



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2004/335

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Allambie Lutheran Homes Inc

Applicant Address: 3 Martin Luther Place Allambie Heights 2100

Land to be developed (Address): Lot 2676, DP 752038, 3 Martin Luther Place Allambie Heights

Proposed Development: New chapel addition to buildings g h k & extension of depot Allambie Lutheran Homes Retirement Village

DETERMINATION

Made on (Date): 17 November 2005

Consent to operate from (Date): 12 December 2005

Consent to lapse on (Date): 12 December 2010

Details of Conditions – (including Section 94 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 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:

Plans / Document	Reference	Compiled by	Dated
Architectural Elevation Plans Accommodation blocks G, H, & K.	DA-04 to DA-08	Straesser Architects	4 Mar 2004
Architectural Floor Plans Accommodation blocks G, H, & K.	DA-09 to DA-19 (excluding DA-17A & DA-18)	Straesser Architects	3 Mar 2004
Architectural plans new Chapel	DA-04 & DA-06	Straesser Architects	25 Feb 2004
Architectural plans new Depot shed	DA-01	Straesser Architects	25 Feb 2004
Site plan (pathway access)	DA-30	Straesser Architects	7 Nov 2005
Asset Protection Zone	38393	Higgins Norton Partners / Holmes Fire & Safety	23 Mar 2004
Survey Plan	38393	Higgins Norton Partners	24 Feb 2005
Bushfire Hazard Assessment	Report – Version A	Holmes fire and Safety	16 Jun 2004
Flora and Fauna Report	Report	Abel Ecology	9 Aug 2005

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

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

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

2. Plans on Site

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

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

3. Demolition of Extra Fabric

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

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

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

4. Bushfire Evacuation Plan

A bushfire evacuation plan is to be submitted to the NSW Rural Fire Service – Development Control Services for approval. The evacuation plan is to detail the following:

- (a) Under what circumstances will the complex be evacuated;
- (b) Where will all persons be evacuated to;
- (c) Roles and responsibilities of persons co-ordinating the evacuation;
- (d) Roles and responsibilities of persons remaining with the complex after evacuation;
- (e) A procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where persons will be evacuated to.

Reason: Bushfire and safety

5. Establishment of an Asset Protection Zone (APZ)

The applicant will enter into a Management Agreement with Council to the satisfaction of Council's Department of Conservation and Land Management (CALM). The APZ is required to be 30 metres wide along the entire length of the western boundary for the subject land, in accordance with the survey plan numbered 38353 modified by Holmes Fire and Safety, dated 23 March 2005. The Management Agreement must be endorsed by CALM prior to the issue of a Construction Certificate.

Reason: Requirement of Council for works on Council reserve land.

6. Vegetation Management Plan

A Vegetation Management Plan (VMP) is required to detail and action the Recommendations of the Flora and Fauna Report compiled by Abel Ecology and dated 9 August 2005 being:

- (a) Removal of weeds (including Noxious)
- (b) Creek line management measures (preventative and restorative) to address weed invasion and to control runoff from adjoining upslope areas;

- (c) Retention of native understorey across slope areas where possible when undertaking hazard reduction, particularly in area of dense weed invasion;
- (d) Measures to stabilise soils where required, particularly after weed removal;
- (e) Enhancement of fauna habitat should include the placement of logs across the slopes for shelter and to aid soil stability (particularly following weed removal),
- (f) Selective retention of native shrubs, in particular plants of habitat value to local threatened fauna species (e.g. Banksias and She-oaks); and
- (g) Minimise removal of tree canopy to create inter-canopy gaps for hazard reduction, and retention of all removed material on the site (as chip, mulch and logs) as part of fauna habitat enhancement and soil/water runoff stabilising.

A copy of the VMP is to be forwarded to Council for endorsement prior to the issue of a Construction Certificate

Reason: *Requirement to enable co-ordination of vegetation management work.*

7. Access for People with Disabilities

Wheelchair access must be provided to ground floor Units numbered 32A, 27, 27A, 28, 28A, 28B, 43 and 44 within Unit Blocks “G”, “H” and “K” in accordance with all relevant parts of AS1428. One of these selected dwelling Units must be made fully compliant with all relevant parts of AS1428 for all essential areas and facilities within the dwelling. Details to be provided on the plans with the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: *Equitable access for people with a disability.*

8. Stormwater Disposal

Plans certified by an appropriately qualified and practising Civil Engineer, indicating all details relevant to the site regarding the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate, adjacent catchments, shall be submitted with the application for Construction Certificate. Stormwater shall be conveyed from the site to Manly Dam Reserve. The completed works shall be certified as compliant with Australian Standard 3500.3.2, National Plumbing and Drainage Code upon completion.

Reason: *To ensure appropriate provision for disposal and stormwater management arising from the development. [C8]*

9. Ground floor balconies

All ground floor balconies must have a minimum width of 3 metres and 15 m². Details to be provided on the plans with the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: *To ensure adequate private open space.*

10. Depot Shed

Any fuel and oils stored in the depot shed must be contained within a fully bunded storage area. Details to be provided with the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: *To prevent any spillage from entering stormwater.*

11. Reflectivity Index of Glazing

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

(Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

Reason: *To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. [C54]*

12. Roofing Materials - Reflectivity

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details being submitted with the Construction Certificate.

Reason: *To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. [C55]*

13. Pruning

Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified arborist. Details prepared by an appropriately qualified person, on measures to be employed during construction indicating the nature of the pruning and the long term effects on the tree shall be submitted to the Council / Accredited Certifier for approval with the Construction Certificate

Reason: *To ensure the protection and longevity of existing significant trees. [C41]*

14. Sediment Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council / Accredited Certifier accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control



techniques are to be in accordance with Warringah Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. [C46]

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. Check for Services

Prior to finalising commencement to begin work for the proposed development, the applicant should check all existing public service utilities within and adjacent to the site and ensure that where necessary appropriate arrangements are made for the relocation and/or adjustment of any services at the applicant's expense. (C96)

Reason: Requirement of Council to prevent accidental disruption to service lines and infrastructure

16. Silt & Sediment Control

Provision shall be made throughout the period of demolition / Excavation & Construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

Reason: To avoid siltation to adjoining properties and waterways. [D1]

17. Construction Certificate

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

Reason: Legislative requirements. [D3]



18. Notice of Commencement

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

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

19. 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 Council / Accredited Certifier 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. [D10]*

20. Inspection Fees

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

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

Reason: *Statutory requirement and information. [D14]*

21. Cigarette Butt Receptacle - Residential

A cigarette butt receptacle is to be provided on the site for the duration of demolition/construction process, for convenient use of site workers.

Reason: *To ensure adequate provision is made for builders' waste. [D16]*

22. 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.



(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. [D17]

23. S94 Contributions

The payment of the following developer contributions prior to the approval/release of the Construction Certificate.

\$ 1,840.00

These amounts have been calculated using the Warringah Section 94 Contributions Plan. They are current at the time of issue of this Consent. They will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). An updated schedule of Council's contribution rate is issued each quarter and is available at Council's office. 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:

Contribution - Medium Density outside Medium Density Areas	DA AMOUNT
Older Persons*	
E1 Open Space Links and Cycleway	\$ 17.00
E2 Children's Facilities	\$ -
E3 Libraries	\$ 308.00
E4 Sport Field Embellishment (290)	\$ 319.00
E4 Open Space Embellishment (303)	\$ 334.00
E12 Administration & Planning Studies	\$ 370.00
E5 Community Centres	\$ 340.00
E8 Roads & Traffic Management	\$ 152.00
Total	\$ 1,840.00

Note: Credit for existing dwellings is factored into the base contribution rate.

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. [C70]

24. Security Bond Schedule

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

SECURITY BOND & FEE SCHEDULE	
3 Martin Luther Place, Allambie Heights	
DEVELOPMENT APPLICATION NUMBER 2004/0335	
SECURITY BONDS	AMOUNT (\$)
	Nil



FEES	
Kerb Security Inspection Fee	\$ 200.00
Section 94 contribution	\$1,840.00
Long Service Levy	\$4,000.00
TOTAL FEES	\$6,040.00

Reason: *Compliance with the development consent. [C71]*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

25. Notification of Inspections

If Council is the Principal Certifying Authority, Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level/basecourse level
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification as conditioned above. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: *Appropriate notice for works to be carried out. [E1]*

26. Sign on Site

A visually prominent sign to be erected and maintained on-site adjacent to the property's access point, for the duration of the landfill works. This condition must be complied with during demolition and building work.

Reason: *Proper identification of landfill works. [E2]*

27. No Changes To Openings

The windows / doors / fenestration shall not be enlarged or relocated on any elevation of the development. The use of rooms served by windows shall not be altered from that detailed on the approved plans.

Reason: *To ensure compliance with the terms of this development consent. [E5]*



28. **Progress Inspections- (Class 2, 3 and 4 Buildings)**

The Principal Certifying Authority (PCA) SHALL BE given a minimum of two (2) working days notice for inspection of the following, where applicable:

- (a) At the commencement of the building work.
- (b) Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building.
- (c) Prior to covering any stormwater drainage connections.
- (d) After the building work has been completed and prior any Occupation Certificate being issued in relation to the building.

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

Notes:

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

Reason: Prescribed mandatory inspections under legislation. [E8]

29. **Replacement of Principal Certifying Authority**

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

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

Reason: Statutory requirement. [E11]

30. Final Compliance Certificate

Within seven (7) days of completion of the building works and prior to occupation or the issue of an Interim/Final Occupation Certificate, a Certificate of Compliance under Section 109C (1) (a) of the Environmental Planning and Assessment Act 1979 must be provided by the Principal Certifying Authority. This Compliance Certificate must certify that the completed work complies with the relevant plans and specifications and with the following conditions of this development consent: Condition 6.

Reason: *To ensure compliance with the terms of this development consent. [E13]*

31. Dust Emission and Air Quality

Materials must not be burnt on the site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

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

32. Protection of Trees - Village area

The following tree/trees are required to be retained as part of the development consent:

All trees on the site that are subject to Council's Tree Preservation Order and are not indicated for removal.

Reason: *Protection of existing environmental infrastructure and community assets. [E22]*

33. Noxious Plants

All lantana, privet, rubber trees, parateria, and other declared noxious plants on the site, shall be eradicated before the commencement of landscape replacement planting works.

Reason: *To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality-landscaping outcome. [E25]*

34. Trees

- (1) Tree roots of 50mm or greater in diameter encountered during excavation, shall only be cut following consultation with a qualified Arborist. Tree roots between 10mm and 50mm in diameter, severed during excavation, shall be cut cleanly by hand.

Reason: *Protection of trees. [E37 (2)]*



- (2) Underground services should use common trenches as far away from tree roots as possible. If the services need to be run within the protection zone, all utility pipes are to be laid using appropriate directional boring techniques. Directional Boring shall be carried out at least 600mm beneath natural ground to avoid damage to tree/trees root system. Entry and exit points are to be located outside the protected area. No tree roots are to be severed, or damaged during this work. Should problems arise, work is to cease until those problems are resolved and confirmed in writing by Council's Tree Management Officer and Assigned DA Officer.

Reason: Protection of trees. [E37 (3)]

- (3) All overhead utility services are to be located outside the canopies of existing trees.

Reason: Protection of trees. [E37 (4)]

- (4) The following guidelines are to be complied with at all times:
- (a) The applicant shall ensure that at all times during the development period no activities, storage or disposal of materials shall take place beneath the canopy of any tree unless specifically approved by Council.
 - (b) Trees marked for retention are not to be damaged or used to display signage, or as fence or cable supports for any reason.
 - (c) Siting of sheds, stockpiles and vehicle parking should be sited so that they are remote from trees.
 - (d) Site personnel are to be made aware of tree requirements and protective measures. Paving materials placed within the dripline of any tree should be of a porous material.

Reason: Protection of trees. [E37 (5)]

- (5) During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected trees on this site shall not exhibit:
- (a) A general decline in health and vigour.
 - (b) Damaged, crushed or dying roots due to poor pruning techniques.
 - (c) More than 10% loss or dieback of roots, branches and foliage.
 - (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
 - (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
 - (f) An increase in the amount of deadwood not associated with normal growth.
 - (g) An increase in kino or gum exudation.
 - (h) Inappropriate increases in epicormic growth that may indicate that the trees are in a stressed condition.



- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

Reason: *Protection of trees. [E37 (6)]*

35. **Construction Hours**

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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

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

36. **Installation and Maintenance of Sediment Control**

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council guidelines. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised. This Condition must be complied with during demolition and building work.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites. [E28]*

37. **Health and Safety**

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

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

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

38. Aboriginal Heritage

If in undertaking excavations or works, any Aboriginal site or relic is, or is thought to have been found, all works are to cease immediately and the applicant is to contact Aboriginal Heritage Officer for Warringah Council, and the National Parks and Wildlife Service (NPWS). Any work to a site that is discovered to be the location of an Aboriginal relic, within the meaning of the National Parks and Wildlife Act, requires a permit from the Director of the NPWS.

Reason: Aboriginal Heritage Protection. [E34]

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

39. Bushfire protection - windows

All new and existing glazing of units G, H, and K facing the bushfire hazard shall be of toughened glass and either screened with non-corrosive metal screening or shutters.

Reason: Protection for bushfire and safety. [G33]

40. Bushfire protection – timber construction

No exposed timber is permitted on the western facade of units G, H, & K

Reason: Protection for bushfire and safety. [G34]

41. Bushfire protection - guttering

Units G, H, and K shall have leafless guttering and screened valleys, of material with a flammability index no greater than 5 that does not permit the buildup of flammable material.

Reason: Protection from bushfire and safety. [G35]

42. Bushfire protection - roofing

All new and existing roofing of units G, H & K shall be sarked as specified within AS 3959 -1999.

Reason: Protection for bushfire and safety. [G36]

43. Bushfire Protection

Fencing shall be constructed of non-combustible materials.

Reason: Protection for bushfire and safety. [G37]

44. Schedule One - Warringah LEP 2000

Compliance with the requirements of Schedule One of the Warringah LEP 2000 for the



Chapel and all refurbished Units where possible. Where it is not possible to maintain full compliance with any component of Schedule One of the Warringah LEP 2000 the applicant is to demonstrate to the satisfaction of the Certifying Authority the reasons for non-compliance.

Reason: *Requirement in accordance with Schedule 1 of the Warringah LEP 2000.*

45. Building Code of Australia

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

Reason: *Prescribed - Statutory. [F1]*

46. Home Building Act

(1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:

- (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of the Home Building Act, or
- (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was gazetted, that amount was \$3,000. As those regulations are amended from time to time, that amount may vary.

- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is 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.

Note: Evidence of insurance required PRIOR to commencement of work

Reason: *Prescribed - Statutory. [F2]*

47. **Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au, or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Details of any requirements of Sydney Water are to be provided with the Construction Certificate documentation.

The final Section 73 Certificate must be submitted to the Council / Accredited Certifier prior to release of any linen plan for subdivision or prior to occupation of the development. Alternatively, if Sydney Water advises that a Section 73 Certificate is not required for the proposed development, written confirmation of this advice is to be provided.

Reason: *To ensure compliance with the statutory requirements of Sydney Water. [F3]*

48. **Demolition**

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

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

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

Reason: *Statutory requirement. [F9]*

50. 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 4A of Part 3 of the Local Government (Approvals) Regulation 1993 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 clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

Reason: *To ensure adequate facilities are provided for workers on the site. [F10]*

51. 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. This payment is not required where the value of the works is less than \$25,000.

The Long Service Levy is calculated on 0.2% of the building and construction work.

Reason: Prescribed - Statutory. [F12]

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

52. Occupation Certificate Required

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

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

53. Fire Safety Certificate

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

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

54. Annual Fire Safety Statement for the building

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

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

55. Conservation of Water & Energy

Compliance with Clause 68 “Conservation of Energy and Water” of Warringah Local Environmental Plan 2000 with respect to appliances. Details to be submitted with the Occupation Certificate.

Reason: Provision of energy requirements. [G5]

56. Termite Control

- (1) Termite control measures being installed in accordance with AS 3660.1-2000 "Termite Management: New Building Work."

Reason: *Termite control. [G6 (1)]*

- (2) A durable notice is to be permanently fixed to the building in a prominent location, such as the meter box or the like, indicating: The method of termite protection; date of installation; life expectancy of chemical barrier (if used); and installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

Reason: *Termite control. [G6 (2)]*

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION

SCHEDULE 1: SENIORS LIVING

57. Age Criteria

The housing is to be occupied by seniors (55 years and older) or people with a disability and people who live with them in accordance with SEPP Seniors Living.

Reason: *Statutory requirements. [S1 (1)]*

58. Car parking

- (a) Resident car parking spaces are to be re-linemarked and numbered. In this regard all spaces must be not less than 6 metres x 3.2 metres or the design of the development must be such as to enable the size of the car parking space to be increased to an area of not less than 6 metres x 3.2 metres. Exemption applies to this requirement where there are structures that will restrict the width of some car spaces (e.g. posts of existing carports).
- (b) Visitor parking is to be provided and clearly line marked at a ratio of one per eight self care Units including one (1) disabled visitor parking space;
- (c) An ambulance space line-marked and sign posted;
- (d) Employee parking is to be clearly marked for employees only.

Details to be provided prior to the issue of the Construction Certificate.

Reason: *Safety and convenience. [S1 (4)]*

59. Accessible Entry

Every entry, where site constraints permit (whether a front entry or not):

- (a) must not have a slope that exceeds 1:40, and
- (b) must comply with clauses 4.3.1 and 4.3.2 of AS 4299, and
- (c) must have an entry door handle and other hardware that complies with AS 1428.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (5)]*

60. External Door

All external doors to any one dwelling must be keyed alike.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (6)]*

61. Internal Door

Where site constraints permit:-

- (a) Internal doors must have a clearance of at least 820 millimetres.
- (b) Internal corridors must have a width of at least 1,000 millimetres.
- (c) The width at internal door approaches must be at least 1,200 millimetres.

Details to be provided prior to Occupation.

Reason: *Access and safety. [S1 (7)]*

62. Living room and dining room

Where site constraints permit:-

- (a) a circulation space:
 - (i) of at least 2,250 millimetres in diameter, and
 - (ii) as set out in clause 4.7 of AS 4299, and
- (b) a telephone adjacent to a general power outlet.
- (c) A living room and dining room must have a potential illumination level of at least 300 lux.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (8)]*

63. Kitchen

Where site constraints permit a kitchen in a self-contained dwellings for the Units, where adequate space is available, must have:

- (a) a width of at least 2.7 metres and a clear space between benches of at least 1,450 millimetres, and



Warringah Council

- (b) a width at door approaches of at least 1,200 millimetres, and
- (c) benches that include at least one work surface:
 - (i) that is at least 800 millimetres in length, and
 - (ii) the height of which can be adjusted from 750 millimetres to 850 millimetres, and
- (d) a tap set:
 - (i) that is located within 300 millimetres of the front of the sink, and
 - (ii) that is a capstan tap set or that comprises lever handles or a lever mixer, and
- (e) a thermostatic mixing valve for the hot water outlet, and
- (f) cook tops:
 - (i) with either front or side controls, and
 - (ii) with controls that have raised cross bars for ease of grip, and
 - (iii) that include an isolating switch, and
- (g) a work surface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
- (h) an oven that is located adjacent to a work surface the height of which can be adjusted, and
- (i) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- (j) general power outlets:
 - (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
 - (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (9)]*

64. **Main Bedroom**

Where site constraints permit at least one bedroom within a self-contained dwelling must have:

- (a) an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1,200 millimetres wide at the foot of the bed, and
- (b) 2 double general power outlets on the wall where the head of the bed is likely to be, and
- (c) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
- (d) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
- (e) a potential illumination level of at least 300 lux.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (10)]*

65. Bathroom

Where site constraints permit all bathrooms where adequate space is available must have:

- (a) an area that complies with AS 1428, and
- (b) a slip-resistant floor surface, and
- (c) a shower:
 - (i) the recess of which is at least 1,160 millimetres x 1,100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
 - (ii) the recess of which does not have a hob, and
 - (iii) that is waterproofed in accordance with AS 3740, and
 - (iv) the floor of which falls to a floor waste, and
 - (v) that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
 - (vi) that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
 - (vii) that has the tap set positioned so as to be easily reached from the entry to the shower, and
 - (viii) that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
 - (ix) that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
- (d) thermostatic mixing valves for all hot water outlets, and
- (e) a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
- (f) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
- (g) a mirror, and
- (h) a double general power outlet beside the mirror.

Details to be provided prior to Occupation. Exemption to full compliance with this condition is permissible under Schedule 16 (20) of the Warringah LEP 2000. Where the applicant can comply with these requirements these requirements must be met.

Reason: *Safety and convenience. [S1 (11)]*

66. Toilet

Where site constraints permit each residence where adequate space is available, and the Chapel must have a toilet:

- (a) that is a visitable toilet within the meaning of clause 1.4.12 of AS 4299, and
- (b) that is installed in compliance with AS 1428, and
- (c) that has a slip-resistant floor surface, and
- (d) the WC pan of which is located from fixed walls in accordance with AS 1428, and

- (e) that can accommodate a grab rail that complies with Figure 4.5 of AS 4299 and AS 1428.

Details to be provided prior to Occupation. Where the applicant can comply.....

Reason: Safety and convenience. [S1 (12)]

67. Laundry

Where site constraints permit a self-contained dwelling must have a laundry:

- (a) that has provision for the installation of an automatic washing machine, and
- (b) that has provision for the installation of a clothes dryer, and
- (c) that has a clear space in front of appliances of at least 1,300 millimetres, and
- (d) that has thermostatic mixing valves for all hot water outlets, and
- (e) that has a slip-resistant floor surface, and
- (f) that has an accessible path (for ground floor Units) of travel to any clothesline provided in relation to the dwelling.

Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (13)]

68. Storage

Where site constraints permit a self-contained dwelling must be provided with a linen cupboard:

- (a) that is at least 600 millimetres wide, and
- (b) that has adjustable shelving.

Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (14)]

69. Doors

Where site constraints permit door hardware provided as the means for opening doors must be:

- (a) able to be operated with one hand, and
- (b) located between 900 millimetres and 1,100 millimetres above floor level.

Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (15)]

70. Surface Finishes

Balconies and external paved areas must have slip-resistant surfaces.

Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (16)]



71. Ancillary Items

Switches must be located between 900 millimetres and 1,100 millimetres above floor level.

General-purpose outlets must be located at least 600 millimetres above floor level.

Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (17)]

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 Tony Collier

Date 12 December 2005