



## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

**Development Application No:** DA 2006/1112

### DEVELOPMENT APPLICATION DETAILS

**Applicant Name:** Sylviane Drake

**Applicant Address:** 8 Linigen Place, St. Ives NSW 2075

**Land to be developed (Address):** Lot 14 in DP 255912, No. 11 Tepko Road, Terrey Hills

**Proposed Development:** Proposed warehouse for the storage of classic motor vehicles.

### DETERMINATION

**Made on (Date):** 15 December 2006

**Consent to operate from (Date):** 15 December 2006

**Consent to lapse on (Date):** 15 December 2009

### 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 Title	Dated
East Elevation, prepared by Dominique de Guio	20 October 2006
South Elevation, prepared by Dominique de Guio	20 October 2006
Site Plan, prepared by Dominique de Guio	Undated
Floor Plan, prepared by Dominique de Guio	20 October 2006
North Elevation, prepared by Dominique de Guio	20 October 2006

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]*

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

### 3. Fire Safety Schedule

The following fire safety schedule must be designed, installed and maintained in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000:

No:	Service Currently Installed/Service Required:	Standard	BCA Clause(s)
001	Emergency lighting	AS/NZS 2293.1 - 1998	E4.4
002	Exit signs	AS/NZS 2293.1 - 1998	E4.8
003	Portable fire extinguishers & fire blankets	AS 2444	E1.6

**Notes:**

1. On completion of the building work the owner must furnish Council with a Fire Safety Certificate that states that each essential fire safety measure specified in the current fire safety schedule to which the Certificate relates:
  - (a) has been assessed by a properly qualified person, and
  - (b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.
2. The assessment must have been carried out within the period of three (3) months prior to the date on which the final fire safety certificate was issued.
3. The choice of person to carry out the assessment is up to the owner of the building.
4. The person who carried out the assessment:
  - (a) must inspect and verify the performance of each fire safety measure being assessed, and
  - (b) must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedule for the building.
5. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:
  - (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
  - (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

**Reason:** *Prescribed/Statutory.*

### 4. 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. 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]*

## 5. 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]*

## 6. Access for People with Disabilities

Ramps and access for people with disabilities are to be provided to and within the eastern portion of the existing building, which is indicated as “proposed car store area” on plan entitled “Floor Plan”, dated 20 October 2006, prepared by Dominique de Guio.

Consideration must be given to the means of dignified and equitable access to other areas within the building and to footpaths and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the provisions of the Disability Discrimination Act, and the relevant provisions of AS1428.2 and AS1428.4.

***Reason:*** *To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards. [C36]*

## 7. Parking for People with Disabilities

A minimum of one (1) car parking space for use by persons with a disability shall be provided as part of the total car parking requirements. Consideration must be given to the means of access from the car parking space to adjacent buildings, to other areas within the building and to footpaths and roads and shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.2 and AS1428.4.

***Reason:*** *To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation. [C37]*

## 8. Line Marking

A minimum of ten (10) off-street car parking spaces shall be line marked and signposted in accordance with relevant Australian Standards and industry best practice as appropriate. Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

***Reason:*** *To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles. [C38]*

## 9. Asbestos & Hazardous Material

A person taking down, demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Work Cover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

**Reason:** To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. [C53 (2)]

## 10. 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	
11 Tepko Road, Terrey Hills	
DEVELOPMENT APPLICATION NUMBER 2006/1112DA	
<b>SECURITY BONDS</b>	<b>AMOUNT (\$)</b>
<b>TOTAL BONDS</b>	<b>Nil</b>
<b>FEES</b>	
<b>TOTAL FEES</b>	<b>Nil</b>
Progress Inspections if Council is nominated as the Principal Certifying Authority	<b>\$550</b>

**Reason:** Compliance with the development consent. [C71]

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 11. 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]

### 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 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]

### **13. 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**

### **14. 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) After the building work has been completed and prior to 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]

## **15. 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]

## **16. 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.

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]

## **17. 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]**

#### **18. Prohibition on Use of Pavements**

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges.

**Reason:** *To ensure public safety and amenity on public land.* **[E35]**

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

#### **19. 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]**

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

#### **20. 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]**

#### **21. 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]**





## **22. 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]*

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

## **23. Hours of Operation**

The operating hours of the subject premises are limited to:

Monday to Friday: 7:30am to 5:00pm  
Saturday: 8:00am to 12:00 noon

**Reason:** *Information to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality. [I2]*

## **24. 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]*

## **25. Loading Within Site**

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times.

**Reason:** *To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity. [I13]*

## **26. 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]*

## **27. Delivery Hours**

No deliveries, loading or unloading associated with the premises are to take place



Warringah Council

between the hours of 10pm and 6am on any day.

***Reason:*** *To ensure the acoustic amenity of surrounding properties. [I32]*



### **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                      Philip Hoffman – Senior Team Leader

Date                      15 December 2006