent authority

Signature _____
Name Tony Collier, Senior Development Assessment Officer

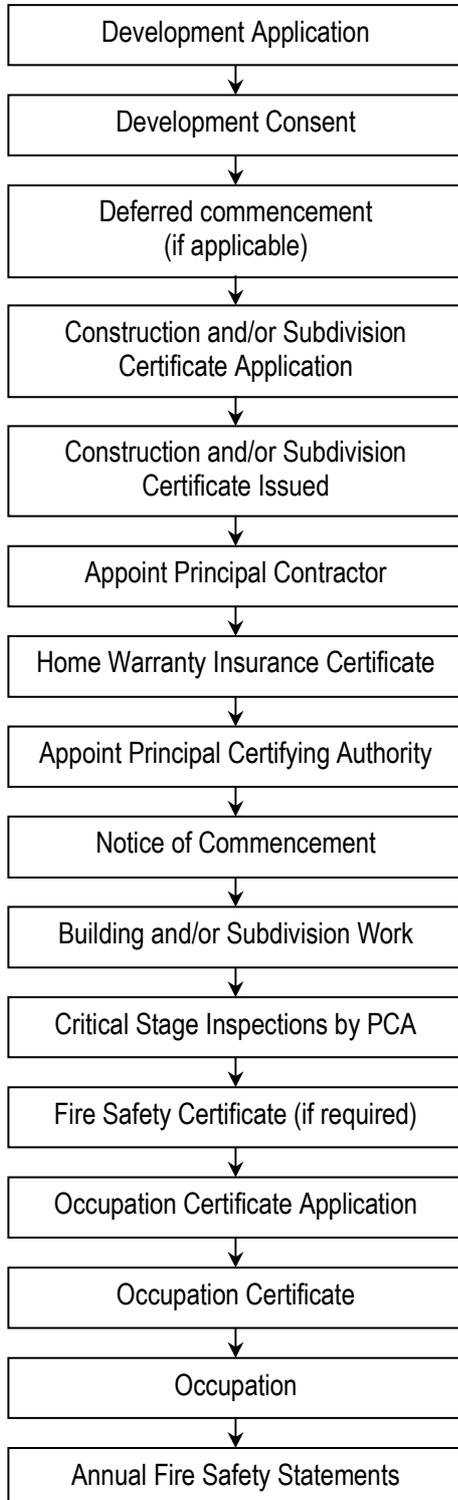
Date Lashta Haidari, Acting Development Assessment Manager
17 February 2012

NOTE: Signed by Warringah Council pursuant to Cl.13F(2)(f) SEPP (Major Development), as determined by the Joint Regional Planning Panel – Sydney East Region Joint Planning Panel on 15 February 2012.

Notice of Determination

Advisory Notes (General)

Where are you in the development process?



Check consent conditions to see if you are affected by a deferred commencement condition. If applicable satisfy all requirements and submit to Council (allow 4 weeks (min.) for review).

Check the consent conditions to see if you need a construction certificate. Pay any applicable bonds / fees / s94A Development Contributions / Long Service Levy.

Make sure that you satisfy all conditions required to be satisfied prior to the issue of the Certificate

Sign a contract with a licensed builder and make sure that the builder has proper insurance in place.

Obtain a copy of the builder's home warranty insurance for your development. (if residential work) This must be given to the PCA

Sign a PCA service agreement with Council or an Accredited Certifier to conduct building inspections.

Complete the Notice of Commencement form and lodge with Council before work commences. A Failure to comply may result in Fines and Legal Action being taken by Council.

Comply with all Consent Conditions. A Failure to comply may result in Fines and Legal Action being taken by Council.

Make sure you give required notice to your PCA to allow for required building inspections to be done.

Complete a Fire Safety Certificate and attach certificates for all essential fire safety measures to it.

Make Application for the Occupation Certificate and attach to it the Fire Safety Certificate.

Do not occupy any new part of the building without at least an Interim Occupation Certificate - A Failure to comply may result in Fines and Legal Action being taken by Council.

Make sure you comply with development consent conditions relating to ongoing use.

The building owner(s) must make sure that they maintain essential fire safety measures and certify them annually to Council. A Failure to comply may result in Fines and Legal Action being taken by Council.

Note: The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team..



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General Advice

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

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

Building Certification

The Environmental Planning and Assessment Act 1979 provides that:

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

Please refer to process chart for more detail.

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

Certification Services

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

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

Charges Associated with the Development Consent

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

Acceptable Form of Security Bonds

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

Modifications to the consent

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

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

Other Matters not detailed within the Notice of Determination

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

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

- Workcover NSW* for work safety and asbestos requirements
- Sydney Water – Quick Check Agent* for the provision of water and sewer services
- Energy & Gas suppliers* for utility services
- Department of Fair Trading* for advice about builders and licensing
- Building Professionals Board* for advice about private certifiers
- NSW Roads and Traffic Authority* for works on state roads only
- Human Rights and Equal Opportunity Commission* for access issues
- NSW Land and Property Information Service* for Land Title matters

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- Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;

Model

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

Trade waste agreement

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

Waste collection

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

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

Aboriginal Heritage

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

On-Site Sewage Management System

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

Cost of Works

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

Relocation of stormwater drainage

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

Tree preservation

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

Storage bins on footpath and roadway

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

Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place.

- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (5) No access across public reserves or parks is permitted.

Note: *The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team.*



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Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained.

Road Opening Permit

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

Special Permits

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

- Permit for on-street mobile plant*
Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.
- Hoarding Permit*
Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.
- Storage of building materials and building waste containers (skips) on Council's property*
Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.
- Kerbside restrictions, work zones*
Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Other permits may include out of construction hours permits.

Licensing requirements for removal of bonded asbestos

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

Pool Access

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

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

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

Dewatering

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

Requirement to Notify about New Contamination Evidence

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

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Flood Evacuation Plan

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

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

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

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

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

Utility Service Requirements

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

Plant & Equipment Kept Within Site

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

Lighting

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

OTHER MATTERS

Child Care Centres

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

Disability Access

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

Food Premises

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

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

Wheel washing facility

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

Monitoring State of Roadways

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

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Storage of Dangerous Goods

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

Storage of Flammable and Combustible Liquids

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

Noise and Vibration

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

Hairdressing/Beauty Treatment/ Skin penetration Requirements

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

- i. A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap and paper towel.
- ii. The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
- iii. The premises must be provided with washing, drainage, ventilation and lighting that are adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.
- iv. The floor coverings must be smooth and impervious.
- v. All furniture, shelves and fittings must be constructed of, or covered with a material that is smooth, impervious to moisture and capable of being easily cleaned.
- vi. Adequate lockers must be provided for the storage of employees clothing and personal effects.
- vii. The premises must be provided with facilities that are adequate for the purpose of storing of hairdressing/beauty treatment/skin penetration appliance and utensils.
- viii. The premises must be provided with a sink sullied with hot and cold water for washing equipment.

Food Premises Construction Requirements

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

Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);

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

Legionella Control

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

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