



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA2007/0474

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Robin Gerard Wever

Applicant Address: 7 Poinciana Row, Menai NSW 2234

Land to be developed (Address): Lot 8, DP604034, 255 Condamine Street, Manly Vale

Proposed Development: First Floor Addition to Existing (Partially Completed)
Ground Floor of a Building and Use as a Bulky Goods Showroom

DETERMINATION

Made on (Date): 24 June 2008

Consent to operate from (Date): 7 July 2008

Consent to lapse on (Date): 7 July 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 development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

DA No.2007/0474

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	Prepared By
Sheets 1 to 5 (hand drawn)	July 2007	Designer Group Pty Ltd

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. **(DACGBapasd)**

2. 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. **(DACGBbca)**

3. Demolition of Extra Fabric

Alterations to, and demolition of the existing basement level 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. **(DACGBdef)**

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

4. Controlled Activity Approval

The Construction Certificate is not to be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council.

Reason: To ensure the development is consistent with the requirements of the Controlled Activity Approval.

5. Carpark layout

The car park layout to the rear of the building is to be amended to be generally consistent with the 'Revised Parking Layout' drawing in Attachment 1 of the Parking Assessment prepared by GTA Consultants dated 17 March 2008 submitted with the application, with the exception that the driveway must be 3.8 metres in width, the small carspace adjacent to the disabled carparking space is deleted and the disabled carspace is moved north to the position of the small carspace which is to be deleted. The amended plans are to be submitted to the Certifying Authority, prior to the issue of the Construction Certificate.

Reason: To ensure that an acceptable carpark layout is provided.

6. Stormwater Disposal

Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments, shall be submitted prior to the issue of the Construction Certificate. Stormwater shall be conveyed from the site to the creek that traverses the site.

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development. (DACECsd1)

7. Vehicle Crossings Application - Formwork Inspection

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property. (DACECvcafi)

8. Bond for Silt and Sediment Control

The payment of \$2000 shall be deposited with Council prior to the issue of the Construction Certificate as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

Reason: To ensure appropriate security against environmental damage. (DACECbssc)

9. Car parking Details

The internal layout of the car park is to comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities - Off-street car parking. Plans demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the adequate provision of car parking. (DACECcpd)

10. Development/Construction Security Bond

A bond (determined from cost of works) of \$2,000 must be deposited with Council and an inspection fee paid of \$2,000 prior to the issue of any Construction Certificate. This bond is to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of

construction or the transportation of materials and equipment to and from the development site.

Reason: *To ensure adequate protection to Council infrastructure. (DACECdcsb)*

11. Parking for People with Disabilities

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 car parking spaces and access from the car parking spaces to other areas within the building are to comply with the Disability Discrimination Act 1992 and Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking and the relevant provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Details demonstrating compliance with these requirements are to be submitted prior to the issue of the Construction Certificate.

Reason: *To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation. (DACGCppd)*

12. Reflectivity Index of Glazing

The reflectivity index (expressed as a percentum 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 to the Certifying Authority prior to the issue of 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. (DACGCrig)*

13. 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 are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. (DACGCrnr)*

14. Section 94A Contribution

\$1000 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). 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:



Warringah Council

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on total development cost of		\$100,000.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$950.00	Rams
S94A Planning and Administration	0.05%	\$500.00	Rams
Total	1.0%	\$1,000.00	

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. (dacgcS94ac)*

15. Design or Access & Mobility

The development must be designed to comply with the intent of the Disability Discrimination Act 1992 and Australian Standard AS1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To ensure equitable access to members of the community to all public facilities. (DACGCdam)*

16. Dilapidation Survey

A dilapidation survey of adjacent buildings must be conducted prior to any site work. The lateral extent of the survey must cover the likely "zone of influence" of any excavation or construction induced vibration. The survey must be properly documented. The dilapidation report must be submitted to Council and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *Proper management of records. (DACGCds)*

17. Location of Plant

All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *Minimise impact on surrounding properties, improved visual appearance and amenity for locality. (DACGCip)*

18. 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. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work.

The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

Reason: *Prescribed - Statutory. (DACGCIsI)*

19. High Quality Lighting

External lighting is to be provided for security that complies with the relevant Australian Standard. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: The following Australian Standard at the time of determination:

- Australian Standard AS4282 - 1997 Control of the obtrusive effects of outdoor lighting.

Reason: To ensure lighting provides security and amenity. (DACHChql)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. 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.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEpIiwP)

21. Road Opening Permit

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

Reason: Statutory requirement (Roads Act 1993). (DACEDrop)

22. 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 Section 138 of the Roads Act 1993. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time. (See below)

- **Permit for on-street mobile plant**

Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers).

Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

- **Hoarding Permit**

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.

- **Storage of building materials and building waste containers (skips) on Council's property**

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.

- **Kerbside restrictions, work zones**

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Reason: *Proper management of public land. (DACEDsp)*

23. 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. (DACGDebw)*

24. 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 the Environmental Planning and Assessment 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. (DACGDnc)*

25. 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 the 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. (DACGDss)

26. Toilets

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer; or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:

accredited sewage management facility means a sewage management facility to which Division 4 Sub-division 5 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in of the Regulation.

approved by the Council means the subject of an approval in force under the Local Government (General) Regulation 2005.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

Reason: To ensure adequate facilities are provided for workers on the site. (DACGDt)

27. Waste Collection Contract

Prior to the commencement of work, written evidence is to be submitted to the Certifying Authority that there is a contract with a licensed contractor for the removal of demolition waste.

Reason: To maintain the property in a safe and hygienic state. (DACHDwcc)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

28. 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. (DACEEacwcp)*

28a Disposal of excavated material

Any excavated material to be removed from site must be accompanied by a Waste Classification Certificate prepared by a suitably qualified professional in accordance with NSW EPA *Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes*.

Reason: *To ensure the safe disposal of all excavated material as recommended in the Report of Earth Air Water Consulting and Monitoring Pty Ltd dated 20 May 2008.*

29. Prohibition on Use of Pavements

No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without prior Council Approval.

Reason: *To ensure public safety and amenity on public land. (DACEEpup)*

30. Traffic Control During Road 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 in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: *Public Safety. (DACEEtdrw)*

31. Vehicle Crossings

The provision of 1 vehicle crossing 3.8 metres wide in accordance with Warringah Council Drawing No A4-3330/1 normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

For details see Warringah Council's website <<http://www.warringah.nsw.gov.au>> or phone (02) 9942 2111.

Reason: *To facilitate suitable vehicular access to private property. (DACEEvc)*

32. Civil Works Supervision

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

Reason: *To ensure compliance of civil works with Council's specification for engineering works. (DACEEcws)*

33. Footpath Construction and Handrail

The gap between the basement level of the building and the retaining wall on the road reserve is to be filled for the length of the building frontage. The applicant shall construct an extension to the existing footpath to the frontage of the site for the extent of the building frontage only. A handrail is to be provided along the remainder of the frontage of the site and connect to the building frontage. The works shall be in accordance with the following:

- (a) All footpath and handrail works are to be constructed in accordance with Council's Minor Works Specification.
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath.
- (c) The preferred crossfall of the footpath is to be 3% (1 in 33.3) rising from the top of the existing kerb. The maximum allowable crossfall of the footpath is to be 5% (1 in 20).
- (d) All costs associated with the works are to be borne by the applicant.

Reason: *To ensure compliance of footpath works with Council's specification for engineering works. (DACEEfc)*

34. 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 Soils and Construction Manual Volume 1 - Managing Urban Stormwater. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites. (DACEEimsc)*

35. Layback Construction

A layback 3.8 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: *To facilitate suitable vehicular access to private property. (DACEElc)*

36. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: *Public Safety. (DACEEmrr)*

37. 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. (DACGEpekws)*

38. 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 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. (DACGEpos)*

39. 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.

Reason: *To ensure public safety and the proper management of public land. (DACGEppp)*

40. 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



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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).

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.

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. (DACGEch)*

41. Demolition Works

All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with all relevant Acts, Regulations and Australian Standards.

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

- Australian Standard AS2601.2001 - Demolition of Structures

Reason: *To ensure a satisfactory standard of demolition works. (DACGEdw)*

42. Excavation / Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: *To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. (DACGEeb)*

43. 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. (DACGEg)*

44. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.

Reason: *To ensure the health and safety of the community and workers on the site. (DACGEhs)*

45. Dust emission and air quality

Materials must not be burnt on 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 Landcom's Managing Urban Stormwater: Soils and Construction (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.

Reason: *To ensure residential amenity is maintained in the immediate vicinity. (DACHEdaq)*

46. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) 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. (DACHEnv)*

47. Removing, Handling and Disposing of Asbestos

Any works involving asbestos based products in relation to removal, handling and disposing of material must be undertaken in accordance with all relevant Acts, Regulations, Guides and Codes.

Note: The following standards applied at the time of determination:

- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]

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

48. Noxious Plants

All plants on the site that are declared as noxious weeds in Warringah shall be eradicated before the commencement of landscape works.

***Reason:** To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality-landscaping outcome. (DACLEnp)*

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

49. Reinstatement of Kerb

Prior to the issue of an Interim/Final Occupation Certificate all redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

***Reason:** To facilitate the preservation of on street parking spaces. (DACEFrk)*

50. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified professional. The certification is to be submitted to the Principal Certifying Authority prior to the issue of an Interim/Final Occupation Certificate.

Note: The following Standards and Codes applied at the time of determination:

- Australian/New Zealand Standard AS/NZS 3500.3:2003 - Plumbing and drainage - Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 - Plumbing and drainage - Stormwater drainage
- National Plumbing and Drainage Code.

***Reason:** To ensure appropriate provision for disposal of stormwater arising from the development. (DACEFsd)*

51. Access for People with Disabilities

Prior to the issue of an Interim/Final Occupation Certificate provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities.

***Reason:** Equitable access for people with a disability. (DACGFapd)*

52. Building Number

Prior to the issue of an Interim/Final Occupation Certificate, the building number is to be affixed to the building.

***Reason:** Proper identification of buildings. DACGFhbn)*

53. 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. (DACGFocr)*

54. Car parking Layout

All car spaces are to be line marked in accordance with the car parking layout on the approved plans (as amended by Condition 5 of this consent) prior to the issue of an Interim/Final Occupation Certificate.

Reason: *To clearly identify car parking spaces in accordance with the approved plans. (DACGFcpl)*

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

55. Hours of Operation

The hours of operation of the bulky goods showroom for the display of mattresses are restricted to the following;

- Monday, Tuesday, Wednesday and Friday - 9am to 5pm
- Thursday - 9am to 9pm
- Saturdays and Sundays - 10am to 4pm

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

56. Loading Within Site

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

Reason: *To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity. (DACGGlws)*

57. Separate Development Application for Signs

A separate Development Application for any proposed signs (other than exempt and complying signs under Council's exempt and complying controls) must be submitted for the approval of Council prior to the erection or display of any such signs.

Reason: *Control of signage. (DACGGsdas)*

58. 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. (DACGGvs)*

59. Commercial Waste Collection

Waste and recyclable material, generated by this premises, must not be collected during the hours the showroom is open to customers. Garbage is also not to be collected between the hours of 10pm and 6am on any day.

Reason: *To ensure the acoustic amenity of surrounding properties. (DACGGcwc)*

60. Customer Orders

No customer orders are to be picked up from the showroom.

Reason: *A designated loading/unloading area has not been provided for customers.*

61. Delivery Hours

No deliveries, loading or unloading associated with the premises is to take place during the hours the showroom is open to customers.

Reason: *To ensure the acoustic amenity of surrounding properties. (DACGGdh)*

GENERAL TERMS OF APPROVAL – CONTROLLED ACTIVITY PERMIT CONDITIONS PROVIDED BY THE DEPARTMENT OF WATER AND ENERGY

62. Controlled Activity Permit

A Controlled Activity Approval under the Water Management Act 2000 must be obtained from the Department of Water & Energy prior to undertaking certain works in, on or under waterfront land. Waterfront land for the purposes of this Development Application (DA) is land and material that is in or within 40 metres of the top of the bank or shore of Burnt Bridge Creek.

Reason: *To comply with the requirements of the Department of Water and Energy*

63. Plans

The consent holder must prepare:

- Site plan, map and/or surveys,
- Structural design and specifications
- A Vegetation Management Plan,
- Works Schedule,
- Erosion and Sediment Control Plan,

These plans must be prepared by a suitably qualified person and submitted for approval by the Department of Water and Energy prior to any controlled activity commencing.

The plans must be prepared in accordance with Department of Water and Energy guidelines.

Reason: *To comply with the requirements of the Department of Water and Energy*

64. Controlled Activity conditions

The consent holder must:

- carry out any controlled activity in accordance with approved plans, and
- construct and/or implement any controlled activity by, or under the direct supervision of, a suitably qualified professional, and
- when required provide a certificate of completion to the Department of Water and Energy.

Reason: *To comply with the requirements of the Department of Water and Energy*

65. Rehabilitation and maintenance

The consent holder must carry out a maintenance period of 2 years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the Department of Water and Energy.

Reason: *To comply with the requirements of the Department of Water and Energy*

66. Rehabilitation and maintenance

The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Department of Water and Energy.

Reason: *To comply with the requirements of the Department of Water and Energy*

67. Reporting requirements

The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the Department of Water and Energy as required.

Reason: *To comply with the requirements of the Department of Water and Energy*

68. Security deposits

The consent holder must provide a security deposit (bank guarantee or cash bond) to the sum of the cost of complying with the obligations under any approval to the Department of Water and Energy as and when required.

Reason: *To comply with the requirements of the Department of Water and Energy*

69. Security deposits

Subject to reasonable notice, the consent holder will allow authorised officers of the Department of Water and Energy access to the site and allow those officers to do all things reasonably necessary for the purpose of monitoring and/or auditing the Controlled Activity Approval

Reason: *To comply with the requirements of the Department of Water and Energy*

70. Disposal

The consent holder must ensure that no materials or cleared vegetation that may obstruct flow or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.

Reason: *To comply with the requirements of the Department of Water and Energy*

71. Drainage and Stormwater

The consent holder is to ensure that all drainage works capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water and Energy and do not obstruct flow of water in the river unless given written approval by the Department of Water and Energy.

Reason: *To comply with the requirements of the Department of Water and Energy*

72. Drain discharge points

The consent holder must ensure that drain discharge points are stabilised to prevent erosion in accordance with a plan approved by the Department of Water and Energy.

Reason: *To comply with the requirements of the Department of Water and Energy*

73. Erosion control

The consent holder must ensure that all erosion and sediment control works and water diversion structures are established in accordance with a plan approved by the Department of Water and Energy. All measures shall be inspected and maintained throughout the working period and not removed until the site has been fully stabilised.

Reason: *To comply with the requirements of the Department of Water and Energy*

74. Excavation

The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.

Reason: *To comply with the requirements of the Department of Water and Energy*

75. Excavation

Any excavation must not result in diversion of any river, bank instability or damage to native vegetation unless approved by the Department of Water and Energy.

Reason: *To comply with the requirements of the Department of Water and Energy*

76. Impact on the river

The consent holder must ensure that:

- river diversion, realignment or alteration does not result from any controlled activity work, and
- bank control or protection works maintain the existing river hydraulic and geomorphic functions, and

- bed control structures do not result in river degradation, otherwise than in accordance with a plan approved by the Department of Water and Energy.

Reason: *To comply with the requirements of the Department of Water and Energy.*

77. River bed and bank protection

The consent holder must ensure that the surfaces of river banks are graded to enable the unimpeded flow of water and bank retaining structures result in a stable river bank in accordance with a plan or design approved by the Department of Water and Energy.

Reason: *To comply with the requirements of the Department of Water and Energy*

78. Vegetation management and riparian zone

A riparian corridor is to be established along the Burnt Bridge Creek in accordance with the Department of Water and Energy's Riparian Corridor Guideline.

Reason: *To comply with the requirements of the Department of Water and Energy*

79. Protection of riparian zone

Riparian zones are to function as ecological systems and as such, all works, Asset Protection Zones, access routes, roads, recreational areas, service easements and any other non-ecologically functioning work or activity are to be located beyond riparian zones, unless detailed on plans approved by Department of Water and Energy, prior to the issue of a Controlled Activity Approval.

Reason: *To comply with the requirements of the Department of Water and Energy*

80. Vegetation Management Plan

A Vegetation Management Plan (VMP) shall be prepared in accordance with the Department of Water and Energy's guideline for preparing VMPs and submitted to the Department of Water and Energy for approval prior to the issuing of a Controlled Activity Approval.

Reason: To comply with the requirements of the Department of Water and Energy.

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.



Warringah Council

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 Steve Findlay, Team Leader Development Assessment

Date 7 July 2008