



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2005/0356

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Bagi Pty Ltd

Applicant Address: 610 Princes Highway Rockdale NSW 2216

Land to be developed (Address): Lot 8, DP 604034, 255 Condamine Street Manly Vale

Proposed Development: Change Of Use From Factory Unit To Bulky Goods Shop

DETERMINATION

Made on (Date): 25 October 2005

Consent to operate from (Date): 25 October 2005

Consent to lapse on (Date): 25 October 2010

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.

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:

Plans / Document	Plan Number	Compiled by	Dated
Architectural plans	C1619-01- A	Clark Engineering	Feb 2001

It is noted that the above plans were drafted specifically for DA 2000/5263 not this consent. The statutory period for this consent does not serve to extend or imply to extend the five (5) year time limit on DA 2000/5263. The plans may require amendment for the Construction Certificate in order to satisfy the conditions of this consent and the consent for DA 2000/5263.

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]*

3. Demolition of Extra Fabric

Alterations to, and demolition of the existing building shall be limited to that shown on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: *To ensure compliance with the approved development. [A3]*

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

4. Fire Safety (Change of Use)

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed use.

Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to this development consent. It is recommended that you discuss the requirements for achieving compliance with this condition with an Accredited Certifier- (Building), who will be able to assist in advising of any action or works that may be required in the particular circumstances.

Reason: *Statutory requirement. [F11]*

5. Design for Access & Mobility

One (1) disabled persons car space must be provided and a continuous path of travel to the main show room floor area. External and interior access is 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 where work is required that is not included in Councils Exempt and Complying provisions. The plans may require amendment for the Construction Certificate with DA2000/5263 in order to satisfy the conditions of this consent.



This condition must be satisfied prior to interim or final occupation.

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

6. Line Marking

Car parking spaces are to be line marked and numbered in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. Details to be provided on the plans with the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: *To ensure clear delineation for disabled spaces/ customer/employee and delivery bays with this development consent in accordance with Australian Standards relating to manoeuvring and access of vehicles. [C38]*

7. Colours & Finishes

The colours, texture and substance of all external components of the building and hard surfaced areas being generally in muted colours that blend with the natural environment. Vivid colours such as bright spectrum colours or highly reflective colours such as silver or white are not to be used. Prior to issue of the Construction Certificate, Council / Accredited Certifier is to verify that the external components are in accordance with that specified above.

Reason: *To reduce potential distraction to motorists for safety and improve the amenity of the streetscape in accordance with the Desired Future Character under the Warringah LEP 2000. [C56 (1)]*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

8. 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

9. 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 48 hours in advance. 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]

10. Noxious Plants and Replacement Planting

All lantana, privet, rubber trees, pellitory, and other declared noxious and environmental weeds on the site, shall be eradicated before the commencement of any works and prior to final occupation certificate. Replacement planting is to be selected from native tree species. Detailed references of weeds are available at:

http://www.warringah.nsw.gov.au/weed_control.htm#3

Detailed reference for suitable native plants is available at:

http://www.warringah.nsw.gov.au/pdf/env_ed/native_tree_book.pdf

Reason: To ensure that plants identified as weed species are not allowed to proliferate and prevent the spread of weeds to the adjacent reserve and downstream areas. [E25]

11. 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]*

12. 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]*

13. Prohibition on Use of Pavements

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

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

14. Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.

Reason: *To ensure public safety and amenity on public land. [E36]*

15. Driveway Egress

Adequate sight distance must be provided in accordance with AS 2890 for vehicles leaving the property to see pedestrians walking along the Condamine Street footpath area. Details to be provided to the satisfaction of the Certifying Authority.

Reason: *Public safety*

16. Protection of Trees

The following tree/trees are required to be retained as part of the development consent:

Angophora Costata on the northern boundary of the site
All *Cyathea sp.* (Tree ferns) on the site

Reason: *Protection of existing environmental infrastructure and community assets. [E22]*

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

17. 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]*

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 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]

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

19. Concurrent development

Prior to commencement of use a Final Occupation Certificate must be issued for DA 2000/5263

Reason: To ensure completion of all required conditions for concurrent development consent on the site.

20. 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 in accordance with the new use. [G3]

21. Street Number

Street number being affixed to building prior to occupation. Street numbering shall be provided adjacent to / or above the main front entrance to the building in black on white lettering not less than 150mm high.

Reason: Proper identification of buildings. [G7]

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

22. 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]*

23. Illumination Intensity

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises. No bare light bulbs or flashing lighting is to be used.

Reason: *To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties or distract motorists. [I20]*

24. Car parking and Loading spaces

Parking spaces and loading areas are to remain unobstructed at all times.

Reason: *To maintain car parking spaces clear for vehicle parking and loading.*

25. Visitors Sign

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

Reason: *To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors. [I10]*

26. Footpath area

The footpath area is part of Council's Road Reserve and is to be kept clear of obstructions. In this regard no goods, signs, furniture, or other items are to be placed on the footpath area.

Reason: *To control the placement of signs and items within the footpath area.*

27. Signs

No consent is given or implied for any form of signage or illumination or floodlighting to any sign.

Reason: *Restriction of signage in accordance with Schedule 4 of the WLEP 2000*



28. Hours of operation

Trading hours are limited to 9.00am to 5.00pm Monday to Saturday.

Reason: *Restriction in accordance with Applicants requirements.*

29. Landscape Plan

A landscape plan recognising the riparian nature of the site; and utilising the front setback area of the site is to be provided to the satisfaction of the Council's Landscape Officer prior to the approval of any Construction Certificate.

Reason: *To ensure the landscape works adequately address the riparian nature of the site and the streetscape.*

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 25 October 2005