



Warringah Council

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

**Development Application No:** DA 2005/1128

### DEVELOPMENT APPLICATION DETAILS

**Applicant Name:** Homemakers Supacentre – Belrose Pty Ltd

**Applicant Address:** PO Box 109, Double Bay NSW 1360

**Land to be developed (Address):** Lot 1, DP 880191, 4-6 Niangala Close Belrose

**Proposed Development:** Occupation and use of approved building for shops, restaurants and bulky goods retail

### DETERMINATION

**Made on (Date):** 24 March 2006

**Consent to operate from (Date):** 24 March 2006

**Consent to lapse on (Date):** 24 March 2011

*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.*



Warringah Council

## 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 Number	Dated
DA_T_02	Undated
DA_T_03	Undated
DA_T_04	Undated
DA_T_05	Undated
DA_T_06	Undated

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]*



Warringah Council

### **CONDITIONS THAT REQUIRE 'ANCILLARY' MATTERS TO BE COMPLETED TO THE SATISFACTION OF COUNCIL OR ANOTHER NOMINATED PERSON PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

#### **3. Provision of Services**

Certification must be obtained from the relevant statutory authority that adequate services are available to satisfy the demands of the proposed development. Such certification is to be provided to the Council / Accredited Certifier prior to the issue of the Construction Certificate.

*Reason: To ensure that services have been provided as required by this Consent. [B4]*

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

#### **4. Fire Safety Measures**

Submission at the Construction Certificate stage of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, and such fire safety schedule shall specify the minimum standard of performance for each fire safety measure.

*Reason: Fire Safety [C1]*

#### **5. Design for Access & Mobility**

Access/egress/services and facilities including external and interior access are required in accordance with the provisions of AS 1428.1 (2001) - Design for Access and Mobility.

The building being adequately adjusted where required complying with the provisions of the *Disability Discrimination Act (1992)*. Note that any approval granted by Council does not necessarily guarantee compliance or otherwise with the *Disability Discrimination Act (1992)* and the applicant should investigate their liability under the Act. You are directed to the following sources to achieve compliance with the DDA: -

- (a) AS 1428.1 (2001) - Design for Access and Mobility
- (b) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998)
- (c) Disability Discrimination Act (1992)

Details being submitted and approved by Council / Accredited Certifier prior to the issue of a Construction Certificate.



Warringah Council

*Reason: To ensure equitable access to members of the community to all public facilities. [C5]*

## **6. 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 before commencement of the development. 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 issuing of any 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. [C6]*

## **7. Protection of Footpaths and Roadways**

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

*Reason: Protection of footpath and roadways. [C22]*

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

## **8. Construction Certificate**

A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, for each individual tenancy containing specific details of floor layouts, partitioning fixtures etc, prior to the commencement of any fitout works within the building.

*Reason: Legislative requirements. [D3]*

## **9. 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]*



Warringah Council

## 10. WorkCover

Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

*Reason: Statutory requirement. [D5]*

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

### 11. Progress Inspections- (Class 5, 6, 7, 8 and 9 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 any stormwater drainage connections.
- (c) 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. [E9]*

## **12. Noise and Vibration**

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

**Reason:** *To ensure residential amenity is maintained in the immediate vicinity. [E17]*

## **13. 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]*

## **14. 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 can be obtained from the Internet at [www.WorkCover.nsw.gov.au](http://www.WorkCover.nsw.gov.au).

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



Warringah Council

## 15. Design, construction and fitout

The design, construction and fitout shall comply with Australian Standard AS 4674 – 2004 – ‘Design, Construction and fit-out of food premises.

*Reason: To ensure compliance with the Australian Food Standards Code.*

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

## 16. 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]*

## 17. 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.
- (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. Any application needs to be accompanied by plans indicating the type of hoarding and its layout.

Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given.



Warringah Council

Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

***Reason:*** *To ensure public safety and the proper management of public land. [F8]*

## **18. 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 to 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]*

## **19. 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.

Advisory note: The rate of the Long Service Levy at the time of consent is 0.35% of the building construction works. At the time of consent, payment is not required where the value of the works is less than \$25,000. For works that are \$25,000 or over, a fee is required at the prescribed rate. 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 and is based on the building construction works identified in the Construction Certificate.

***Reason:*** *Prescribed - Statutory. [F12]*

## **20. Notification**

The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified





Warringah Council

in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted.

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.

Note: A fee applies when lodging notification forms with Council.

The proprietors of all food businesses located in the development must also contact an Environmental Health Officer of Council to inform them of their notification number and business details prior to trading.

*Reason: To ensure compliance with the Australian Food Standards Code.*

## 20. Food Safety Standards

All food premises must comply with the “FSANZ Food Standards Code”, in particular Chapter 3; Food Safety Standards

*Reason: To ensure compliance with the Australian Food Standards Code.*

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

## 21. Occupation Certificate Required

An Interim / Final Occupation Certificate shall be obtained in relation to each individual approved fitout 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]*

## 22. Fire Safety Certificate

To ensure the safety of occupants of the building an Interim/Final 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 Interim/Final 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]*



Warringah Council

### 23. 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]*

### 24. Utility Services

All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to final completion and the issue of any Occupation Certificate.

*Reason: To ensure compliance with the terms of this consent. [G23]*

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

### 25. Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

*Reason: To ensure the acoustic amenity of surrounding properties. [I31]*

### 26. 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. [I32]*

### 27. Relevant Conditions from Development Consent 2001/1615

The proposal shall comply with all relevant conditions contained within development consent 2001/1615.

*Reason: To ensure the proposal is consistent with development consent 2001/1615.*

### 28. Seating

The seating areas not included within the restricted restaurant floor areas i.e. 302m<sup>2</sup>, are to be used as general seating within the complex and not specifically designated to any one restaurant.

*Reason: To ensure the restaurant floor areas are consistent with development consent 2001/1615.*



Warringah Council

## **29. Waste management –cafes and restaurants**

The waste bin and recycling bin storage areas shall be contained in a ventilated roofed area. The floor of the waste and recycling area shall be drained to a central point for drainage to the Sydney Water system under a Trade Waste Agreement. A copy of the Trade Waste Licence is to be forwarded to Council. Where wastewater can escape to the stormwater system, a bund must be erected to contain wastewater on site.

*Reason: To prevent the contamination of stormwater.*

## **29. Ventilation**

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- A. The Building Code of Australia.
- B. Australian Standards 1668.1 and 1668.2 - 1991
- C. The Public Health Act, 1991.
- D. The Public Health Act 1991 – Regulation.
- E. WorkCover Authority.
- F. Australian Standards 3666.

*Reason: To ensure that the surrounding health and amenity is maintained.*

## **30. Amenity**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

*Reason: To ensure that the surrounding health and amenity is maintained.*

## **31. Noise control**

The use of any of the proposed food premises must not give rise to the transmission of offensive noise to any place of different occupancy.

*Reason: To prevent loss of amenity to the area.*

## **32. Location of hand washing facilities**

Hand washing facilities within all food premises shall be located and installed so that they are; not obstructed, are at bench height either permanently fixed to the wall, to a supporting frame (freestanding hand basins) or set in a bench top and accessible and



Warringah Council

no further than 5m from any place where food handlers are handling open food. Hand basins shall be provided with a towel dispenser that dispenses a single-use paper or cloth towel or automatically dispenses a single-use portion of paper or cloth towel or other means of effectively drying hands and arms, which prevents the transfer of pathogenic micro-organisms to the hands or arms.

**Reason:** *To ensure compliance with the Australian Standard AS 4674 – 2004 – ‘Design, Construction and fit-out of food premises and to ensure personal hygiene is able to be maintained.*

### **33. Designation of hand washing facilities**

Hand basins are to be clearly designated for the sole purpose of washing hands, arms and face.

**Reason:** *To prevent the facility being used for a purpose other than washing hands, arms and face and to prevent contamination of the hand basin.*

### **34. Food Display**

A food business must, when displaying food provide protective barriers that minimise the likelihood of contamination by customers.

**Reason:** *To prevent contamination of food*

### **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                      Peter Robinson

Date                        24 March 2006