



## NOTICE OF DETERMINATION

**Application Number:** DA2011/1266

### APPLICATION DETAILS

**Applicant Name and Address:** Symons Goodyer Pty Ltd  
PO Box 673  
BALGOWLAH NSW 2093

**Land to be developed (Address):** Part Lot 6, DP 22283, 3 Fitzpatrick Avenue West  
FRENCHS FOREST

**Proposed Development:** Demolition works and Construction of a Seniors  
Housing Development

### DETERMINATION – DEFERRED COMMENCEMENT

**Made on (Date):** 9 May 2012

**Consent to operate from (Date):** Once Council is satisfied as to those matters specified in the deferred commencement conditions, Council will nominate by way of written notice to the Applicant, the date from which the consent operates

**Consent to lapse on (Date):** 5 years from activation of Consent

### 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.*

## DEFERRED COMMENCEMENT CONDITIONS

This consent shall not operate until the following deferred commencement conditions have been satisfied.

**1. Increased Side Setback to First Floor Stair/Landing Access**

The access stairs and landing structure attached to the south-eastern elevation of the buildings is to maintain a minimum setback of 3m to the boundary with No. 1B Fitzpatrick Avenue West. The design amendments required to achieve this requirement are not to involve any enlargement of the floor areas of the building nor step outside the external walls as shown on the approved plans. All privacy screens are to be provided on the south-eastern edge of the stairs and landing as amended to satisfy this condition.

**2. Additional Screen Landscaping (South-East side setback)**

The landscape setback to the south-eastern boundary, between the garage and northern wall of Unit 2 (distance of 10m) is to be increased from 1.0m to 2.0m and suitable screen planting is to be provided to soften and screen the building. In this regard, the planting density is to be increased with species that attain a height of 4 metres at maturity.

**3. Privacy Screen on South-East Elevation (Landing at top of stairs to Unit 3 and 4)**

A 1.8 metre high privacy screen measured from the finished level of the stair and landing is to be erected for the length of the south-eastern edge of the stair and landing at the top of the stairs in the vicinity of the entry to Units 3 & 4. The privacy screen shall be of fixed panels or louvre style construction (with the maximum spacing of 20mm), in materials that complement the design of the development.

**4. Privacy Screen on North-West Elevation (Units 3 and 4)**

A moveable privacy screen (designed to extend from finished floor level to the underside of the eaves) is to be installed on the north-west (Grace Avenue frontage) edge of the balcony for Unit 3. The screen is to be at least 1.2m in width and shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials and colours that complement the design of the approved development.

Also, a fixed privacy screen is to be installed on the north-west (Grace Avenue) edge of the "covered balcony" of Unit 4. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials and colours that complement the design of the approved development.

Plans demonstrating compliance are to be submitted before this consent becomes operational.

Evidence required to satisfy these conditions must be submitted to Council within 5 years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

**Upon satisfaction of the deferred commencement condition/s, the following conditions apply:**

## GENERAL CONDITIONS

### CONDITIONS THAT IDENTIFY APPROVED PLANS

#### 5. 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:

Architectural Plans - Endorsed with Council's stamp			
Drawing No.	Rev	Dated	Prepared By
DA01 – Site Plan	B	25 November 2011	HAO Design Pty Ltd
DA02 – Ground Floor Plan	B	25 November 2011	HAO Design Pty Ltd
DA03 – First Floor Plan	B	25 November 2011	HAO Design Pty Ltd
DA04 – Roof Plan	B	25 November 2011	HAO Design Pty Ltd
DA05 – North & South Elevation	B	25 November 2011	HAO Design Pty Ltd
DA06 – East & West Elevation	B	25 November 2011	HAO Design Pty Ltd
DA07 - Sections	B	25 November 2011	HAO Design Pty Ltd

Engineering Plans - Endorsed with Council's stamp			
Drawing No.	Revision	Dated	Prepared By
20110051-SW01	C	11.09.2011	Maj Consulting Pty Ltd

Reports / Documentation		
Report Name	Dated	Prepared By
Traffic and Parking Impact Assessment	17 August 2011	Ray Dowsett Traffic and Transport Planning Pty Ltd
Access Report	19 September 2011	Accessibility Solutions Pty Ltd
Arborist - Development Impact Assessment Report	September 2011	Earthscape Horticultural Services
BCA Assessment Report	12 September 2011	BCA Logic Pty Ltd
Bush Fire Safety Compliance Report	August 2011	Roger Fenwick Bush Fire Consultant

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:

Landscape Plans - Endorsed with Council's stamp		
Drawing Number	Dated	Prepared By
11-2474L01 – Landscape Plan	19.08.2011	Zenith Landscape Designs



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

## 6. 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
Ausgrid	Response Ausgrid Referral	13 October 2011
Rural Fire Service	Response Rural Fire Service	30 April 2012

**(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)

## 7. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) 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);
- (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



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- 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)

## 8. 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) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (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.

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

## **9. Occupation of Seniors Housing or Housing for Persons with a Disability**

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004):



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Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <<http://www.comlaw.gov.au/>> of the Commonwealth) is provided and / or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

And

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

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

**Reason:** Statutory requirements. (DACPLB11)

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

### 10. 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:

<b>Warringah Section 94A Development Contributions Plan</b>		
Contribution based on total development cost of		\$ 1,579,560.00
<b>Contribution - all parts Warringah</b>	<b>Levy Rate</b>	<b>Contribution Payable</b>
Total S94A Levy	0.95%	15,006
S94A Planning and Administration	0.05%	790
<b>Total</b>	<b>1.0%</b>	<b>\$15,796</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)

## 11. Damage to Public Infrastructure

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

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

**Reason:** To ensure the protection of existing built public infrastructure.

## 12. 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)

**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 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- (e) AS 4970 - 2009 'Protection of trees on development sites'\*\*
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking\*\*
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- (l) AS 1428.1 - 2009\* Design for access and mobility - General requirements for access - New building work\*\*
- (m) AS 1428.2 - 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*

**\*Note:** The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [http://www.humanrights.gov.au/disability\\_rights/buildings/good.htm](http://www.humanrights.gov.au/disability_rights/buildings/good.htm)

**\*\*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.



**13. Modification to Window Design (Unit 3)**

The bathroom window on the south-eastern elevation of Unit 3 (first floor level) as shown on the approved plans (Drawing No. DA03 (B)) shall be an awning style window.

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

**Reason:** In order to maintain privacy to the adjoining / nearby property (DACPLC07)

**14. 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)

**15. 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)

## **16. Requirements for Seniors Housing or Housing for Persons with a Disability**

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with the following:

### **(a) Occupation**

As defined under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 the development is only permitted to be occupied by persons detailed as follows:

- (i) seniors or people who have a disability;
- (ii) people who live within the same household with seniors or people who have a disability;
- (iii) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

### **(b) Letter Boxes**

- (i) Must be lockable, and
- (ii) must be located together in a central location adjacent to the street entry, and
- (iii) must be situated on a hard standing area and have wheelchair access by a continuous path of travel (within the meaning of AS 1428).

### **(c) Private Car Accommodation**

- (i) Each car parking space 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, and
- (ii) any garage or carport must have an internal clearance of at least 2.5 metres as measured from the finished floor level of the garage or carport, and
- (iii) any garage must have a power-operated roller door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

### **(d) Accessible Entry**

Every entry (whether a front entry or not):

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

### **(e) External Door**

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

### **(f) Internal Door**

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

### **(g) Living room and dining room**

- (i) a circulation space:
  - (a) of at least 2,250 millimetres in diameter, and
  - (b) as set out in clause 4.7 of AS 4299, and



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- (ii) a telephone adjacent to a general power outlet.
- (iii) A living room and dining room must have a potential illumination level of at least 300 lux.

**(h) Kitchen**

A kitchen in a self-contained dwelling must have:

- (i) a width of at least 2.7 metres and a clear space between benches of at least 1,450 millimetres, and
- (ii) a width at door approaches of at least 1,200 millimetres, and
- (iii) benches that include at least one work surface:
  - (a) that is at least 800 millimetres in length, and
  - (b) the height of which can be adjusted from 750 millimetres to 850 millimetres, and
- (iv) 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
- (v) a thermostatic mixing valve for the hot water outlet, and
- (vi) cook tops:
  - (a) with either front or side controls, and
  - (b) with controls that have raised cross bars for ease of grip, and
  - (c) that include an isolating switch, and
- (vii) a work surface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
- (viii) an oven that is located adjacent to a work surface the height of which can be adjusted, and
- (ix) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- (x) 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.

**(i) Main Bedroom**

At least one bedroom within a self-contained dwelling must have:

- (i) 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
- (ii) 2 double general power outlets on the wall where the head of the bed is likely to be, and
- (iii) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
- (iv) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
- (v) a potential illumination level of at least 300 lux.

**(j) Bathroom**

A bathroom must have:

- (i) an area that complies with AS 1428, and
- (ii) a slip-resistant floor surface, and
- (iii) a shower:
  - (a) 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



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

**(k) Toilet**

Each residence must have a toilet:

- (i) that is a visitable toilet within the meaning of clause 1.4.12 of AS 4299, and
- (ii) that is installed in compliance with AS 1428, and
- (iii) that has a slip-resistant floor surface, and
- (iv) the WC pan of which is located from fixed walls in accordance with AS 1428, and
- (v) that can accommodate a grab rail that complies with Figure 4.5 of AS 4299 and AS 1428.

**(l) Laundry**

A self-contained dwelling must have a laundry:

- (i) that has provision for the installation of an automatic washing machine, and
- (ii) that has provision for the installation of a clothes dryer, and
- (iii) that has a clear space in front of appliances of at least 1,300 millimetres, and
- (iv) that has thermostatic mixing valves for all hot water outlets, and
- (v) that has a slip-resistant floor surface, and
- (vi) that has an accessible path of travel to any clothesline provided in relation to the dwelling.

**(m) Storage**

A self-contained dwelling must be provided with a linen cupboard:

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

**(n) Doors**

Door hardware provided as the means for opening doors must be:

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

**(o) Surface Finishes**

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

**(p) Ancillary Items**

- (i) Switches must be located between 900 millimetres and 1,100 millimetres above floor level.
- (ii) General-purpose outlets must be located at least 600 millimetres above floor level.

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

**Reason:** To ensure public safety, and equitable access for seniors or people with a disability. (DACPLC16)

**17. Bonds**

**Security Bond**

A bond (determined from cost of works) of \$5,000 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)

**18. Vehicle Crossings Application Formwork Inspection**

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

**Reason:** To facilitate suitable vehicular access to private property. (DACENC12)

**19. On-site Stormwater Detention**

An On-site Stormwater Detention system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification, and generally in accordance with the concept drainage plans prepared by Maj Consulting Pty Ltd, drawing number 20110051-SW01 Rev C, dated 11-09-11.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.



The drainage plans must address the following:

- i. The orifice plate size is to be amended from 111mm to 95mm in diameter.
- ii. The overflow pipe from the OSD tank is to be amended from IL 145.16 to IL 144.16
- iii. All overflow pipes from the rain water tanks are to be sealed and connected to the OSD tank.

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with Council's current On-site Stormwater Detention Technical Specification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

**Reason:** To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (Special condition) (DACENC20)

## **20. Trees and / or Landscaping**

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

### **(a) Construction Certificate Plans**

Where applicable, the Construction Certificate plans must include reference to:

- (i) Trees to be removed coloured or shaded in the colour red
- (ii) Trees to be retained coloured or shaded in the colour green

### **(b) Existing trees which must be retained**

- (i) All trees not indicated for removal on the approved plans

All tree protection to be in accordance with the recommendations of the Development Impact Assessment report dated September 2011 prepared by Earthscape Horticultural Services and AS4970-2009 Protection of trees on development sites.

**Reason:** To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

## **21. High Quality Lighting Plan**

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

Note: The following Australian Standard at the time of determination:  
Australian Standard AS4282 - 1997 Control of the obtrusive effects of outdoor lighting.

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

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 22. Notice of Commencement

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

**Reason:** Legislative requirement for the naming of the PCA.

### 23. 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

### 24. Installation and Maintenance of Sediment Control

Measures 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 Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

### 25. Vehicle Crossings

The provision of 1 vehicle crossing 3 metres wide in accordance with Warringah Council Drawing No A4-3330/1 Normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To facilitate suitable vehicular access to private property. (DACENE05)

**26. Layback Construction**

A layback 3 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

**Reason:** To ensure suitable vehicular access to private property. (DACENE08)

**27. 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)

**28. Trees Condition**

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 plants 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 plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

**Reason:** Protection of Trees. (DACLAE03)

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

**29. Garbage and Recycling Facilities**

All internal walls of the 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.

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





**Reason:** To prevent pollution of the environment and to protect the amenity of the area.( DACPLF03)

**30. House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

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

**Reason:** Proper identification of buildings. (DACPLF04)

**31. Intercom**

An intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking.

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 convenient access is available for visitors to the building. (DACPLF05)

**32. Occupation of Seniors Housing or Housing for Persons with a Disability**

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(**Note:** Under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004):

**Seniors** are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the [Aged Care Act 1997](http://www.comlaw.gov.au/) of the Commonwealth) is provided and / or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

**People with a disability** are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)



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

**Reason:** Statutory requirements. (DACPLF11)

**33. Certification of completion of requirements for Seniors Housing or Housing for Persons with a Disability**

Details demonstrating that all stipulated requirements of this development consent for Seniors Housing or Housing for Persons with a Disability have been completed.

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 statutory requirements have been completed, public safety, and equitable access for seniors of people with a disability. (DACPLF12)

**34. Authorisation of Legal Documentation Required for On-site Stormwater Detention**

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

**Reason:** To create encumbrances on the land. (DACENF01)

**35. Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

**Reason:** To identify encumbrances on land. (DACENF02)

**36. Reinstatement of Kerb**

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

**Reason:** To facilitate the preservation of on street parking spaces. (DACENF03)

**37. Restriction as to User for On-site Stormwater Detention**

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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 modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

**38. On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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 stormwater disposal is constructed to Council's satisfaction. (DACENF10)

**39. Positive Covenant for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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 ongoing maintenance of the on-site stormwater detention system. (DACENF12)

**40. Creation of Positive Covenant and Restriction as a User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.



A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

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

**Reason:** To identify encumbrances on land. (DACENF14)

**41. Required Planting**

Species	Location	Pot Size
All tree species	As indicated on the approved Landscape Plan	As indicated on the approved Landscape Plan

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

**Reason:** To maintain environmental amenity. (DACLAF01)

**42. Out of Hours Work Permits**

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

(Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.)

**Reason:** To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E27]

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

**43. Noise Impact of Plant**

All sound producing plant, air conditioner motors, machinery or fittings shall not emit noise exceeding 5 dB(A) above the background level (LA90) when measured at the property boundary.

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



### **Review of Determination**

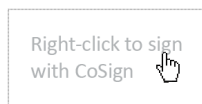
You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

*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



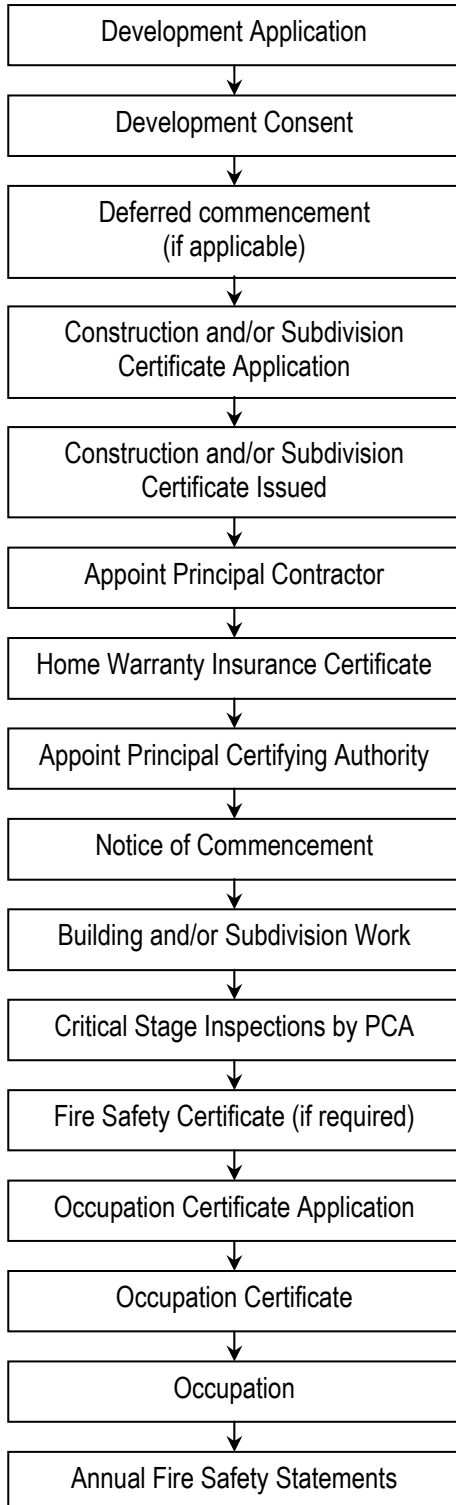
Signature \_\_\_\_\_  
Name        Steve Findlay, Development Assessment Manager

Date         16 May 2012

# 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..



Warringah Council

### **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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Warringah Council

*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

**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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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**

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Warringah Council

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to 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:

- Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);
- ix) 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.
  - x) Hand wash basins must be provided with warm water delivered through a common spout with taps that are hands free operation;
  - xi) Coving with a radius of 25mm must be provided between all floor and wall joints in food handling areas;
  - xii) The open space between the top of the coolroom and the ceiling must be fully enclosed and kept insect and pest proof;
  - xiii) The coolroom must be able to be opened from the inside without a key and fitted with an alarm that can only be operated from within the coolroom;
  - xiv) The doors to the toilet air lock and toilet compartment must be tight fitting and self closing;
  - xv) The rear external door must be self closing or be provided with a fly screen that is self closing;
  - xvi) 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.

**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.