

26 November 2007

Paynter Dixon Constructions  
320 Liverpool Road  
ASHFIELD NSW 2131

2005/0292 MOD1  
MAV (PAS)

Dear Sir / Madam,

**RE: 932 Pittwater Road, Dee Why  
Modification of Development Consent No. «DA\_NO» – To enlarge the  
smokers terrace at Dee Why RSL**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on **21 November 2007** and determined as follows:

➤ **Modification Condition No. 1** modified to read as follows:

**Approved Plans And Supporting Documentation to read as follows:**

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    |
|----------------|----------|
| A107, Issue 3  | 24/03/05 |
| A108, Issue 3  | 24/03/05 |
| A109, Issue 3  | 24/03/05 |
| A110, Issue 3  | 24/03/05 |
| A111, Issue 3  | 24/03/05 |
| A112, Issue 3  | 24/03/05 |
| A200, Issue 3  | 24/03/05 |
| A300, Issue 2  | 24/03/05 |

As modified by the plans listed below that were submitted with the Section 96 application received by Council on 18 October 2007, and endorsed with Council's approval stamp, but only in so far as the plans reflect the expanded smoker terrace on Level 2:

| Drawing Number                          | Dated     |
|---|-----------|
| A100, Issue A prepared by Paynter Dixon | 18 Oct 07 |
| A101, Issue A prepared by Paynter Dixon | 18 Oct 07 |
| A102, Issue A prepared by Paynter Dixon | 18 Oct 07 |
| A103, Issue A prepared by Paynter Dixon | 18 Oct 07 |
| A104, Issue A prepared by Paynter Dixon | 18 Oct 07 |

Noise Assessment prepared by Wilkinson Murray Pty Limited, Report No. 05045,  
Version B, dated March 2005.

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)]*

This letter should therefore be read in conjunction with Development Consent **2005/0292 dated 13 September 2005**. Please find attached a consolidated set of conditions incorporating both modifications of consent.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 96(6) of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court.

Should you require any further information on this matter, please contact **Cynthia Chan** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our DA's Online System at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au).

Yours faithfully

Amy Sutherland  
**Team Leader, Development Assessment  
Planning and Development Services**



## 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    |
|----------------|----------|
| A107, Issue 3  | 24/03/05 |
| A108, Issue 3  | 24/03/05 |
| A109, Issue 3  | 24/03/05 |
| A110, Issue 3  | 24/03/05 |
| A111, Issue 3  | 24/03/05 |
| A112, Issue 3  | 24/03/05 |
| A200, Issue 3  | 24/03/05 |
| A300, Issue 2  | 24/03/05 |

As modified by the plans listed below that were submitted with the Section 96 application received by Council on 18 October 2007, and endorsed with Council's approval stamp, but only in so far as the plans reflect the expanded smoker terrace on Level 2:

| Drawing Number                          | Dated     |
|---|-----------|
| A100, Issue A prepared by Paynter Dixon | 18 Oct 07 |
| A101, Issue A prepared by Paynter Dixon | 18 Oct 07 |
| A102, Issue A prepared by Paynter Dixon | 18 Oct 07 |
| A103, Issue A prepared by Paynter Dixon | 18 Oct 07 |
| A104, Issue A prepared by Paynter Dixon | 18 Oct 07 |

Noise Assessment prepared by Wilkinson Murray Pty Limited, Report No. 05045, Version B, dated March 2005.

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]**

### **4. Approved Landscaping Plan**

Landscaping works on the site are to be undertaken generally in accordance with the landscaping plans numbered L-DA DW1, Issue A, dated 24/03/05 and L-DA DW2, Issue A, dated 24/03/05 prepared by BioDesign & Associates.

**Reason:** To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development. **[A4]**

## **CONDITIONS THAT REQUIRE 'ANCILLARY' MATTERS TO BE COMPLETED TO THE SATISFACTION OF COUNCIL OR ANOTHER NOMINATED PERSON PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **5. Provision of Services**

Certification must be obtained from the relevant statutory authority that adequate services are available to satisfy the demands of the proposed development. Such certification is to be provided to the Council / Accredited Certifier prior to the issue of the Construction Certificate.

**Reason:** To ensure that services have been provided as required by this Consent. **[B4]**

### **6. Car Parking**

The proposed driveways and car parking areas are to be designed generally in accordance with AS 2860.1-2004, with a minimum vehicular clearance in the car park of 2.1 metres clear of all obstructions and infrastructure, such as pipe work, speed humps etc.

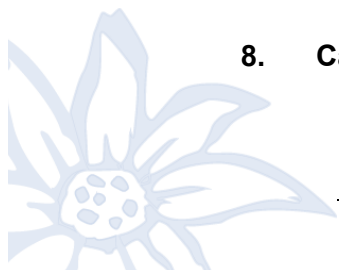
**Reason:** Compliant car parking design.

### **7. Construction Management Program**

A construction traffic management program, which addresses construction vehicle access to and from the site during excavation and building works is to be submitted for Council's consideration and approval prior to the issue of a construction certificate. The plan is to ensure that adequate on site parking is provided during the construction period. The need for a work zone adjacent to the site frontage is to be considered as part of the construction program. (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:** Safe operation of the site during construction.

### **8. Car Park Design**



The driveway to the loading dock and the loading dock are to be designed in accordance with AS 2890.2 -2002.

**Reason:** *Compliant car park design.*

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

**9. 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]*

**10. 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]*

**11. 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. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

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]*



## **12. Kerb Security Bond**

A bond of \$3,000 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]*

## **13. Bond - Engineering Construction Works - Road Pavement**

A Bond of \$10,000 shall be deposited with Council against any damage or failure to complete to the relevant specification the construction of road pavement/shoulder reconstruction works prior to the issue of any Construction Certificate. (See Schedule).

The bond will only be refunded upon the completion of a six (6) month maintenance period, if the work has been completed in accordance with the approved plans, conditions to the satisfaction of the Principal Certifying Authority. Requests for refunds must be made in writing to Council.

**Reason:** *To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure. [C18]*

## **14. 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]*

## **15. Vehicle Crossings**

Provision of 1 vehicle crossing 8.2m wide in accordance with Warringah Council Drawing No A4-3330 Normal and specifications. All redundant laybacks and crossings are to be restored to footpath/grass.

The construction of all vehicular crossings and associated works on Council's road reserve must be completed by a Council approved concrete contractors, for details see Warringah Council's website [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) <<http://www.warringah.nsw.gov.au>>, or phone (02) 9942 2111. All works to be at the full cost of applicant.

Prior to pouring of concrete the crossings are to be inspected by Council or an Accredited Certifier (Civil Works) and certification issued to the PCA stating the crossing levels and reinforcement is in accordance with the issued levels and specifications.

If Council is to undertake the inspection, the inspection fee is to be paid 48 hours prior to pouring of concrete. (See Council's standard fees and charges)

**Reason:** *To facilitate suitable vehicular access to private property. [C32]*

## **16. Parking for People with Disabilities**

Car-parking spaces 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 spaces to adjacent buildings, to other areas within the building



and to footpath 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 AS1428.1 and AS1428.4.

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

#### **17. Line Marking**

All off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted 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. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted with the Construction Certificate.

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

#### **18. Cleanliness and Maintenance of Food Preparation Areas**

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:

- (a) the Food Act (as amended)
- (b) the Food Regulation (as in force);
- (c) Council's Code for the Construction and Fitout of Food Premises;
- (d) Sydney Water Corporation - Trade Waste Section;
- (e) the Clean Air (Plant and Equipment) Regulation, ;
- (f) AS 1668 Part 1;
- (g) AS 1668 Part 2;
- (h) the Protection of the Environment Operations Act; and
- (i) the Building Code of Australia;
- (j) The ANZ Foods Standards Code

The relevant matters to be taken into account under this approval relate to:

- (k) construction, materials and finishes;
- (l) installation of fixtures, fittings and equipment;
- (m) washing facilities, other facilities and special requirements;
- (n) mechanical ventilation and exhaust discharges; and
- (o) temperature control.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted to, and approved by, the Council / Accredited Certifier prior to the issue of a Construction Certificate.

**Reason:** *To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation. [C42]*



## **19. Sediment Control**

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council / Accredited Certifier accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Warringah Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

**Reason:** To protect the environment from the effects of sedimentation and erosion from development sites. [C46]

## **20. Structural Adequacy of Existing Building**

A certificate prepared by an appropriately qualified and practising Structural Engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads shall be submitted with the Construction Certificate application.

**Reason:** To ensure the structural integrity of the building is maintained. [C50]

## **21. Asbestos & Hazardous Material**

- (1) In relation to the demolition of the existing building (or part of a building) on the site:

- (a) A report is to be submitted to the Council / Accredited Certifier, with the Construction Certificate application, detailing whether any hazardous materials exist on the site (eg lead in paints and ceiling dust or asbestos).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the following conditions, including dust control and WorkCover requirements.

- (b) Should any hazardous materials be identified as per item (i), a Work Plan shall be submitted to Council in accordance with AS2601 - Demolition of Buildings. The report shall contain details regarding:
      - (i) The type of hazardous material
      - (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
      - (iii) Proposed methods of containment; and
      - (iv) Proposed methods of disposal.
    - (c) Where unacceptably high levels of lead are found in a premises to be demolished, item (ii) is to be followed, and the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition. This



will determine whether remediation of the site is necessary.

- (d) The demolition must be undertaken in accordance with AS2601.
- (e) Any works involving asbestos cement sheeting must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice.
- (f) All work involving lead paint removal must not cause lead contamination of air or ground. Particular attention must be given to the control of dust levels on the site.

Details demonstrating compliance with these requirements are to be approved by the Council / Accredited Certifier and submitted with the Construction Certificate.

(Note: Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at [www.lead.org.au](http://www.lead.org.au) <<http://www.lead.org.au>>)

**Reason:** To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. [C53 (1)]

- (2) 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)]

## **22. Reflectivity Index of Glazing**

The reflectivity index (expressed as a per centum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

(Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

**Reason:** To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. [C54]

## **23. Roofing Materials - Reflectivity**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details being submitted with the Construction Certificate.

**Reason:** To ensure that excessive glare or reflectivity nuisance from roofing materials

does not occur as a result of the development. [C55]

#### **24. No External Service Ducts**

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

**Reason:** To ensure quality built form of the development. [C57]

#### **25. S94 Contributions**

The payment of the following developer contributions prior to the approval/release of the Construction Certificate.

\$ 18,087 Roads & Traffic Management 6924

These amounts have been calculated using the Warringah Section 94 Contributions Plan. They are current at the time of issue of this Consent. They will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). An updated schedule of Council's contribution rate is issued each quarter and is available at Council's office. Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

The basis for the contributions is as follows:

992 square metres of restaurant related floorspace

**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. [C70]

#### **26. 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:

| <b>SECURITY BOND &amp; FEE SCHEDULE</b>                              |                    |
|--|--------------------|
| 932 Pittwater Road, Dee Why - Dee Why RSL Club                       |                    |
| DEVELOPMENT APPLICATION NUMBER 2005/292                              |                    |
|  |                    |
| <b>SECURITY BONDS</b>  | <b>AMOUNT (\$)</b> |
| Builders Road/Kerb Security Bond                                     | \$3,000.00         |
| Engineering Construction Bond <input type="checkbox"/> Road Pavement | \$10,000.00        |
| <b>TOTAL BONDS</b>   | <b>\$13,000.00</b> |
|  |                    |
| <b>FEES</b>  |                    |
| Kerb Security Inspection Fee   | \$ 200.00          |
| Section 94 contribution  | \$18,087.00        |
| Long Service Levy  | \$21,614.44        |
| <b>TOTAL FEES</b>  | <b>\$39,901.44</b> |

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

## **27. Bonds**

Council will accept a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council and shall remain in place until the submission of the certificate required prior to the occupancy of the completed works. To be provided prior to issue of Construction Certificate.

**Reason:** *Information, Protection of infrastructure and the environment. [C72]*

## **28. High Quality Lighting**

Details demonstrating high quality external lighting for security without adverse affects on public amenity from excessive illumination levels are to be submitted with the Construction Certificate.

**Reason:** *To ensure lighting provides security and amenity. [C78]*

## **29. Noise**

A certificate from an appropriately qualified Acoustic Engineer is to be submitted with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings provide compliance with the Liquor Administration Board (LAB) criteria and incorporate all noise mitigation measures required in the Noise Assessment prepared by Wilkinson Murray Pty Limited, Report No. 05045, Version B, dated March 2005.

**Reason:** *To comply with best practice standards for acoustic amenity. [C79]*

## **30. Landscaping**

All proposed landscaping is to be contained within the site. The area of the nature strip between the concrete path and the boundary is to be grassed at a grade of 3% from the path.

**Reason:** *Maintain landscaping on the subject site.*

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

## **31. 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]*

## **32. 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]

### **33. 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]

### **34. 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]

### **35. Special Permits (Traffic)**

An application for a 'Construction Zone' from Council adjacent to the site frontage be lodged prior to work commencing, together with the required deposit and rental charges.

**Reason:** Traffic Control. [D7]

### **36. Special permits (Hoarding)**

Hoardings/fences shall be installed before any work is commenced on site including construction/demolition, and shall remain in place for the duration of the work. A separate application to be made to Council for this purpose and appropriate fee paid. No construction access is permitted other than at the approved vehicle crossing/s. All loading, unloading and storage of materials for works within the site shall take place within the hoarding enclosure.

**Reason:** To ensure public safety of the footpath area and road. [D8]

### **37. Excavation/Building Works**

No excavation or building works shall be carried out until a Construction Certificate has been issued.

**Reason:** To ensure compliance with statutory provisions. [D13]

### **38. 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**

### **39. Notification of Inspections**

If Council is the Principal Certifying Authority, Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level/basecourse level
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification as conditioned above. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

**Reason:** Appropriate notice for works to be carried out. [E1]

### **40. Sign on Site**

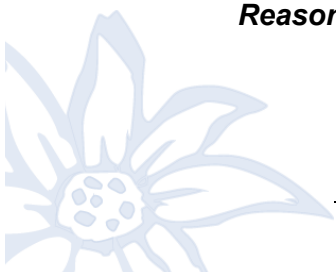
A visually prominent sign to be erected and maintained on-site adjacent to the property's access point, for the duration of the landfill works. This condition must be complied with during demolition and building work.

**Reason:** Proper identification of landfill works. [E2]

### **41. 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]



#### **42. 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:

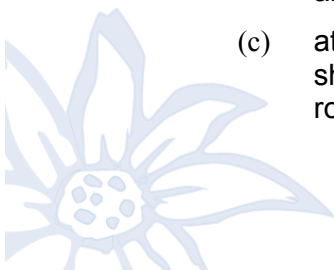
- (1) The appointed Principal Certifying Authority has a discretion to determine additional inspections, or nominate other Accredited Certifiers to undertake inspections other than the first and last inspections, which are required to ensure compliance or otherwise with relevant codes and standards. 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]

#### **43. Progress Survey - Major Development**

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) prior to placement of concrete at each new level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (b) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary;
- (c) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.





Progress certifications in response to the above points shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

**Reason:** *To ensure compliance with approved plans. [E15]*

#### **44. 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]*

#### **45. Dust Emission and Air Quality**

Materials must not be burnt on the 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 NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

**Reason:** *To ensure residential amenity is maintained in the immediate vicinity. [E18]*

#### **46. No Work on Public Open Space**

The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

**Reason:** *Protection of existing public infrastructure and land and to ensure public safety and proper management of public land. [E19]*

#### **47. No Removal of Trees on Public Property**

No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in its consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

**Reason:** *Protection of existing environmental infrastructure and community assets. [E21]*

#### **48. 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:

**(a) 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)]*

**(b) Kerbside restrictions, construction zones**

The applicant's attention is drawn to the existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

**Reason:** *Proper management of public land. [E24 (4)]*

**49. 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]*

**50. 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]

#### **51. Installation and Maintenance of Sediment Control**

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council guidelines. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised. This Condition must be complied with during demolition and building work.

**Reason:** To protect the environment from the effects of sedimentation and erosion from development sites. [E28]

#### **52. 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. 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]

#### **53. 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]

#### **54. 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.

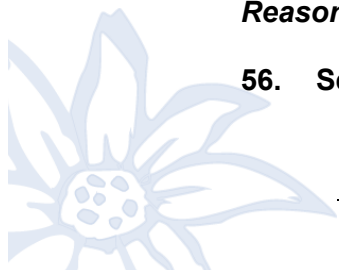
**Reason:** To ensure the proper management of public land and funds. [E38]

#### **55. 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]

#### **56. Sediment and Erosion Control Signage**



A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

**Reason:** To protect the environment from the effects of sedimentation and erosion from development sites. [E41]

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

### **57. 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]

### **58. Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Details of any requirements of Sydney Water are to be provided with the Construction Certificate documentation.

The final Section 73 Certificate must be submitted to the Council / Accredited Certifier prior to release of any linen plan for subdivision or prior to occupation of the development. Alternatively, if Sydney Water advises that a Section 73 Certificate is not required for the proposed development, written confirmation of this advice is to be provided.

**Reason:** To ensure compliance with the statutory requirements of Sydney Water. [F3]

### **59. Lead**

For the protection of the health and safety of workers, adjoining property owners, the public and the environment, any person renovating or demolishing any building built before the 1970's should be aware that any surfaces may be coated with lead based paint. Lead dust is a hazardous substance. The requirements of the Environmental Protection Authority are to be followed in this regard.

**Reason:** Safety. [F4]

### **60. 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]**

#### **61. Support for Neighbouring Buildings**

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - (a) must preserve and protect the building from damage;
  - (b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent; and
  - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, allotment of land includes a public road and any other public place.

**Reason:** To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage. **[F7]**

#### **62. 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]*

### **63. 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]*

### **64. 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. This payment is not required where the value of the works is less than \$25,000.

The Long Service Levy is calculated on 0.2% of the building and construction work.

**Reason:** *Prescribed - Statutory. [F12]*

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

### **65. 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]*

### **66. 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 Interim/Final 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]*

#### **67. 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]*

#### **68. 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]*

#### **69. Mechanical Exhaust Ventilation**

The mechanical exhaust system shall be installed in accordance with AS1668, and be operated in such a way so as to minimise/prevent the creation of odours, fumes and excessive noise which may adversely affect the amenity, or interfere unreasonably with the comfort or repose of occupants of the building and adjoining premises.

Certification, from an appropriately qualified and practising Mechanical Engineer, is to be submitted to the Principal Certifying Authority, detailing that the exhaust ventilation system has been installed in accordance with AS1668, prior to completion and the issue of any Occupation Certificate.

**Reason:** *To ensure compliance with acceptable standards for the construction and operation of mechanical plant. [G22]*

#### **70. Utility Services**

All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to final completion and the issue of any Occupation Certificate.

**Reason:** *To ensure compliance with the terms of this consent. [G23]*

#### **71. 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:
  - (i) Part 1 - Design installation and commissioning
  - (ii) Part 2 - Operation and maintenance
  - (iii) 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]*

## **72. Landscaping**

The proposed landscaping at ground level fronting the carpark structure along Hawkesbury and Clarence Avenue as detailed on the Landscape Plans prepared by BioDesign, Drawing No.L-DA DW1 and L-DA DW2, Issue A, dated 24/03/05, shall be provided as mature species prior to the issue of an interim/final occupation certificate.

**Reason:** *Provision of adequate landscaping.*

## **73. Noise**

A certificate from an appropriately qualified Acoustic Engineer is to be submitted prior to the issue of an Interim/Final Occupation Certificate indicating that the development and all sound producing plant, equipment, machinery or fittings provide compliance with the Liquor Administration Board (LAB) criteria and incorporate all noise mitigation measures required by the Noise Assessment prepared by Wilkinson Murray Pty Limited, Report No. 05045, Version B, dated March 2005.

**Reason:** *Acoustic amenity.*

## **CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION**

## **74. Carparking Layout**

All car spaces being line marked in accordance with the carparking layout on the approved plans.

**Reason:** *To clearly identify carparking spaces in accordance with the approved plans. [H5]*

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

## **75. Impact on Amenity of Surrounding Area - Non-Residential Areas**

The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external) or solar glare arising from the building materials utilised in any construction

processes or fit out. In this regard baffles/shields shall be provided on any external lights associated with the additions to ensure no unreasonable impact upon surrounding residential premises.

**Reason:** *To ensure that the amenity of the surrounding locality is not adversely affected by the nature of the approved activity. [I7]*

#### **76. Vehicle Egress Signs**

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.

**Reason:** *To ensure pedestrian safety. [I14]*

#### **77. 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]*

#### **78. 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]*

#### **79. Acoustic Amenity**

1. All live or amplified music in the bar/lounge/dining and enclosed terrace area on Level 2 shall cease at 10:00pm Sunday to Thursday and 12 Midnight on Friday and Saturday. The terrace areas are to be fully enclosed when live or amplified music is in progress to ensure reasonable acoustic amenity to surrounding residences. No performances shall occur on any external terraces.
2. A Place of Public Entertainment (POPE) License to be obtained prior to the commencement of any entertainment detailed in (1) above.
3. The restricted hours of entertainment detailed in (1) above are to be trialled for a minimum period of twelve (12) months from the date the POPE License being issued. A Section 96 application will be required to be submitted to Council at the expiration of the 12month period if the hours and restrictions are proposed to be changed.

**Reason:** *Maintain reasonable acoustic amenity to surrounding residences.*

