

## NOTICE OF DETERMINATION

**Application Number:** DA2011/0204

### APPLICATION DETAILS

**Applicant Name and Address:** A C Waugh  
c/- Bob Chambers  
BBC Consulting Planners  
PO Box 438  
BROADWAY NSW 2007

**Land to be developed (Address):** Lot 20, 21, 22 and 23 in DP 218990, 1060-1066  
Pittwater Road, Collaroy

**Proposed Development:** Alterations and additions to Collaroy Beach Hotel  
(previously known as the Surf Rock Hotel)

### DETERMINATION - APPROVED

**Made on (Date):** 17 November 2011

**Consent to operate from (Date):** 21 November 2011

**Consent to lapse on (Date):** 21 November 2016

### 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.*

## GENERAL CONDITIONS

### CONDITIONS THAT IDENTIFY APPROVED PLANS

#### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

<b>Architectural Plans - Endorsed with Council's stamp</b>		
Drawing No.	Dated	Prepared By
DA000 Issue A	10/02/2011	Squillace Nicholas Architects
DA001 Issue A	10/02/2011	Squillace Nicholas Architects
DA011 Issue A	10/02/2011	Squillace Nicholas Architects
DA012 Issue A	10/02/2011	Squillace Nicholas Architects
DA013 Issue A	10/02/2011	Squillace Nicholas Architects
DA016 Issue A	10/02/2011	Squillace Nicholas Architects
DA017 Issue A	10/02/2011	Squillace Nicholas Architects
DA021 Issue A	10/02/2011	Squillace Nicholas Architects
DA022 Issue A	10/02/2011	Squillace Nicholas Architects
DA150 Issue A	10/02/2011	Squillace Nicholas Architects
DA151 Issue A	10/02/2011	Squillace Nicholas Architects
DA160 Issue A	10/02/2011	Squillace Nicholas Architects
DA500 Issue A	10/02/2011	Squillace Nicholas Architects

<b>Reports / Documentation -</b>		
All requirements and recommendations contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Collaroy Beach Hotel, Coastal Engineering Assessment. Report No. Ir882-7-19prh101224-Collaroy Beach Hotel.doc. Section 8, p12 (risk minimisation measures)	24 December 2010	Worley Parsons
Plan of Management	January 2011	Compliance Wise
Heritage Impact Statement	January 2011	Graham Brooks & Associates Pty Ltd
Acoustic Assessment Report	21 January 2011	Acoustic Group
BCA Report	7 February 2011	BCA Logic

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:

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

## 2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
Crown Lands Division	DA2011/0204	14 October 2011
Ausgrid	DA2011/0204	23 February 2011
Aboriginal Heritage Office	DA2011/0204	1 March 2011
NSW Police Force (Northern Beaches Police)	DA2011/0204	7 March 2011

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au))

**Reason:** To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (DACPLB02)

## 3. Validity of Consent - Coastal Erosion Trigger

The development consent is valid until such time as the erosion escarpment recedes to less than 5m from the lot boundary. If the erosion escarpment recedes to less than 5m from the lot boundary it is likely that conditions do not provide for safe occupation of the building due to the possibility of foundation failure. At this time coastal risks may compromise the safety of life and property and the use and occupation of the premises is to cease immediately. (Note: In the event advice should be sought from qualified practicing structural, Geotechnical and Coastal Engineers to provide recommendation to ensure safety).

**Reason:** Legislative Requirement

## 4. Works on the Adjoining Reserve

No approval is granted under this consent for any works on the adjoining reserve, being Lot 50 DP 1050178, including:

- No awning or any structure being erected on or over the Reserve;
- No use being made of the Reserve as a vehicular pick up and delivery zone;
- No landscaping works;
- No temporary structures on Public Reserve (including bollards, temporary signs or furniture);
- No impediment on the Public Reserve.

**Reason:** Protection of the adjoining reserve.

## 5. Prescribed Conditions

- All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);



Warringah Council

- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

**Reason:** Legislative Requirement. (DACPLB09)

## 6. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:  
7.00 am to 5.00 pm inclusive Monday to Friday  
8.00 am to 1.00 pm inclusive on Saturday,  
No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:  
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).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB (A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy).

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

**Reason:** To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

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

### 7. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. 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).

The basis for the contributions is as follows:

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of		<b>\$1,500,000.00</b>
<b>Contribution - all parts Warringah</b>	<b>Levy Rate</b>	<b>Contribution Payable</b>
Total S94A Levy	0.95%	\$14,250.00
S94A Planning and Administration	0.05%	\$750.00
<b>Total</b>	<b>1%</b>	<b>\$15,000</b>

Details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**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. (DACPLC01)

### 8. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)



Warringah Council

**Advice to Applicants:** At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures\*\*
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- (d) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (e) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- (f) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (g) AS 1428.1 - 2009\* Design for access and mobility - General requirements for access - New building work\*\*
- (h) AS 1428.2 - 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*

**\*\*Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.

## 9. Fire Safety Upgrade

The fire upgrading measures and works to upgrade the building as detailed and recommended in the Fire Safety and Building Code of Australia Audit Report prepared by BCA Logic, dated 7 February 2011 and received by Council on 17 February 2011,

Details demonstrating implementation are to be submitted to the Principal Certifying Authority prior to the issue of the construction Certificate.

**Reason:** To ensure adequate provision is made for fire safety in the premises for building occupant safety. (DACBCF01)

## 10. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

**Reason:** To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

## 11. Construction Management Program

A Construction Management Program shall be prepared which includes the following:

- (a) The proposed method of access to and egress from the site for demolition, excavation and 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 method of loading and unloading, demolition, 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;
- (c) The location and operation of any on site crane; and

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**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. (DACPLC13)

## **12. Bonds**

### **Security Bond**

A bond (determined from cost of works) of \$3000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure adequate protection of Council infrastructure. (DACENC01)

## **13. Heritage Photographic Archival Recording**

A photographic archival recording, prepared by a suitably qualified Heritage Consultant and in accordance with the guidelines of the Heritage Council, is to be submitted to Council. The report shall contain:

- (a) A front cover marked with:
  - (i) the name/location of the property;
  - (ii) the date of the survey;
  - (iii) the name of the Company or persons responsible for the survey.
- (b) A layout plan of the existing site and building; identifying rooms and features shown in the photographs.
- (c) Photographs of the interior, exterior, and streetscape view of the building, labelled to indicate their location in relation to the layout plan and elevations of the





building; and a set of negatives or full resolution images on CD. All photographs are to be mounted in acid-free photographic corner mountings and photographs are to be fixed into acid-free corner mounting.

- (d) Where colour is a feature of the building (for example, the building features stained glass, leadlight or polychrome brickwork), additional colour photographs (with negatives) are to be included in the photographic survey report.

These documents are to be provided to Council's local studies archives.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To provide a historical record of heritage significant works on the site for archival purposes. (DACHEC01)

#### **14. Food Premises**

The premises shall comply with the requirements of Australian Standards 4674 (Design, Construction and Fit out of Food Premises).

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure compliance with the applicable food standards. (DACHPC06)

#### **15. Mechanical ventilation**

Mechanical ventilation must comply with AS 1668 Parts 1 and 2 and the exhaust hood and air conditioning system has been installed in accordance with AS 1668 and AS1055.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure compliance with applicable standards. (DACHPC07)

#### **16. No change to trading hours and / or patron numbers**

No approval is granted under this consent to alter trading hours and / or the patron numbers within the premises. All conditions of previous consent/s relating to trading hours and patron numbers must be complied with.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** In accordance with previous Development Consents.

#### **17. Working on Reserve Permit**

The applicant is to obtain a 'Working on Reserves Permit' prior to undertaking any works on Council's reserve.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To protect Council's public reserve.

#### **18. Landscaping**

Landscaping adjacent to the proposed northern entrance must be undertaken in accordance with a landscape masterplan prepared to Council's satisfaction and at the



applicant's cost. This will need to be approved as part of the Working on Reserves Permit.

Note: Approval may also be required from Crown Lands.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To protect Council's public reserve.

#### **19. Concrete path levels**

The concrete path, adjacent to the northern entrance, as identified in the applicants draft landscape plan, must provide a level connection to the existing footpath along Pittwater Road and the concrete pad adjacent to the outdoor dining area on Collaroy Beach.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To provide a level connection to the existing footpath

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### **20. 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. (DACEND01)

### **CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

#### **21. 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. (DACENE09)

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

### 22. 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 the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To ensure bushland management. (DACPLF01)

### 23. Fire Safety Upgrade

The fire upgrading measures and works to upgrade the building as detailed and recommended in the Fire Safety and Building Code of Australia Audit Report prepared by BCA Logic, dated 7 February 2011 and received by Council on 17 February 2011,

Details demonstrating implementation are to be submitted to the Principal Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

**Reason:** To ensure adequate provision is made for fire safety in the premises for building occupant safety. (DACBCF01)

### 24. Acoustic Report and Noise Control Certification

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Warringah Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the Acoustic report dated 21 January 2011 prepared by The Acoustic Group has been completed.

The certification must also demonstrate that the operation of the hotel including noise levels from all plant and equipment complies with the Industrial Noise Policy and:

*The LA10 noise level emitted from the hotel shall not exceed the LA90 background noise levels in any octave band centre frequency (31.5 Hz - 8kHz inclusive) by more than 5 dB between 7 AM and 12 midnight at the boundary of any affected residence, or any other commercial or retail premises.*

*The LA10 noise level emitted from the hotel shall not exceed the LA90 background noise level in any octave band centre frequency (31.5 - 8 kHz inclusive) between the hours of 12 midnight and closing time, when assessed at any affected residential boundary.*

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

**Reason:** To ensure compliance with standards. (DACHPF04)

## **25. Sound System Amplification**

All amplification for the provision of entertainment is to occur by use of the house system which incorporates an rms limiter to maintain compliance with the noise limits for the emission of music set out in this consent.

The sound system limiter is to be password protected and contained in a cabinet/rack with a lockable front cover over the limiter. The key for the limiter lock shall be kept off the premises, thereby ensuring the sound system limiters are not altered.

**Reason:** Noise control

## **26. 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.

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

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

## **27. Prohibition of construction / service vehicles using Council's northern adjoining Carpark**

The carparking area to the north of the subject property must not be used for servicing activities.

**Reason:** To ensure Council's carpark is not used for construction / service vehicles.

## **28. Noise Control**

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 0.7:00 am and 12:00 midnight at the boundary of any affected residence.

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.

**Reason:** To protect amenity of local residents



## **29. Compliance with Plan of Management**

The business must comply with the Collaroy Beach Hotel Plan of Management dated January 2011.

**Reason:** Protect surrounding amenity

## **30. Pittwater Road Frontage**

The Pittwater Road entrance is to remain open and used as the primary access/egress for patrons during the operating hours of the hotel.

**Reason:** Protection of the adjoining reserve

## **Right to Review by the Council**

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

*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.

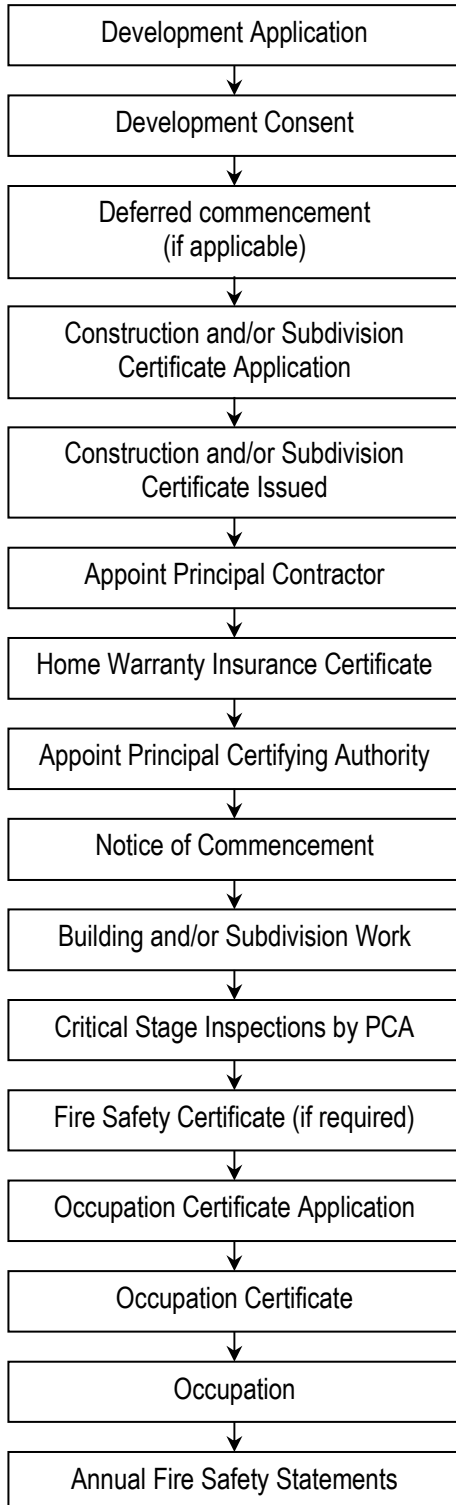
**Signed**                      on behalf of the consent authority

Signature \_\_\_\_\_  
Name                      Lashta Haidari  
                                 Acting Development Assessment Manager  
Date

# Notice of Determination

## Advisory Notes (General)

### Where are you in the development process?



**You are here**

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](http://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.

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Warringah Council

(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.**

### 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:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) 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

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Warringah Council

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.

#### **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](http://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

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Warringah Council

clean up any adversely impacted road pavements as directed by Council.

### **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 supplied with hot and cold water for washing equipment.

### **Food Premises Construction Requirements**

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

- i. Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);
- ii. 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.
- iii. Hand wash basins must be provided with warm water delivered through a common spout with taps that are hands free operation;
- iv. Coving with a radius of 25mm must be provided between all floor and wall joints in food handling areas;
- v. The open space between the top of the coolroom and the ceiling must be fully enclosed and kept insect and pest proof;
- vi. 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;
- vii. The doors to the toilet air lock and toilet compartment must be tight fitting and self closing;
- viii. The rear external door must be self closing or be provided with a fly screen that is self closing;
- ix. 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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