



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2006/1130

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Cowan Project Management P/L

Applicant Address: Po Box 59 Balgowlah NSW 2093

Land to be developed (Address): Lot 1, DP 7022, 29 Moore Road Harbord & Lot 2, DP 7022, 29 Moore Road Harbord & Lot 3, DP 7022, 29 Moore Road Harbord & Lot 4, DP 7022, 29 Moore Road Harbord & Lot 5, DP 7022, 29 Moore Road Harbord

Proposed Development: Addition of a Terrace to an Existing Hotel

DETERMINATION

Made on (Date): 19 July 2007

Consent to operate from (Date): 25 July 2007

Consent to lapse on (Date): 25 July 2010

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.

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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 No.	Drawing Title	Revision No.	Revision Date	Prepared By
A001	Existing Site & Ground Floor Plan	D	30.03.07	Cowan Project Management Pty Ltd
A002	Proposed Plan, Section & Elevation	D	30.03.07	Cowan Project Management Pty Ltd
A003	Existing Elevations	B	09.10.06	Cowan Project Management Pty Ltd
A004	Proposed Elevations	B	09.10.06	Cowan Project Management 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. **[A1 (1)]**

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance. **[A2]**

3. Demolition of Extra Fabric

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

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

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

4. Fire Safety 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]*

5. 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]*

6. 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:

SECURITY BOND & FEE SCHEDULE	
29 Moore Street, Harbord (Property address)	
DEVELOPMENT APPLICATION NUMBER 2006/1130	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$825.00
TOTAL BONDS	\$825.00



FEES	
Kerb Security Inspection Fee	\$200.00
Section 94 contribution	\$2,000.00
Long Service Levy	\$700.00
TOTAL FEES	\$2,900.00
Progress Inspections if Council is the PCA	\$825.00

Reason: Compliance with the development consent. [C71]

7. S94A Contribution

The payment of \$2,000.00 as a 94A levy prior to the approval/release of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan 2006. It is current at the time of issue of this Consent. 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. (see schedule)

The basis for the contributions is as follows:

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on total development cost of		\$ 200,000.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
S94A Levy	0.45%	\$1,800.00	6923
S94A Planning and Administration	0.05%	\$200.00	6924
Total	0.5%	\$2,000.00	

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. [C82]

8. Heritage - Use of Colours

The existing colour scheme of the main building is to be applied to the proposed rendered masonry and timber trellis at the rear. Details are to be submitted to Council / the Accredited Certifier prior to issue of the Construction Certificate.

Reason: To protect the value of the local item of environmental heritage [Special Condition]

9. Heritage - Design of Retaining Wall

The render at the top of the proposed retaining wall is to incorporate a coping line which is consistent with the existing feature of the building. Details are to be submitted to Council / the Accredited Certifier prior to issue of the Construction Certificate.

Reason: *To protect the value of the local item of environmental heritage [Special Condition]*

10. Modification of Bi-Fold Doors

The bi-fold timber framed doors (illustrated on Plan No A002 Issue D) are to be amended to include a self-closing door. Details are to be provided to the Council / Accredited Certifier for approval prior to the release of a Construction Certificate.

Reason: *To restrict potential for adverse noise emissions [Special Condition]*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

11. 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]*

12. 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]*

13. 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]*

14. Structural adequacy and Excavation work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:



- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Before excavation, the responsible person must notify their intention to the adjoining owner/s and shall at the same time furnish to such owner/s particulars of the work proposed to be carried out.

Reason: Safety. [D9]

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. 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]

16. 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]*

17. 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]*

18. 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]*

19. 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]*

20. Prohibition on Use of Pavements

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

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

21. 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]*

22. Demolition Works

(1) 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 the:-

- (a) Approved Demolition Work Method Statement;
- (b) Australian Standard AS2601 Demolition of Structures;
- (c) Relevant Codes of Practice and guidelines of the WorkCover Authority (NSW);
- (d) Relevant provisions of the *Occupational Health and Safety Act 2000 and the Occupational Health and Safety Regulation 2001*; and
- (e) All other relevant Acts and Regulations.

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

(2) All demolition works shall comply with the following requirements:

- (a) Demolished materials shall not be stockpiled and are to be removed from the site within seven (7) days of demolition unless such material is to be re-used in the development on the site in which case all such material to be re-used is to be stored in a clean and tidy manner and not within the dripline of any tree;
- (b) Materials shall not be used for the purposes of fill;
- (c) Burning off of any demolition material on site is not permitted;
- (d) Demolition is not to commence until required fences, hoardings and sedimentation control measures are in place (refer to other conditions of this consent);



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- (e) Adequate fire precautions are to be taken at all times to prevent the possibility of fire;
- (f) The site is to be kept free from vermin at all times and control measures implemented prior to demolition commencing should vermin be present on the site;
- (g) Waste containers are to be stored wholly within the property and not on the public footpath, place or road unless otherwise approved in writing by Council;
- (h) The site is to be cleared of all debris and left in a clean and tidy condition at the completion of all works;
- (i) The use of explosives is not permitted;
- (j) All spillage of materials on the public footpaths or roadways are to be removed immediately.

Reason: *To ensure residential amenity is maintained in the immediate vicinity, a satisfactory standard of demolition works and that all waste materials are disposed of adequately. [E45]*

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

23. 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]*

24. Excavation / Backfilling

- (1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (2) 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. [F5]*

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. [F9]

26. 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.

Advisory note: The rate of the Long Service Levy at the time of consent is 0.35% of the building construction works. At the time of consent, payment is not required where the value of the works is less than \$25,000. For works that are \$25,000 or over, a fee is required at the prescribed rate. 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 and is based on the building construction works identified in the Construction Certificate.

Reason: Prescribed - Statutory. [F12]

27. Retaining Walls & Drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage in accordance with the provisions of AS3500.3.2.

Reason: To ensure appropriate measures are in place to address site conditions and provide appropriate site drainage. [F13]

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

28. 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]

29. 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]

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

30. Patron Behaviour

The proprietors or the premises shall take all steps necessary to ensure that no noise nuisance occurs from persons using the terrace.

Reason: *To ensure patrons do not interfere with the acoustic amenity of residents in the immediate locality. [I26 - Modified]*

31. Lighting

No flood lighting is to be provided to the building.

Reason: *To ensure energy efficiency and residential amenity is maintained. [I34]*

32. Noise Generation

Noise from the combined operation shall not generate noise levels that exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary when measured in accordance with the Environment Protection Authority's Industrial Noise Policy.

Reason: *Health & amenity. [I50]*

33. Use of Outdoor Terrace

The outdoor terrace, adjacent the gaming room, is not to be provided with food or drink table service during any period of the premises operation.

Reason: *To protect the acoustic amenity of surrounding residential areas (Special Condition)*

34. Bi-fold Doors - Hours of Use

The bi-fold doors are to be shut between 10.00pm and 10.00 am, seven days a week.

Reason: *To protect the acoustic amenity of surrounding residential areas (Special Condition)*

Right to Review by the Council

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice.

NOTE: *A fee will apply for any request to review the determination.*



Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Signed on behalf of the consent authority

Signature
Name Boris Bolgoff

Date 25 July 2007