

CONSENT NO: N0490/05
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicants Name and Address:

JOE VESCIO
PO BOX 3237
ROUSE HILL NSW 2155

Being the applicant in respect of Development Application No N0490/05

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 N0490/05 for:

Additions and Alterations to an approved three storey commercial Development

At: **9 WARATAH STREET, MONA VALE (Lot 6A DP 395091)**

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

- **Project No: 05-001-Drawing No-DA001, DA101, DA102, DA103, DA104, DA201, DA202, DA203, DA301, DA302, DA303, DA304, EX101-prepared by Hokin Design Group-Dated 11/08/2005;**
- **Landscape Plan prepared by J C Urban Designers Landscape Architects, dated 4 November 2005**

as amended in red (shown clouded) or as modified by any conditions of this consent.

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 25/08/2006

Mark Ferguson
GENERAL MANAGER

Per:

Conditions of Approval

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:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the Environmental Planning & Assessment Regulation 2000. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site, or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

5. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - a. in the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act.
 - b. in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
7. Conditions A8 and A9 do not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the States building laws.

8. 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.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. No odour nuisance shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
2. Noise levels shall comply with the requirements of the Protection of the Environment Operations Act.
3. Landscape works for the site to be carried out in accordance with Landscape Plan as prepared by John Chatham & Associates SP/TPP/01 and incorporate the following works items.
4. You are advised to contact Australia Post regarding the required size and location of letterboxes.
5. All plumbing and drainage fixtures are to be concealed and not exposed to public view on buildings over one storey in height.
6. All external glazing is to have a maximum reflectivity index of 25%.
7. Entire street frontage to be paved with PATT unit pavers. Pavement sub-base to be compacted 300mm line stabilised road base with 40mm screed sand layer. Compaction of sub-base to be certified by structural engineer prior to pavement installation. Any stormwater lines across the pavement area to be flat section galvanised steel connected to gutter by qualified plumber. Pavement pattern to match detail as seen through centre.
8. New electrical connections are to be carried out using underground cabling.
9. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application. No white or light coloured roofs are permitted.
10. Roofs to all structures are to be of dark grey, brown and/or green tones only.
11. Timber log retaining walls are not permitted and are not to be included in the proposed development.
12. Site foreman to contact Manager, Reserves, Recreation & Building Services prior to commencement of works to liaise works and inspections. (Contact Mark Eriksson/Peter Bowen 9970 1356).
13. As part of an integrated on-site stormwater management system, an appropriate sized rainwater tank to collect roof stormwater runoff meeting onsite demand usage for non-potable purposes is to be installed and connected to a functional recycling system, such as toilet flushing.
14. As part of an integrated on-site stormwater management system, stormwater overflow from the rainwater tank is to be discharged to the the kerb and gutter.

C. Matters to be satisfied prior to the issue of the 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 cannot be accepted.

1. A certificate is to be provided to the Accredited Certifier or Council with the Construction Certificate application by a qualified Civil Engineer/Surveyor that the existing stormwater system performs satisfactorily and is capable of servicing the proposed additions
 2. Submission of construction plans and specifications and documentation, which are consistent with the approved Development Consent, plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
 3. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped the plans before the issue of any Construction Certificate.
 4. Provide a demolition and construction plan detailing all practicable measures that will be taken during the demolition and construction period to prevent the likelihood of contamination to the shops located on the ground floor. Prior to the release of the construction certificate, provide an amended plan detailing an external garbage area or roomed garbage area that complies with the following: External garbage areas must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean. Roomed garbage areas must have impervious floors that are coved at the floor/wall intersection and be graded and drained to the sewage system. Walls of roomed garbage areas must be smooth and impervious. The room must be ventilated, proofed against pests and be provided with a hose tap connected to the water supply.
 5. Structural Engineering details relating to the new works are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
 6. Development Consent No. A159/63, (granted by Warringah Council) is to be formally surrendered Pursuant to Section 80A (1) of Environmental Planning and Assessment Act 1979.
 7. Tree pit surrounds to incorporate porous gravel medium to drawing detail.
 8. Existing planter under the Fig Tree to be further planted with 3 Doryanthus excelsa (100 litre), 25 Lomandra 'tanika' (5 litre), 25 Dianella sp (5 litre).
- C10. Detailed design, plans & specifications showing the integrated on-site stormwater management system are to be submitted to the Accredited Certifier or Council as part of the Construction Certificate application. Such details are to be accompanied by a certificate from a qualified practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage.

The details shall include disposal of site stormwater to a public system. The site stormwater management is to include:

1. A rainwater tank (or equivalent storage device) with a minimum volume meeting the requirements of onsite demand usage for non-potable and a piped overflow system to the kerb and gutter.
2. The tank is to collect the majority of roof runoff and store it for toilet flushing and reuse purposes.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

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

1. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
2. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
3. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on-site, recycling or where reuse or recycling is not practical, disposal at an appropriate authorised waste facility.
4. An appropriate hoarding is to be erected along the street frontage of the site to protect pedestrians and vehicular facilities during the course of the works.
5. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
6. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
7. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
8. No skip bins or materials are to be stored on Council's Road Reserve.
9. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
10. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following: -

The builders name, builders telephone contact number both during work hours and after hours.

That no works are to be carried out in Council's Road Reserve without the written approval of the Council.

That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.

That no skip bins or materials are to be stored on Councils Road Reserve.

That the contact number for Pittwater Council for permits is 9970 1111.

11. 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.

12. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
 - o Quantity of material to be transported
 - o Proposed truck movements per day
 - o Proposed hours of operation
 - o Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Warriewood Valley

This plan must be adhered to by all parties associated with the development. No truck movements will be permitted in Garden Street south of Mullet Creek or in Mona Vale Road between Tumbledown Dick and Mona Vale.

13. Demolition and construction works must not cause any form of contamination to the food shops operating at the premises. Where it is likely that contamination will occur food premises must not trade. During the construction and demolition period all facilities required by the ground floor shops (such as grease traps, waste collection and toilet facilities) must be provided and be safely accessible. Compliance with the Protection of the Environment Operations Act 1997.
14. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
15. Toilet facilities are to be provided in a location, which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
16. Pavement area to be extended north as indicated on plan (only if ensuring 6.0 metres to roadway – Waratah Street and 5.5 metres for parking space). Location and formwork to be inspected by Manager, Reserves, Recreation & Building Services (9970 1356) prior to installation.
17. All pavement areas to be professionally cleaned and sealed prior to issue of occupation certificate.
18. Report certifying that all works have been completed in accordance with adopted plans and conditions of consent to be submitted by Landscape Architect prior to issue of occupation certificate.
19. Evidence of pre-order of plant material as specified to be submitted to Council or certifier prior to issue of construction certificate.

E. Matters to be satisfied prior to the 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 the issue of an Occupation Certificate.

1. Prior to issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.
2. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained must be provided to the Private Certifying Authority with the Occupation Certificate application.
3. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
4. Documentation supplied by a practicing mechanical engineer certifying that all mechanical exhaust ventilation systems, as installed, complies with AS 1668, must be provided to the certifying authority prior to the issue of the Occupation Certificate.
5. Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to the issue of the Occupation Certificate.
6. Street numbers are to be affixed to the building prior to occupation.
7. All external face brick walls are to be properly cleaned down following completion of the wall and prior to occupation.
8. A stratum lot is to be created by way of subdivision and dedicated to Council, the area north of the line of the existing building to the northern boundary, limited to the height to the underside of the awning and depth to 300m below the road pavement.
9. That a copy of a Section 73 Compliance Certificate issued by Sydney Water is to accompany the application for an occupation certificate.
10. Certification is to be provided to the Principle Certifying Authority by a qualified practising Civil Engineer with corporate membership of the Institute of Engineers of Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field that the drainage/stormwater management system has been installed to the

manufacturers specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.

F. Matters to be satisfied prior to the issue of Subdivision Certificate:

Nil.

G. Advice:

1. 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.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. 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 the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. 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.

5. To ascertain the date upon which the determination becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979 (as amended).
6. 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.
7. 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.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then see Building & Renovating under the heading Building & Developing, or telephone 13 20 92.
9. This approval does not prejudice any action in respect of upgrading the building pursuant to the provisions of the Section 121B of the Environmental Planning and Assessment (Amendment) Act, 1997.

10. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA)1992.