



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA2007/1090

DEVELOPMENT APPLICATION DETAILS

Applicant Name: F D C Constructions & Fit-out

Applicant Address: P.O. Box 425, Camperdown NSW 1450

Land to be developed (Address): Lot 1, DP 739578, 16 Rodborough Road, Frenchs Forest

Proposed Development: Fit-out & use of an existing building for the purpose of recreation facility (Gymnasium)

DETERMINATION

Made on (Date): 3 April 2008

Consent to operate from (Date): 4 April 2008

Consent to lapse on (Date): 4 April 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.

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 Number	Dated	Prepared By
A-D0-1-GF (issue 04)	25/10/07	Bligh Voller Nield Architecture
A-D0-2-FF (issue 04)	25/10/07	Bligh Voller Nield Architecture
A-D0-3-ML (issue 04)	25/10/07	Bligh Voller Nield Architecture
A-D0-4-CP (issue 01)	25/10/07	Bligh Voller Nield Architecture
A-E0-1 Issue 01)	25/10/07	Bligh Voller Nield Architecture
A-F0-1 (issue 01)	25/10/07	Bligh Voller Nield Architecture

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.*

2. 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.*

3. Demolition of Extra Fabric

Alterations to, and demolition of the existing building shall be limited to that shown on the approved plans. 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.*

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

4. Bond for Construction, Excavation and Associated Works

A bond of \$10,000.00 shall be deposited with Council prior to the issue of the Construction Certificate as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

Reason: *To ensure adequate protection to Council infrastructure.*

5. Development/Construction Security Bond

A bond (determined from cost of works) of \$2,000.00 must be deposited with Council and an inspection fee paid of \$200.00 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.*

6. 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. 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 issue of the 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.*

7. Construction Management Program

A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;



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- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- (i) Proposed protection for Council and adjoining properties;
- (j) The location and operation of any on site crane; and

Reason: *To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.*

8. 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.*

9. 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.*

10. Section 94A Contributions

\$76,800 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:

Approvals over \$200,000	Levy	Contribution payable
\$7,680,000.00	1%	\$76,800

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.*

11. High Quality Lighting

External lighting is to be provided for security that complies with the relevant Australian Standard. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

- Australian Standard AS4282 - 1997 Control of the obtrusive effects of outdoor lighting.

Reason: *To ensure lighting provides security and amenity.*

12. Noise from Plant

A certificate from an appropriately qualified Acoustic Engineer is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm -6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.

Reason: *To comply with best practice standards for residential acoustic amenity.*

13. Privacy Screens

The privacy screen to a maximum height of 2.4m above floor level of the eastern balcony is to be erected at the location shown on the Drawing A-D0-1-GF. Full details of the design, construction, external finishes (including colour) of the privacy screens to be erected on the eastern balcony are to be submitted to Council or an Accredited Certifier for approval prior to issue of the Construction Certificate. The design, materials and finished colour of the screens is to complement the architectural qualities of the building and the landscaping.

Reason: *To ensure the visual amenity of the adjoining residential properties is protected.*

14. Landscape Plan

A Landscape Plan is to be prepared and submitted for approval by the Principal Certifying Authority prior to issue of the Construction Certificate incorporating supplementary planting along the eastern boundary of the site to provide continuous screening to adjacent properties. Such screening is to comprise local native species capable of attaining a minimum height of 4 metres at maturity. All existing trees along the eastern boundary of the site are to be retained

Reason: *To maintain environmental amenity*

15. Amended Plan for parking

The Applicant is to prepare amended plans to reflect the followings:

1. Off street parking associated with the proposed development, including driveways, aisle widths, grades, parking bay dimensions, sight distance requirements and turn paths are to be in accordance with AS2890.1-2004 and AS2890.2-2002

2. Signage and traffic calming devices on the driveway to the car park is to be installed.
3. Provision for disable carparking spaces is to be made.
4. Provision for bicycles and motor cycle parking is to be made.

The amended plans are to be submitted to the Certifying Authority prior to the issue of Construction Certificate.

Reason: *To ensure compliance with RTA's comment.*

16. Design, Construction and Fit Out

The design construction and fit out of the kitchen shall comply with Australian Standard AS 4674 – 2004 – ‘Design, Construction and fit-out of food premises’. 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 Food Standards Code.*

17. 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 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 microorganisms 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.*

18. 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. All internal walls of the garbage 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. Full details are to be submitted to the satisfaction of Certifying Authority prior to the issue of Construction Certificate.

Reason: *To prevent pollution of the environment and to protect the amenity of the areaC59*

19. Exhaust Fumes from Car Park

Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provision of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

Reason: *To preserve community health and ensure compliance with acceptable standards.*

20. Location of Plant

All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate.

Reason: *To minimise impact on surrounding properties, improved visual appearance and amenity for the locality.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

21. 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.*

22. 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.*

23. 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 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.*

24. 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.*

25. Waste Collection Contract

Prior to the commencement of work, written evidence is to be submitted to the Certifying Authority that there is a contract with a licensed contractor for the removal of demolition waste.

Reason: *To maintain the property in a safe and hygienic state.*

26. Protection of Trees During Works

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Details of required protection methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

Reason: *To ensure compliance with the requirement to retain significant planting on the site.*

27. 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.*

28. 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.*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

29. 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.*

30. 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.*

31. Prohibition on Use of Pavements

No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without prior Council Approval.

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

32. 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).



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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.*

33. 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 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 lodgment and favorable 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.*

34. Demolition Works

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

- Australian Standard AS2601.2001 - Demolition of Structures

Reason: *To ensure a satisfactory standard of demolition works.*

35. 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.*

36. Plant & Equipment Kept Within Site

All plant and equipment used in 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.*

37. 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.*

38. 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: 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.*

39. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from site.

Reason: *To ensure bushland management.*

40. 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.*

41. 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.*

42. Removal of Hazardous Material

Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.

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

- Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason: *To ensure that the land is suitable for the proposed development and that contaminating material required to be removed from the property is removed in accordance with the prescribed manner.*

43. Protection of Trees During Works

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Protection methods shall be provided to the Principal Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

Reason: *To ensure compliance with the requirement to retain significant planting on the site.*

44. 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.*

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

45. Access for People with Disabilities

Prior to the issue of an Interim/Final Occupation Certificate provision shall be made for access to and within the building on the site for persons with a disability in accordance 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.*

46. Car parking Layout

All car spaces are to be line marked in accordance with the car parking layout on the approved plans prior to the issue of an Interim/Final Occupation Certificate.

Reason: *To clearly identify car parking spaces in accordance with the approved plans.*

47. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be compiled which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: *Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.*

48. 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.*

49. Mechanical Exhaust Ventilation

Certification from an appropriately qualified Mechanical Engineer, is to be submitted to the Principal Certifying Authority to demonstrate that the mechanical exhaust ventilation system has been installed in accordance with the relevant Australian Standards prior to completion and the issue of an Interim/Final Occupation Certificate.

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

Australian/ New Zealand Standard AS/NZS 1668.2 - 2002 The use of ventilation and air conditioning in buildings - Ventilation design for indoor contaminant control

Reason: *To ensure compliance with acceptable standards for the construction and operation of mechanical plant.*

50. Notification of the Food Premises

The proprietor of a food business must notify the NSW Food Authority of the details of the business prior to the issue of the Interim/Final Occupation Certificate. Notification may be done either online at www.foodnotify.nsw.gov.au <<http://www.foodnotify.nsw.gov.au/>> or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

The proprietor of a food business must also inform an Environmental Health Officer of Council in writing of their notification number and business details prior to trading.

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

51. Requirement for Commercial Waste Contract

That the proprietor shall enter into a commercial contract for the collection of wastes 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.*

52. Legionella Control

Cooling towers, warm water systems, water cooling systems must be registered with the Council and the systems are to be maintained and certified in accordance with the provisions of the *Public Health Act, 1991*. Details of registration are to be provided to the Council prior to issue of the Occupation Certificate.

Reason: *To comply with the provisions of the Public Health Act, 1991.*

53. Noise Impact of Plant

All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system, shall be sound insulated and/or isolated so that the noise emitted does not exceed 5 dB(A) above the background level (LA90) during the day when measured at the nearest affected residence. For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with EPA Industrial Noise Policy guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1 - 1989.

A report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Council / Accredited Certifier demonstrating compliance with this condition prior to the occupation of the completed works.

Reason: *To ensure that noise generated from the development does not result in offensive noise to any other party. [G12]*

54. Certification of Noise Results

The acoustic engineer is to certify the results of the Noise Assessment and make further recommendations regarding any non-compliance. Any such recommendations are to be approved by the Principal Certifying Authority and considered as conditions to be completed prior to the issue of an interim or final occupation certificate

Reason: *To ensure an acceptable acoustic environment is provided for the protection of residential properties prior to occupation of the development.*

55. Implementation of Acoustic Measures

The recommendations made in the “Acoustic Report” prepared by PKA Acoustic Consulting (File: 207 123 R02 v4-1), dated March 2008 are to be implemented in full prior to the occupation of the development.

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

56. Operational Plan of Management

An Operational Plan of Management is to be prepared to document the day to day operations of the facility required to minimise noise impacts. It is to include, but not limited to, the following points:

- a. The closing of the door to the eastern side of the complex that faces towards 305 Warringah Road at specified time.
- b. The required maximum noise levels for the various studios.
- c. Management and signposting within the parking facilities to minimise noise impact to residential area.
- d. Practical measures to protect the amenity of residential properties in the immediate vicinity, in particular addressing the potential for after-hours disturbance by patrons arriving and departing.
- e. Cleaning and litter removal.

The Management Plan is to be submitted to Council for review prior to the issue of Occupation Certificate. It shall also be provided for Council's periodic review of performance plus directions to achieve improved levels of compliance where necessary.

Reason: *To ensure the appropriate operation and management of the approved use.*

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

57. Swimming Pool Water Treatment

The swimming/spa pools must be maintained in accordance with the NSW Health Department *Public Swimming Pool and Spa Pool Guidelines*.

Reason: *To comply with the provisions of the Public Health Act, 1991.*

58. Amenity

The implementation 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.*

59. Storage and Handling of Hazardous Liquids

All chemicals used for the treatment of the pools shall be stored and handled in accordance with:

- AS 1940-1993 – *The Storage and Handling of Flammable and Combustible Liquids*
- Environment Protection Authority's *Environment Protection Manual for Authorised Officers: Technical Section Water (Bunding and spill management)*.

Reason: *To ensure a safe working environment and the correct storage of hazardous liquids.*

60. Commercial Waste Collection

Waste and recyclable material, generated by the premises, must not be collected between the hours of 6pm and 7am on any day.

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

61. Maintenance of Acoustic Measures

The recommendations contained in the "Acoustic Report" prepared by PKA Acoustic consulting (File: 207 123 R02 v4-1), dated March 2008 are to be maintained in perpetuity for the life of the development.

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

62. No Speakers to be Installed in the Outdoor Terraces

No speakers for music or announcements are to be installed in the outdoor terrace areas on the eastern side of the building.

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

63. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 6pm and 7am on any day.

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

64. Hours of Virgin Active Fitness Centre

The hours of operation of the Gym are to be restricted to the following:

- Monday – Friday: 5.30am to 10.00pm
- Saturday and Sunday: 6.00am to 10.00pm

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

65. No Illumination or floodlighting

No consent is given or implied for any form of illumination or floodlighting to the existing building (including the outdoor terraces) and the tennis court.

Reason: *To protect the amenity of nearby properties.*

66. Use of the Tennis Court

The Tennis Court is not to be used for any purpose between the hours of 7.00pm and 8.00am.

Reason: To prevent loss of amenity to adjoining and nearby residential properties

67. No Parking, Display or Sale of Goods

No parking, display or sales of goods shall be carried out other than approved by this Consent.

Reason: Safety.

68. Separate Development Application for Signs

No signage is approved under this application. Any proposed advertising structures will require the submission of a separate development application, which addresses the relevant provisions of Warringah Local Environmental Plan 2000.

Reason: To ensure compliance with the relevant provisions of Warringah local Environmental Plan 2000.

69. Noise Generation

Noise from the combined operation of all mechanical plant and equipment 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.

70. Use of Food Premises

The operation of the food premises shall comply with the requirements of the *Food Act 2003*, *Food Regulation 2004*, and relevant Food Safety Standards.

Reason: To ensure compliance with the relevant legislation and Australian Food Standards Code.

71. Ventilation

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- A. The Building Code of Australia.
- B. Australian Standards 1668.1 and 1668.2 - 2002
- C. *The Public Health Act, 1991* and associated Regulations.
- D. *Food Act 2003* and associated Regulations.
- E. WorkCover Authority.
- F. Australian Standards 3666.
- G. *Protection of the Environment Operations Act 1997*

Reason: To ensure that the surrounding health and amenity is maintained.

72. Trade Waste

Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

***Reason:** To ensure compliance with Sydney Water's requirements and protect the environment.*

73. Impact on Amenity of surrounding Area- Non Residential Areas

The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external) or solar glare arising from the building materials utilised in any construction processes or fit out.

***Reason:** To ensure that the amenity of the surrounding locality is not adversely affected by the nature of the approved activity.*

74. Designation of the Eastern Carpark

The carparking adjoining the eastern boundary is to be designated to the office tenancy only.

***Reason:** To protect the amenity of nearby residential properties.*

75. Noise Management Plan

A Noise Management Plan is to be prepared and submitted to Council prior to the use of the premises commencing. The Plan is to address the following:

- a. Incorporate the recommendations contained in the Acoustic Report by PKA Acoustic Consulting.
- b. An annual (after issue of a Final Occupation Certificate) review of performance shall be submitted to Council to ensure compliance with acoustic related conditions.
- c. Restrictions on the hours of use of the outdoor terrace areas on the eastern side of the building.
- d. The use and the operational of the tennis court.
- e. The dedication of the eastern carparking to the office tenancy of the building.

***Reason:** To ensure the appropriate operation and management of the approved use. .*

76. Traffic

- a. All vehicular access to and from the site is to be from Rodborough Road.
- b. All vehicle movements are to enter and leave the site in a forward direction.

***Reason:** To ensure compliance with RTA's comment.*



Warringah Council

Right to Review by the Council

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

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

Right of Appeal

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

Signed _____ on behalf of the consent authority

Signature _____
Name Peter Robinson
Manager Development Assessment

Date 4 April 2008