



Warringah Council

NOTICE OF DETERMINATION

Application Number: DA2008/0420

APPLICATION DETAILS

Applicant Name and Address: Levitch Design Associates
L2/280 Pacific Highway Lindfield NSW 2070

Land to be developed (Address): Lot 8C DP 200030 4 Albert Street Narrabeen NSW 2101

Proposed Development: Change of use from an "Office" to "health consulting rooms"

DETERMINATION - APPROVED

Made on (Date): 7 July 2008

Consent to operate from (Date): 7 July 2008

Consent to lapse on (Date): 7 July 2011

Details of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.

Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.



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GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

| Drawing No. | Drawing Title | Revision No. | Revision Date | Prepared By |
|-------------|---------------|--------------|------------------|----------------------------|
| 501 | Proposed plan | P1 | 25 February 2008 | Levitech Design Associates |
| 501A | Proposed plan | P1 | 25 February 2008 | Levitech Design Associates |

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

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

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

2. Building Code of Australia

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

Reason: *Prescribed - Statutory.*

3. Demolition of Extra Fabric

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



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

4. Parking for People with Disabilities

Of the five (5) required car parking spaces one (1) car-parking space must be provided for use by persons with a disability.

The car parking spaces and access from the car parking spaces to other areas within the building are to comply with the Disability Discrimination Act 1992 and Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking and the relevant provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Details demonstrating compliance with these requirements are to be submitted prior to the issue of the Construction Certificate.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

5. Section 94A Contribution

\$600.00 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

The basis for the contributions is as follows:

| <i>Warringah Section 94A Development Contributions Plan</i> | | | |
|---|-----------|----------------------|--------------|
| Contribution based on total development cost of | | \$120,000.00 | |
| Contribution - all parts Warringah | Levy Rate | Contribution Payable | Council Code |
| S94A Levy | 0.45% | \$540 | 6923 |
| S94A Planning and Administration | 0.05% | \$60 | 6924 |
| Total | 0.5% | \$600 | |

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.

6. Design for Access & Mobility

The development must be designed to comply with the requirements of the Disability Discrimination Act 1992 and Australian Standard AS1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.



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Reason: *To ensure equitable access to members of the community to all public facilities.*

7. Long Service Levy

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work.

The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

Reason: *Prescribed - Statutory.*

8. Car parking Details

The internal layout of the car park is to comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities - Off-street car parking. Additionally the car space marked "1" on the approved plans is to be deleted to allow for a turning area and the car space marked "2" is to be marked as use for disabled persons.

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

Reason: *To ensure the adequate provision of car parking.*

9. Development/Construction Security Bond

A bond (determined from cost of works) of \$1000.00 must be deposited with Council and an inspection fee paid of \$200.00 prior to the issue of any Construction Certificate. This bond is to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

10. Garbage and Recycling Facilities

To ensure that adequate provision is made for the cleanliness, hygiene and maintenance of all hairdressing, beauty and skin penetration salons, all work associated with the fit out shall be designed and carried out in accordance with all relevant Acts, Regulations and Guidelines.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Note: The following Acts, Regulations and Standards applied at the time of determination;



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- Public Health Act 1991
- Public Health (Skin Penetration) Regulation 2000
- NSW Health's Guidelines for Skin Penetration premises
- Building Code of Australia

Reason: *To ensure compliance with the relevant public health legislation and guidelines.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

11. Excavation/Building Works

No excavation or building works shall be carried out until a Construction Certificate has been issued.

Reason: *To ensure compliance with statutory provisions.*

12. 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.*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. Plans on Site

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

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

14. 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.



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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).

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

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

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

15. Demolition Works

All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with all relevant Acts, Regulations and Australian Standards.

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

- Australian Standard AS2601.2001 - Demolition of Structures

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

16. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.

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

17. Prohibition on Use of Pavements

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

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



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

18. Occupation Certificate Required

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

Note: In issuing an Interim / Final Occupation Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.

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

19. Car parking Layout

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

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

20. Fire Safety Matters

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

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

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

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

21. Separate Development Application for Signs

A separate Development Application for any proposed signs (other than exempt and complying signs under Council's exempt and complying controls) must be submitted for the approval of Council prior to the erection or display of any such signs.

Reason: Control of signage.



22. Sharps

Sharps must be placed into a sharps container immediately after use. The container must comply with all relevant Australian Standards. Sharps containers must never be overfilled and be securely sealed with a lid before disposal.

Note: The following Australian Standards applied at the time of determination:

- Australian/New Zealand Standard AS/NZS 4261:1994 - Reusable container for the collection of sharp items used in human and animal medical application
- Australian/New Zealand Standard AS/NZS 4031-1992 - Non-reusable containers for the collection of sharp medical items used in health care areas.

Reason: *To ensure compliance with the legislation and the protection of the health and safety of staff, patients and the community.*

23. Storage, Transport and Disposal of Clinical Waste

Medical wastes shall be disposed of by an authorised waste disposal contractor. The storage, transport and disposal of clinical wastes is to comply with all relevant Acts and Regulations.

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

- Protection of the Environment Operations (Waste) Regulation 1996

Reason: *To ensure compliance with the legislation and the protection of the health and safety of staff, patients and the community.*

24. Skin penetration procedures

Skin penetration procedures that are not procedures carried out in the practice of medicine or dentistry –must be carried out in accordance with the requirements of the *Public Health (Skin Penetration) Regulation 2000 and Skin Penetration Code of Best Practice.*

Reason: *To ensure compliance with the legislation and to protect public health and safety*

25. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

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

26. Hours of Operation

The hours of operation of the health consulting rooms are restricted to between 8.30 am to 5.30pm Mondays to Fridays, 8am till 11am on Saturday with no Sunday or public holiday operations.

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



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27. Noise Impact On Surrounding Area

The use of the premises shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at any point along the site boundaries when measured in accordance with the Environment Protection Authority's Industrial Noise Policy.

Reason: *To ensure compliance with acceptable levels of noise established under best practice guidelines.*

Review of Determination

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. The review must be determined within 12 months.

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 Rodney Piggott
Team Leader – Development Assessment

Date 7 July 2008