



Warringah Council

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA2007/0174

### DEVELOPMENT APPLICATION DETAILS

Applicant Name: Denis Fish Planning Services

Applicant Address: Sydney Woodworks Pty Ltd  
2 Sydenham Road, Brookvale NSW 2086

Land to be developed (Address): Lot 6 Sec 8 DP 1521 (No.2) Sydenham Road  
BROOKVALE NSW 2086

Proposed Development: Change of use of existing building for manufacture,  
warehouse and retail of timber joinery products and  
ancillary office use.

### DETERMINATION

Made on (Date): 17 June 2008

Consent to operate from (Date): 17 June 2008

Consent to lapse on (Date): 17 June 2011

### 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*



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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	Title	Dated	Prepared By
D/A 01	Occupation of An Existing Industrial Building	FEB '07	Denis Fish Planning Services

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.

#### 2. Signage

All signage illustrated on the approved plan does not form part of this consent.

**Reason:** Retrospective consent cannot be issued to any existing building works.

#### 3. Landscaping Works

The landscaping works noted as "garden beds" on the approved plan do not form part of this consent.

**Reason:** Retrospective consent cannot be issued to any existing building works.

#### 4. Car Parking Spaces

The parking spaces noted on the approved plan are to be modified to provide a minimum of five (5) car spaces and provide adequate vehicular access to comply with Australian Standard AS2890.5-1993, *Parking facilities*.

**Reason:** To ensure safe and efficient vehicular access to the premises.



## 5. 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.*

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

## 6. 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.

Note: In issuing an Interim / Final Occupation Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.

*Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act.*

## 7. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be compiled which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

*Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.*

## ONGOING CONDITIONS

## 8. Allocation of Spaces

Five (5) car parking spaces provided shall provided and maintained at all times on the subject site. Of the required number of car parking spaces at least 1 car-parking spaces must be provided for use by persons with a disability. The spaces shall be allocated in the following proportions:



Five (5) car parking spaces	-	Industry/ warehouse / shop
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Car-parking provided shall only be used in conjunction with the uses contained within the development.

**Reason:** *To ensure that adequate parking facilities to service the development are provided on site.*

## 9. Hours of Operation

The hours of operation of the industry, warehouse and retail showroom are restricted to between:

- 7.30am to 5.00pm Mondays to Fridays; and
- 8.00am to 4.00pm Saturday.

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

## 10. Ancillary Use

The use of the office area shall be ancillary to the use of the premises.

**Reason:** *To ensure that the primary use of the premises is the approved use under this application, and that any other uses are ancillary to the approved use.*

## 11. Commercial 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.*

## 12. 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.*

## 13. Noise Impact On Surrounding Area

The 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 when measured in accordance with the Environment Protection Authority's Industrial Noise Policy.

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



#### **14. Storage and Handling of Hazardous Liquids**

All chemicals shall be stored and handled in accordance with all relevant Acts, Regulations and Standards.

Note: The following Australian Standard and requirements applied at the time of determination;

- Australian Standard AS 1940 -2004 - The Storage and Handling of Flammable and Combustible Liquids
- Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section Water (Bunding and spill management)

**Reason:** *To ensure a safe working environment and the correct storage of hazardous liquids.*

#### **15. Retail of goods**

All goods sold in the proposed showroom are to be either equipment, machinery or materials used by an industry or trade, builders supply, hardware establishments or those manufactured on-site.

**Reason:** *To ensure compliance with the land use categories of WLEP 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                    \_\_\_\_\_  
                              Rod Piggott - Team Leader

Date                      17 June 2008