

CONSENT NO: N0571/03
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

ROBERT COWAN, 31 TOWRADGI STREET NARRAWEENA NSW 2099

Being the applicant in respect of Development Application No N0571/03

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No N0571/03 for:

Restaurant fitout

At:

S/P 69534

21/39 ILUKA ROAD PALM BEACH NSW 2108

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with **plans numbered CD1, dated August 2003, prepared by JJ Drafting**, as amended in red (shown clouded) or as modified by any conditions of this consent.

In accordance with Part A3 "Classification of Buildings and Structures" of the Building Code of Australia, it has been determined that the building or part subject of this consent has a **Class n/a Classification**.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent 21/10/2003

Angus Gordon
GENERAL MANAGER

Per:

CONDITIONS OF DEVELOPMENT CONSENT

This Consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

A. PRESCRIBED CONDITIONS

- A1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
- A3. The construction, fit out and finishing of the premises must comply with Pittwater Council's Code for the Construction & Fit Out of Food Premises and the Food Safety Standard 3.2.3 under the Food Standards Code.

B. MATTERS TO BE SATISFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

NOTE: The issue of partial or limited Construction Certificates is not permissible under the terms of this consent unless otherwise specifically stated. All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications/details can not be accepted.

- B10. Three sets of detailed working drawings that comply in all respects with the Building Code of Australia and the conditions of the Development Consent are to be submitted prior to the release of the Construction Certificate.
- B37. Three sets of a schedule of **essential fire safety measures** required to be installed within and/or in association with the building including the minimum standard for performance of each measure are to be submitted prior to release of the Construction Certificate. The schedule is to include a signed statement from an Accredited Certifier/Fire Engineer confirming that all essential fire safety measures as required by the Building Code of Australia have been listed so as to ensure the safety of persons in the building in the event of an outbreak of fire.

C. MATTERS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORK

NOTE: It is an offence to commence works prior to issue of a Construction Certificate.

Nil

D. CONDITIONS TO MINIMISE THE IMPACT OF THE DEVELOPMENT ON THE NATURAL AND BUILT ENVIRONMENT

- D11. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-1991 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

- 1. Protection of site workers and the general public.
- 2. Erection of hoardings where appropriate.
- 3. Asbestos handling and disposal where applicable.
- 4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

- D52. The garbage and recycling facilities provided at the premises shall comply with Section 8 of Pittwater Council's Code for the Construction & Fitout of Food Premises. The applicant shall also adhere to Sydney Water's requirements in relation to stormwater and wastewater management resulting from the garbage and recycling enclosure.
- D53. In accordance with Part F2 of the Building Code of Australia, sanitary facilities shall be provided if more than 20 persons (employees plus customers) are accommodated at the food premises. This will require the provision of male, female and disabled facilities.
- D54. Odours from the premises shall be controlled to the satisfaction of Council. In this regard the mechanical ventilation system servicing the food premises and sanitary facilities shall be installed and operated in accordance with AS 1668, Parts 1 & 2.
- D56. The seating of patrons on the public footpath so as to provide outdoor dining is subject to a separate application pursuant to the requirements of Pittwater Council's Policy no. 53, "Road Reserves/Private Use Of - Part 4 Use of Footpath Area for Cafes, Restaurants and Merchandise". Application details and information concerning the above may be directed to Council's Reserves and Recreation Officer - Graphics.
- D60. The footpath and adjacent roadway is to be kept free of obstruction by building materials and/or plant. All concrete trucks, pumps and associated plant are to be kept wholly within the site. No concrete or slurry is to be discharged into the street or the street drainage system.
- D61. If approved works are likely to cause pedestrian or vehicular traffic in a public place to be obstructed or if works involve the enclosure of a public place, then a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning or other structure is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Further, the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

NOTE: Hoardings and temporary awnings erected on or over public places are required to be subject to a separate approval from Council.

- D74. A sign is to be erected in a prominent position on the site stating that unauthorised entry to the work site is prohibited and showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. No sign is required where works are internal only or where the premises are occupied continuously during and outside working hours.
- D75. Toilet facilities are to be provided at or in the vicinity of the work site during the duration of the development.
- D76. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
- D89. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or

Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

- D219. No skip bins or materials are to be stored on Council's Road Reserve.
- D221. No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the premises.
- D222. No noise nuisance shall be caused through the operation of any plant or equipment at the premises. Noise is considered a nuisance when it exceeds 5dB(A) above the background noise level.

E. MATTERS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

NOTE: The issue of interim or partial Occupation Certificates is not permissible within the terms of this consent unless otherwise specifically stated. Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

NOTE: It is an offence to occupy the building or part thereof to which this consent relates prior to issue of an Occupation Certificate.

- E10. A certificate prepared by an appropriate qualified person is to be submitted for the following building components, certifying to the satisfaction of Council or the accredited certifier that the nominated works have been carried out in accordance with the Building Code of Australia, relevant Australian Standards and any conditions of Development Consent. Works are not to progress past this point until Council or the Accredited Certifier has confirmed that this condition has been satisfied (see copy of form attached).

Where this confirmation of compliance is issued by a private certifier, for the purposes of keeping a public record, a copy of the letter is to be forwarded to Council within 5 working days of the date of issue.

- E12a. Food premises fitout FP-1

- E12b. BCA certification BCA-1

- E16. On completion of the erection of the building, the Owner of the building shall submit to Council or the accredited certifier a **Fire Safety Certificate** with respect to each essential fire safety measure installed in association with the building - as listed on the Fire Safety Schedule. Such certificate must be received by Council or the accredited certifier prior to occupation of the building.

Copies of the Fire Safety Certificate(s) must also be forwarded by the Owner to the Commissioner of the NSW Fire Brigades, and copies displayed in a prominent location specified in the schedule, within the building.

- E20. A fire blanket is to be installed in the kitchen area, prior to occupation of the building.
- E86. The **building** is not to be occupied or used until an Occupation Certificate has been issued, confirming that the project complies with the relevant standards and the conditions of development consent. The request for an Occupation Certificate is to be accompanied by a copy of all of the Compliance Certificates required by the conditions of development consent (see copy of form attached).
- E90. The walls of the kitchen must:
- i) be constructed of approved solid material finished with glazed tiles or other rigid, smooth-faced, impervious material;
 - ii) be evenly laid to a height of at least 2 metres above floor level; and
 - iii) be coved to a minimum radius of 25mm at the intersections with the floor.
- The walls where not tiled, must be finished to a smooth, even surface, painted with a washable gloss paint of light colour or sealed with other approved materials.
- E91. The floors of the kitchen and store room must be constructed of an impervious, durable, non-slip and non-abrasive material (such as ceramic tiling) and be graded and drained to an approved floor waste.
- E92. The ceiling of the kitchen must be constructed of a rigid, smooth faced, non-absorbent material painted with a washable gloss paint of light colour.
- E93. The ceiling light fittings within the kitchen and store room must be installed flush with the ceiling surface or be provided with an approved diffuser cover to prevent the accumulation of dust or the harbourage of vermin.
- E94. The supporting wall of any bar or counter must be of solid construction, finished with an approved impervious material.
- E95. Where it is not possible or permitted to conceal service pipes, into walls floors or plinths, they are to be fixed on brackets so as to provide at least:
- i) 25mm clearance between the pipe and the adjacent vertical surface; and
 - ii) 100mm between the pipe and the adjacent horizontal surface.
- E96. All fittings, where abutting walls or other fittings, must be sealed in such a manner as to prevent the accumulation of food and access for vermin.
- E97. All shelving, cupboards, doors and the like must be impervious and easy to clean on all exposed surfaces and as far as practicable be constructed and installed to prevent vermin harbourage.
- E98. All stoves, refrigerators, cupboards and similar fittings must be placed on:
- i) solid plinths, 75mm in height, finished to a smooth even surface, recessed under fittings to provide a toe space of not more than 50mm and coved to an approved radius at the intersections with the walls and floor; or
 - ii) on approved metal legs 150mm in height; or
 - iii) castors, capable of supporting the fitting fully loaded.
- E99. A free standing hand wash basin must be provided within the kitchen and be provided with:
- i) an adequate supply of potable water at a temperature of at least 40 degrees Celsius, delivered through an approved mixing device which can be adjusted to enable hands to be washed under hot running water;
 - ii) a supply of liquid soap; and
 - iii) single use hand towel or other approved air drying equipment.
- E100. During all hours of operation, staff and patrons must have access to the common male and female toilets provided on the premises.

- E101. The number of seating for patrons at the premises must not exceed 50.
- E102. The grease arrestor must be located, and be accessible from, the outside of any food preparation and/or handling area.
- E103. Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to Council **prior to the issue of the Occupation Certificate**.
- E104. Garbage and recycling must be stored in an area separate from residential waste and be constructed so it is vermin proof and easy to clean in accordance with Section 8 of Council's Code for the Construction & Fit Out of Food Premises. The floor of the garbage area must be drained to sewer.
- E105. Documentation supplied by a practicing mechanical engineer certifying that the mechanical exhaust ventilation systems, as installed, complies with AS 1668, must be provided to Council **prior to the issue of the Occupation Certificate**.
- E106. Notification of the Food business with NSW Health either online at www.foodnotify.nsw.gov.au or by lodging a completed NSW Health food notification form.
Note: A \$50 fee applies when lodging notification forms with Council.

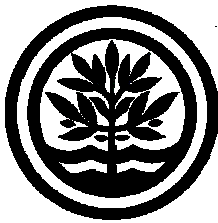
F. MATTERS TO BE SATISFIED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Nil

G. ADVICE

- G1. You are reminded of your obligations under the provisions of the Disability Discrimination Act.
- G23. Failure to comply with the relevant provisions of the Environmental Planning and Assessment Act, 1979 (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
- G25. It is the Project Manager's responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with Council. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent Council from issuing the Occupation Certificate or the Building Certificate.
- G26. In accordance with Section 80A(1)(d) and (e) of the Act, any consent given shall be void if the development to which it refers is not commenced within two (2) years after the date of approval, provided that Council may, if good cause be shown, grant an extension of renewal of such consent beyond such period.
- NOTE: Council may be prepared to consider an extension of this Consent period for a further 12 months, however, the request for extension would have to be received during the initial 2 year period.
- G27. To ascertain the date upon which the determination becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979 (as amended).

- G28. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the Environmental Planning and Assessment Act, 1979. Such request to Council must be made in writing together with a \$500 fee, within 1 year from the date of determination.
- G29. If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
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Unit 9/5 Vuko Place,
Warriewood NSW 2102
PO Box 882,
Mona Vale NSW 1660
Tel: (612) 9970 1111
Fax: (612) 9970 7150

NOTIFICATION OF COMMENCEMENT OF BUILDING OR SUBDIVISION WORK AND APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY

Under Environmental Planning and Assessment Act 1979
sections 81A (2) (b) (ii) or (c), or (4) (b) (ii) or (c), 86 (1) and (2).

DEVELOPMENT CONSENT

Development Application No:	Determination Date:
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CONSTRUCTION CERTIFICATE

Construction Certificate No:	Date of Issue:
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SITE DETAILS

Unit/Suite:	Street No:	Street:
Suburb:	Lot No:	Deposit /Strata Plan:

APPLICANT DETAILS

Name/Company:	Contact Person:
Address:	Phone (H/B):..... Mobile:..... Email:..... Fax:.....

DEVELOPMENT DETAILS

Type of Work: <input type="checkbox"/> New Building <input type="checkbox"/> Additions / Alterations <input type="checkbox"/> Subdivision	Brief description of development:
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PRINCIPAL CERTIFYING AUTHORITY

<input type="checkbox"/> PITTWATER COUNCIL	
<input type="checkbox"/> OTHER	Name:.....Accreditation No. Address: Phone: Email:

COMPLIANCE WITH DEVELOPMENT CONSENT

Have all conditions to be addressed prior to the commencement of works been satisfied?

☐ YES

☐ NO (see Note below)

Note: If **NO** work must not commence.

Please be aware that failure to address these conditions may leave you liable and in Breach of the Environmental Planning and Assessment Act 1979 (as amended). Penalties may include an on-the-spot fine and/or legal action.

If you are uncertain as to these requirements please contact Council's Development Compliance Group.

HOME BUILDING ACT 1989

Note: Only applicable to development involving erection / alteration / addition of residential dwellings, units or associated buildings.

Are you an Owner Builder?

☐ YES Owner Builders Permit No:

☐ NO (please complete Builder details below)

Name of Builder:.....

Phone:.....

Mobile:.....

Email:.....

Fax:.....

Contact Person:

Insurance Company:

Have you attached evidence that the licensed person is insured to carry out this type of work?

Insurance Certificate attached: ☐ YES

Note: The above requirements are not necessary if you have attached to this notice a declaration, signed by each owner of the land that the reasonable market cost of labour and materials to be used is less than \$5000?

Signed Declaration attached: ☐ YES

VALUE OF PROPOSED DEVELOPMENT

Estimated value of proposed works: \$.....

*Note: The Commencement fee will be calculated on this figure as per the 'Fee Structure' attached.

DATE WORK IS TO COMMENCE

Minimum notice of two (2) days is required to be given prior to commencement of works.

Date of commencement:

SIGNATURE

Applicant's Name:

Signature:

OFFICE USE ONLY

Date of receipt:

Receipt No.:

Amount Paid:

Accepted by:



Pittwater Council
Component Certificate

DA No: N0571/03

CC No:

Property: 21/39 ILUKA ROAD PALM BEACH NSW 2108

Food Premises Fitout
FP-1

I of.....
(Name) (Business)

at
(Mailing Address)

being an:

- ☐ accredited certifier
☐ licensed builder

my qualifications being:

.....
.....

hereby certify that the **premises has been fitted out and constructed in accordance with Pittwater Council's Code for the Construction and Fitout of Food Premises** and the relevant conditions of Development Consent.

Further, I am appropriately qualified and experienced to provide the certification for this component of the project.

Signature Date



Pittwater Council
Component Certificate

DA No: N0571/03

CC No:

Property: 21/39 ILUKA ROAD PALM BEACH NSW 2108

Building Code of Australia Certification
Class 2-9
BCA-1

I of.....
(Name) (Business)

at
(Mailing Address)

being an:

- ☐ accredited certifier
☐ fire engineer

my qualifications being:

.....
.....

hereby certify that the development has been inspected and found to have been **constructed in accordance with the provisions of the Building Code of Australia**, any standards adopted by reference within the Building Code of Australia, approved Development Consent plans and any conditions of Development Consent.

Further, I am appropriately qualified and experienced to provide the certification for this component of the project.

Signature Date

Property:

S/P 69534

21/39 ILUKA ROAD PALM BEACH NSW 2108

Owner:

C A ROBERTSON

1031 BARRENJOEY ROAD

PALM BEACH NSW 2108



PITTWATER COUNCIL

SURVEY OF COUNCIL SERVICES DEVELOPMENT APPLICATIONS (PART 2)

As part of Pittwater Council's aim to continually monitor and improve our services we rely on input from residents and other users.

To achieve this objective, Council regularly carries out random surveys of persons submitting development applications. We would therefore be grateful if you would complete the attached questionnaire and return it to us at PO Box 882, MONA VALE NSW 1660 at your convenience.

The data received is very important to us because it will enable us to identify areas where we can provide a better service to you.

Thank you for your cooperation.

ANGUS GORDON
GENERAL MANAGER

Application No. _____

1. Did you require any assistance during the processing of your application?

☐

Yes

☐

No

Comments

.....

2. How would you rate the standard of assistance provided?

☐

Poor

☐

Adequate

☐

Good

☐

Not Applicable

Comments

.....

3. Were inspections carried out at times that suited you?

☐

Yes

☐

No

Comments

.....



4 Did Council staff communicate with you promptly when seeking further information?

☐

Yes

☐

No

Comments

.....

5 Do you consider the time taken to make a decision on your application was satisfactory?

☐

Yes

☐

No

Comments

.....

6. Overall, how do you rate the following:-

1. Level of courtesy

☐

Poor

☐

Adequate

☐

Good

2. Attitude of Council Staff

☐

Poor

☐

Adequate

☐

Good

3. Responsiveness

☐

Poor

☐

Adequate

☐

Good

7. Are there any areas or processes you would like to see improved and how?

Signed: _____

Dated: _____