



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2007/63

DEVELOPMENT APPLICATION DETAILS

Applicant Name: AMP Capital Investors Ltd.

Applicant Address: Po Box W1 Warringah Mall NSW 2100

Land to be developed (Address): Lot 100, DP 1015283, 145 Old Pittwater Road Brookvale (Warringah Mall Shopping Centre)

Proposed Development: Refurbish existing retail shop and minor expansion to the floor area of the Country Road tenancy

DETERMINATION

Made on (Date): 9 February 2007

Consent to operate from (Date): 9 February 2007

Consent to lapse on (Date): 9 February 2010

Details of Conditions

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

NOTE:

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

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

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

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GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing No.	Drawing Title	Revision No.	Revision Date	Prepared By
6058_P100	Demolition Plan	A	17.01.07	MIMA Designs Pty Ltd
6058_L101	General Notes Sheet 1 of 2	B	12.01.07	MIMA Designs Pty Ltd
6058_L102	General Notes Sheet 2 of 2	A	10.01.07	MIMA Designs Pty Ltd
6058_L103	Legends	C	16.01.07	MIMA Designs Pty Ltd
6058_P101	Layout Plan	L	16.01.07	MIMA Designs Pty Ltd
6058_P102	Reflected Ceiling Plan	F	16.01.07	MIMA Designs Pty Ltd
6058_P103	Setout Plan	C	16.01.07	MIMA Designs Pty Ltd
6058_P104	Power Plan	C	16.01.07	MIMA Designs Pty Ltd
6058_P105	Flooring Plan	C	16.01.07	MIMA Designs Pty Ltd
6058 E101	Shotfront Details	D	16.01.07	MIMA Designs Pty Ltd
6058 E102	Shopfront details	B	16.01.07	MIMA Designs Pty Ltd
6058 E103	Sections	C	16.01.07	MIMA Designs Pty Ltd
6058_E104	Sections	C	16.01.07	MIMA Designs Pty Ltd
6058_E105	Sections	C	16.01.07	MIMA Designs Pty Ltd
6058_E106	Sections	B	12.01.07	MIMA Designs Pty Ltd
6058_E107	Sections	C	16.01.07	MIMA Designs Pty Ltd
6058_E108	Sections	C	16.01.07	MIMA Designs Pty Ltd
6058_E109	Sections	B	12.01.07	MIMA Designs Pty Ltd
6058_E110	Sections	C	16.01.07	MIMA Designs Pty Ltd
6058 D101	Shopfront details. Head & Foot junctions	B	16.01.07	MIMA Designs Pty Ltd
6058_D102	Shopfront details, Plan details	B	16.01.07	MIMA Designs Pty Ltd
S102	Sign type 1NS	A	17.08.06	MIMA Designs Pty Ltd



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

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

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

2. Plans on Site

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

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

3. Demolition of Extra Fabric

Alterations to, and demolition of the existing building shall be limited to that shown on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

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

4. Compliance with Development Consent

The terms and conditions of Development Consent No. 98/229, 6000/6840 and 96/335 being strictly complied with.

Reason: *To ensure that the form of development undertaken is in accordance with the determination of Council.*

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

5. Security Bond Schedule

All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:



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SECURITY BOND & FEE SCHEDULE	
Lot 100, DP 1015283, 145 Old Pittwater Road Brookvale	
DEVELOPMENT APPLICATION NUMBER 2007/0063	
SECURITY BONDS	AMOUNT (\$)
TOTAL BONDS	\$Nil
FEES	
Kerb Security Inspection Fee	\$200.00
Section 94 contribution	\$5,800.00
Long Service Levy	\$2,030.00
TOTAL FEES	\$8,030.00
Progress Inspections if Council is nominated as the PCA (2 x \$275)	\$550.00

Reason: Compliance with the development consent. [C71]

6. S94A Contribution

The payment of \$5,800.00 as a 94A levy prior to the approval/release of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan 2006. It is current at the time of issue of this Consent. 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:

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on total development cost of		\$ 580,000.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
S94A Levy	0.95%	\$5,510	6923
S94A Planning and Administration	0.05%	\$290	6924
Total	1.0%	\$5,800	

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. [C82]



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CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

7. Construction Certificate

A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.

Reason: Legislative requirements. [D3]

8. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with section 81A of EP & A Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

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

9. WorkCover

Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

Reason: Statutory requirement. [D5]

10. Building Works

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

Reason: To ensure compliance with statutory provisions. [D13]

11. Inspection Fees

Where Council is acting as the Principal Certifying Authority and where an inspection of building, civil or landscape work is required by these conditions, inspection fees and component certification fees must be paid to Council before Council will undertake any inspections. These fees may be paid at the time of submission of the required Notice of Commencement of works. This condition applies regardless of whether a Certification fee is also payable.

Note: The submission of a Notice of Commencement of works form to Council at least two (2) days prior commencing works is a statutory requirement.

Reason: Statutory requirement and information. [D14]

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. Fire Safety Schedule

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

No:	Service Currently Installed/Service Required:	Standard	BCA Clause(s)
1.	Automatic fire suppression systems	AS 2118.1	Spec E1.5
2.	Emergency lighting	AS/NZS 2293.1	E4.4
3.	Emergency warning and intercommunication systems	AS 2220.1 & 2	E4.9, Spec G3.8
4.	Exit signs	AS/NZS 2293.1	E4.8
5.	Mechanical air handling systems	AS 1668.1 & 2	F4.5, F4.11, F4.12
6.	Smoke detectors & heat detectors	AS 1670; AS 3786	Spec E2.2a
7.	Emergency Evacuation Plans	AS 3745 - As per the Protocol Document devised as part of the 'Alternate Solution' for the Mall.	
8.	Hand held fire extinguisher	AS 2444	E1.6
9.	Required (Automatic) Exit Doors	AS 1670.1	Clause D2.19

Notes:

1. On completion of the building work the owner must furnish Council with a Fire Safety Certificate that states that each essential fire safety measure specified in the current fire safety schedule to which the Certificate relates:
 - (a) has been assessed by a properly qualified person, and
 - (b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.
2. The assessment must have been carried out within the period of three (3) months prior to the date on which the final fire safety certificate was issued.
3. The choice of person to carry out the assessment is up to the owner of the building.
4. The person who carried out the assessment:
 - (a) must inspect and verify the performance of each fire safety measure being assessed, and



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- (b) must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedule for the building.
5. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:
- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
 - (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

Reason: Fire Safety [C1]

13. Design for Access & Mobility

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

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

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

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

14. Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

Reason: To ensure the protection of existing built public infrastructure. [C6]



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15. Protection of Footpaths and Roadways

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

Reason: Protection of footpath and roadways. [C22]

16. Asbestos & Hazardous Material

A person taking down, demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Work Cover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. [C53 (2)]

17. Safety Glass

Safety Glass as defined in AS 2208-1978 being provided in all locations subject to human impact as required by AS 1288-1994 "Glass in Buildings - Selection and Installation".

Reason: Prescribed/Statutory and safety.

18. Exit signs and emergency lighting

Provision of exit signs to the tenancy (Ref. E4 of the Building Code Australia) and the provision of an emergency lighting system for the tenancy to comply with the requirements of Part E4.2 of the Building Code of Australia.

Reason: Prescribed/Statutory.

19. Essential Services

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

Reason: Fire safety.

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

The Principal Certifying Authority (PCA) SHALL BE given a minimum of two (2)



working days notice for inspection of the following, where applicable:

- (a) At the commencement of the building work.
- (b) After the building work has been completed and prior any Occupation Certificate being issued in relation to the building.

The appointed Principal Certifying Authority MUST do the first inspection at the commencement of building work, and at completion of building work.

Notes:

- (1) The appointed Principal Certifying Authority has a discretion to determine additional inspections, or nominate other Accredited Certifiers to undertake inspections other than the first and last inspections, which are required to ensure compliance or otherwise with relevant codes and standards. In any event, the Principal Certifying Authority MUST be advised at all of the stages of construction identified above.
- (2) The PCA must advise the person with the benefit of the consent of the mandatory critical stage inspections referred to in the EP & A Regulations.
- (3) Where Warringah Council is acting as the Principal Certifying Authority for the project, notice is to be given by telephoning Council on 9942 2111 and requesting the relevant inspection. Failure to advise Council at the stages of construction identified above may result in fines being imposed.
- (4) Failure to advise the Principal Certifying Authority of the need for MANDATORY INSPECTIONS at the critical stages of construction detailed above may result in fines being imposed, works being required to be demolished, or delays experienced in obtaining final certification and occupation of the development in order to resolve issues.

Reason: Prescribed mandatory inspections under legislation. [E9]

21. Replacement of Principal Certifying Authority

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

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

Reason: Statutory requirement. [E11]



22. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity. [E17]*

23. Dust Emission and Air Quality

Materials must not be burnt on the 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 NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity. [E18]*

24. 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).

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E26]*

25. Out of Hours Work Permits

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



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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. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

(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. [E27]*

26. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries. This Condition shall be complied with during demolition and building work.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the Internet at www.WorkCover.nsw.gov.au.

Reason: *To ensure the health and safety of the community and workers on the site. [E30]*

27. Prohibition on Use of Pavements

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

Reason: *To ensure public safety and amenity on public land. [E35]*

28. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

Reason: *Public Safety [E39]*

29. Sprinkler heads

Shelving and storage of materials is not permitted within 500mm of the sprinkler heads installed in the structure (measured as a horizontal line across the tenancy).

Reason: *Fire safety.*



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

30. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: Prescribed - Statutory. [F1]

31. Lead

For the protection of the health and safety of workers, adjoining property owners, the public and the environment, any person renovating or demolishing any building built before the 1970's should be aware that any surfaces may be coated with lead based paint. Lead dust is a hazardous substance. The requirements of the Environmental Protection Authority are to be followed in this regard.

Reason: Safety. [F4]

32. Demolition

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

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

33. 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 being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an



existing building.

Reason: Statutory requirement. [F9]

34. Long Service Levy

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation.

Advisory note: The rate of the Long Service Levy at the time of consent is 0.35% of the building construction works. At the time of consent, payment is not required where the value of the works is less than \$25,000. For works that are \$25,000 or over, a fee is required at the prescribed rate. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply and is based on the building construction works identified in the Construction Certificate.

Reason: Prescribed - Statutory. [F12]

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

35. Occupation Certificate Required

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

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

36. Fire Safety Certificate

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

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

37. Annual Fire Safety Statement for the building

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



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

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

38. Hours of Operation

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

- Monday, Tuesday, Wednesday & Friday: 9.00am - 5.30pm
- Thursday: 9.00am - 9.00pm
- Saturday: 9.00am - 5.00pm
- Sunday: 10.00am - 4.00pm

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

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

39. Existing Dock

The existing loading dock shall be maintained and utilised for use in connection with the proposed development.

Reason: To ensure that deliveries occur within the site and do not adversely affect traffic or pedestrian amenity. [I12]

40. Loading Within Site

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

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

41. Waste Collection

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

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



42. Delivery Hours

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

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

43. Work Site

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

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

44. Loading and Unloading

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

Reason: Safety. [I51]

45. Roller Shutter Door

Any roller shutter located at the entry/exit point to the Tenancy is to be locked in the open position at all times that the premises is lawfully in use/occupied.

Reason: Safety.



Right to Review by the Council

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

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

Right of Appeal

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

Signed on behalf of the consent authority

Signature _____
Name Philip Hoffman

Date 9 February 2007