



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2007/222

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Brian Adams

Applicant Address: PO Box 309 Collaroy Beach NSW 2097

Land to be developed (Address): Lot 20, DP 218990, 1066 Pittwater Road Collaroy &
Lot 21, DP 218990, 1064 Pittwater Road Collaroy

Proposed Development: Internal and external alterations and change of use
from restaurant to a hotel

DETERMINATION

Made on (Date): 6 August 2007

Consent to operate from (Date): 10 August 2007

Consent to lapse on (Date): 10 August 2010

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.

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 - 01 (Issue H)	31.07.07
DA - 02 (Issue C)	09.03.07

Document Number	Dated
Acoustic Report - The Acoustic Group	8 March 2007
Plan of Management (Submitted 1 August 2007)	Undated
Disability Access Plan	31 July 2007

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. Additionally an application must be lodged for the POPE (Place of Public Entertainment).

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]**

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

3. 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]

4. Kerb Security Bond

A bond of \$5000.00 shall be deposited with Council and inspection fees paid, prior to the issue of any construction certificate, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process. (See Schedule)

Reason: To ensure appropriate security is in place for the protection or repair of Public Infrastructure. [C16]

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.

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

6. Coastal Zones

- (1) In conjunction with appropriate siting of the building relative to the "Wave Impact Zone", full details of appropriate foundation design are to be supplied with and certified by an appropriately qualified Geo-technical/Structural Engineer prior to the issue of the Construction Certificate.

A suitably qualified engineer shall undertake the geo-technical/structural design of foundations in accordance with Sections 4 and 5 of the Report, "Narrabeen/Collaroy/Fisherman's Beach Criteria for the Siting and Design of Foundations for Residential Development", February 1991. It should be noted that this report is a design guide only and that the provisions of these conditions, such as extent of piling, take precedence.

Piling is to extend to the whole structure for new developments with any part of the structure located east of the boundary of the stable foundation zone, to account for possible long term effects such as "Greenhouse Effect" and beach recession, and to ensure uniform support to the entire structure.

Any part of the proposed structure within the Zone of Slope Adjustment/Zone of Reduced Foundation Capacity shall be supported on piles to withstand structural vertical, lateral and axial loads and in some cases lateral load induced in the pile by slumping of the soil face.

The applicant owner is to minimise the amount of sand removed from the property during construction. If sand is removed from the site during construction, it may be placed on the beach reserve in accordance with the direction of the Council's Environmental Officers.

Reason: To avoid damage through wave impact. [C52 (1)]

- (2) Piling shall extend to a depth below -1 metre AHD in the zones of slope adjustment and reduced foundation capacity. Details to be submitted and approved by an appropriately qualified Geo-technical Engineer prior to issue of Construction Certificate.

Reason: To avoid damage through wave impact. [C52 (2)]

7. Cigarette Butt Receptacle - Commercial

That provision be made for cigarette butt receptacles on the site to minimise littering. Cigarette butt receptacles must be provided during building works on any site, and permanently provided to any restaurant/bar/retail/commercial component of the development after construction. Details of the size and the location of the receptacle are to be provided in the Construction Certificate.

Reason: To ensure that adequate provision is made for builder's waste and waste upon completion of the development. [C58]



8. Toilet Facilities in Accordance with BCA

Permanent toilet facilities are to be provided within the development site in accordance with the provisions of the Building Code of Australia, in relation to the number of occupants of the development being 540 patrons. Details demonstrating compliance with these requirements are to be submitted with the Construction Certificate.

Reason: To ensure appropriate toilet facilities to service the number of patrons of the development. [C69]

9. Security Bond Schedule

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

SECURITY BOND & FEE SCHEDULE	
(Property address) 1066 Pittwater Road Collaroy	
DEVELOPMENT APPLICATION NUMBER 2007/0222	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$5,000.00
TOTAL BONDS	\$5,000.00
FEES	
Kerb Security Inspection Fee	\$ 200.00
Section 94A contribution	\$3,268.00
Long Service Levy	\$1144.00
TOTAL FEES	\$4,612.00
Progress Inspections if Council is the PCA	\$825.00

Reason: Compliance with the development consent. [C71]

10. S94A Contribution

The payment of \$3268.00 as a 94A levy prior to the approval/release of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan 2006. It is current at the time of issue of this Consent. 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. (see schedule)

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of works		\$326,800.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
S94A Levy	0.95%	\$3,105	6923
S94A Planning and Administration	0.05%	\$163	6924
Total	1.0%	\$3,268	

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. **[C82]**

11. Noise Mitigation

Mitigation measures as recommended in the assessment by The Acoustic Group, reference number 37.4622.R1:ZSC, dated 8 March 2007, must be implemented to ensure there is no increase in noise emission from the proposed extensions. The following recommendations are to be implemented:-

- Glazing fronting Pittwater Road should be non openable glazing and have laminated glazing not less than 10.38mm thick.
- The large roof area and the internal level nominated, the roof should be of metal deck over 75mm thick fibreglass and sisalation, which than screwed fixed to purlins. On the underside of the purlins should be 2 layers of 16mm plasterboard with a set of 75mm thick timber studs to then provide 1 layer of 10mm plasterboard as a finished ceiling with 50mm fibreglass in cavity between the double layer of plasterboard and the single layer of plasterboard forming the ceiling.
- Within the lounge extension on the first floor, if all the amplification operates by an in-house system, then limiters may be utilised to control the internal noise level to the nominal 105 dB (A) limit. If individual amplification is to occur in the lounge extension that does not utilise an in-house system, then a cut-out limiter/monitor or similar is to be installed so as to control the level of music emitted from the premises and maintain compliance with the LAB criteria.

Reason: To ensure there is no adverse noise impact on the surrounding residential areas.

12. Lower Deck Balustrade

The balustrade on the lower deck must be constructed as to comply with the requirements of the Smoke Free Environments Act 2000. The proposed stairs from the deck to the adjoining lands to the north are to be deleted and the balustrade and the deck are to be continuous to form a continuous barrier. No access to the deck to be permitted from the carpark. The only access is to be from within the licensed premises.

Reason: To ensure the notional open space complies with the requirements of the Smoke Free Environments Act 2000 and to ensure entry to the premises in via the main entry located on Pittwater Road.

12A Lower and Upper Decks

The installation of glass balustrades 1200mm in height is to be installed on both the lower and upper decks.

Reason: *Noise, amenity and security*

13. Doors and windows to the upper and lower decks

Any barrier, door, window, structure or device (whether fixed or moveable) between the indoor areas of the hotel and the deck areas must prevent or impede lateral airflow.

Reason: *To prevent the spread of smoke into the enclosed areas of the hotel.*

14. Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- (a) 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;
- (b) Include provision for the separation and storage of in appropriate categories of material suitable for recycling;
- (c) Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

Reason: *To ensure the provision of appropriate waste facilities for residents and protect the community health and to ensure efficient collection of waste by collection contractors.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. Silt & Sediment Control

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

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



16. Construction Certificate

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

Reason: *Legislative requirements. [D3]*

17. 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]*

18. 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]*

19. Special Permits (Traffic)

An application for a 'Construction Zone' from Council adjacent to the site frontage been lodged prior to work commencing, together with the required deposit and rental charges. An application for a work zone in Pittwater Road in front of the site is to be lodged for Council's consideration and approval. (The provision of a work zone will require approval from Warringah Traffic Committee. Applications for work zones are available from Customer Service and should be lodged at least 4 weeks prior to work commencing).

Reason: *Traffic Control. [D7]*

20. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

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

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. Road Reserve works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others, to the satisfaction of the Principal Certifying Authority, and in accordance with Council's standard specifications for engineering works. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works. This Condition must be complied with during demolition and building work.

Reason: *Public Safety. [E4]*

22. 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]*



23. Replacement of Principal Certifying Authority

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

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

Reason: *Statutory requirement. [E11]*

24. 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]*

25. Dust emission and air quality

Materials must not be burnt on site.

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

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the Landcom's *Managing Urban Stormwater: Soils and Construction* (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.

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

26. 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's Customer Service Centre for the undermentioned activities on Council's property pursuant to S138 of the Roads Act. A minimum of forty-eight (48) hours notice is required for any permit:

(1) Hoardings

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.

Reason: *Proper management of public land. [E24 (2)]*

27. 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]*

28. 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]*

29. 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.

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

30. Applicant's Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

Reason: *To ensure the proper management of public land and funds. [E38]*

31. Maintenance of Road Reserve

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: *Public Safety [E39]*

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

32. 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]*

33. Excavation / Backfilling

- (1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: *To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. [F5]*

34. Demolition

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

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

35. 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.

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]*

36. 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 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]

37. Toilets

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer; or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:

accredited sewage management facility means a sewage management facility to which Division 4 Sub-division 5 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in of the Regulation.

approved by the Council means the subject of an approval in force under the Local Government (General) Regulation 2005.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

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

38. 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]

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

39. Occupation Certificate Required

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

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

40. Provision of wet chemical fire extinguisher and fire blanket

The provision of a wet chemical fire extinguisher and installation of a fire blanket to the kitchen.

Reason: Fire Safety. [G2]

41. Fire Safety Certificate

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

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

42. 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]*

43. Street Number

Street number being affixed to building prior to occupation.

***Reason:** Proper identification of buildings. [G7]*

44. Access for People with Disabilities

Prior to occupation provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Parts 1 and 4. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment (AS 1428.4).

***Reason:** Equitable access for people with a disability. [G10]*

45. Disabled Access from the Public Realm- Tactile Surface Indicators

Tactile ground surface indicators complying with AS1428.4 shall be provided at the point of common public access to the building and at the vehicular access points to assist people with visual impairments in gaining access to and from the public way and the premises prior to occupation. Such works are to be undertaken wholly within the boundaries of the site.

***Reason:** To ensure public safety and equitable access for people with a disability. [G11]*

46. Regulated Systems- Air Handling

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) AS 1668 Part 1 & 2,
- (c) The Public Health Act,
- (d) Public Health (Microbial Control) Regulation,
- (e) Work Cover Authority,
- (f) AS 3666 Air Handling and water system of building microbial control:
 - Part 1 - Design installation and commissioning
 - Part 2 - Operation and maintenance
 - Part 3 - Performance based maintenance of cooling water systems

An application to register any regulated system installed must be made to Council prior



to commissioning of the system and the issuing of any Occupation Certificate.

Reason: *To ensure public health is maintained, statutory requirements for record keeping. [G24]*

47. Consolidation of Lots

The consolidation of Lots 20, 21, 22 & 23 in Deposit Plan 218990 as one lot and the registration of the appropriate survey plan by Land & Property Information.

Reason: *Required by the Land and Property Information Division (Department of Lands). [S2 (1)]*

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION

48. Sound Insulation

All sound-producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system shall be sound insulated and/or isolated so that the noise emitted does not exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary.

Certification from an accredited acoustic practitioner shall be provided to the Principal Certifying Authority, to the effect that the development complies with the above condition of consent, prior to the issue of any Occupation Certificate.

NOTE: The method of measurement of sound shall be carried out in accordance with the "NSW Environment Protection Authority, **Industrial Noise Policy**, January 2000".

Reason: *Health & amenity. [H1]*

49. Removal of Sign Box

The sign box which is located on the upper western portion of the building facade is to be removed.

Reason: *Signage is to be lodged as separate development application.*

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

50. Noise Impact On Surrounding Area

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.

Reason: *To ensure compliance with acceptable levels of noise established under best practice guidelines. [I8]*

51. Place of Public Entertainment

This approval does not authorise musical or other forms of entertainment. A separate application to amend the current “Place of Public Entertainment License” shall be submitted to Council for approval to conduct such activities or events.

Reason: *to ensure compliance with section 68, Part A3 approvals, Local Government Act 1993*

52. Patron Behaviour

The proprietors or the premises shall take all steps necessary to ensure that no noise nuisance occurs from persons using the ground floor deck and the first floor deck.

Reason: *To ensure patrons do not interfere with the acoustic amenity of residents in the immediate locality*

53. No Live Bands

No live bands shall perform on the premises.

Reason: *Clarification of terms of this consent and ensure compliance with relevant legislation. [I27]*

54. 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]*

55. 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]*

56. Building Certificate

This approval relates to proposed work only, not that already constructed without the prior consent of Council (as nominated on the attached plans). Such unauthorised work is to be the subject of an application for a Building Certificate under Section 149A of the EPA Act.

Reason: *To ensure appropriate steps are taken with respect to management of unauthorised works. [I47]*

57. Noise Generation

Noise from the combined operation of all mechanical plant and equipment shall not generate noise levels that exceed 5dB (A) above the ambient background noise level measured at the nearest residential property boundary when measured in accordance with the Environment Protection Authority's Industrial Noise Policy.

Reason: *Health & amenity. [I50]*

58. Hours of Operation

The hours of operation will be restricted to be the same as those approved for the Surf Rock Hotel (Lot 21, 22 & 23 in DP 218990) known as 1060-1064 Pittwater Road, Collaroy, in DA 2002/0212. Should the hours of operation approved in DA 2002/0212 be changed via approval from Council, the approval will extend to the hours of operation for this extension into (Lot 20 in DP 218990) known as 1066 Pittwater Road Collaroy.

Reason: *To minimise noise disturbance to the surrounding area.*

59. Patron Numbers

This consent does not authorise or approve an increase in patron numbers from the existing licensing.

Reason: *To ensure compliance with original consent and requirements under the Building Code of Australia.*

60. Duty to Prevent the Spread of smoke

The club must take all reasonable steps to prevent smoke caused by smoking in the smoking areas of the premises from penetrating to the smoke free area.

Reason: *to ensure compliance with the Smoke Free Environment Act.*

61. Display of smoke free signs

The club shall install adequate signage (whether or not as a requirement of the Smoke Free Environment Act or Regulations) to clearly delineate the Smoking and Smoke Free areas of the club. Such signage to be installed prior to occupation of the terraces.

Reason: *to ensure compliance with the Smoke Free Environment Act.*

62. New Door - First Floor Terrace

The bi-fold doors are to be shut at 10pm to the deck area on the first floor. The installation of a closing door on the north facing elevation is to be installed to restrict noise escaping the building.

Reason: *Compliance with Clause 43 Noise of the Warringah Local Environmental 2000.*



63. No deck service

There is to be no waiter service of drinks or food on the ground and first decks.

Reason: *Health & amenity*

64. Decks (Trial Period)

A trial period for the use of both decks after 10pm till closing is to operate for a period till 30th April 2008 or a minimum 6 months from occupation of the decks. Following this trial period the decks are not to be used after 10pm. A Section 96 application must be lodged prior to the end of this trial period detailing issues, management and complaints received from nearby residents to amend this condition to remove the 10pm curfew. A dedicated security officer is to maintain order on the ground floor deck area from 8pm till closing on each day of the week during the trial period until the end of the trial period.

Reason: *Security and amenity*

65. Noise testing

Noise testing is to be undertaken during the trial period on Friday and Saturday night (in December and January if trial periods operating during this period) to ensure noise levels are in accordance with the ambient background level of 61 dB(A) at the residential premises directly across from the venue. Testing shall be taken between the hours of 11pm and 3am. The results of the noise testing, is to be made available to Council and in the subsequent development application amelioration measures are to be incorporated into the Operational Management Plan.

Reason: *Compliance with Clause 43 Noise of the Warringah Local Environmental 2000.*

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 Boris Bolgoff - Manager Development Assessment

Date 10 August 2007