

28 April 2014



Maria Pollifrone  
C/- Level 1 The Pavillion 280 New Line Road  
DURAL NSW 2158

Dear Sir/Madam

**Application Number:** Mod2013/0222  
**Address:** Lot 72 DP 752017 , 337 Mona Vale Road, TERREY HILLS NSW 2084  
**Proposed Development:** Modification of Development Consent DA2012/1554 granted for Demolition works and Construction of a Child Care Centre

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's eServices website at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on (02) 9942 2111 or via email quoting the application number, address and description of works to [council@warringah.nsw.gov.au](mailto:council@warringah.nsw.gov.au)

Regards,

Alex Keller  
**Development Assessment Officer**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2013/0222
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Maria Pollifrone
<b>Land to be developed (Address):</b>	Lot 72 DP 752017 , 337 Mona Vale Road TERREY HILLS NSW 2084
<b>Proposed Development:</b>	Modification of Development Consent DA2012/1554 granted for Demolition works and Construction of a Child Care Centre

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	23/04/2014
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The request to modify the above-mentioned Development Consent has been approved as follows:

#### A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

##### a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Floor Plan A11 Issue B	19 February 2014	Artiva Architects

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent, including DA2012/1554.

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

#### B. Modify Condition 4 - General requirements to read as follows:

(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 Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Saturday 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 or land controlled by the *Roads and Maritime Service*.

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

(i) 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. )

(j) 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.

(k) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected

- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

**C. Insert Condition 39A - Tree Replacement to read as follows:**

The tree to be removed under DA2013/1001 is to be replaced with a new large native canopy tree selected from Council's Tree Replacement Guide. The surrounding landscape area shown on the approved plans shall be retained and not used for carparking.

Reason: Requirement to maintain landscaping to front setback areas.

**D. Insert Condition 39B - Side Boundary Fencing to read as follows:**

The boundary fencing is to remain as per the approved plans by JCA Dwg No.CP/L/337MV/DA/D dated 21.12.12 with adjacent screen tree planting to complement the landscaped surroundings for the building.

Reason: Maintain privacy and retain and landscaped setting.

## **Important Information**

This letter should therefore be read in conjunction with DA2012/1554 dated 10/5/2013.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 97AA of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

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

You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged

and determined within 28 days after the date of the determination shown on this notice.

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

**Signed**            On behalf of the Consent Authority

Signature           \_\_\_\_\_

Name               Alex Keller, Development Assessment Officer

Date                 23/04/2014