



Warringah Council

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

**Development Application No:** 2005/1066

### DEVELOPMENT APPLICATION DETAILS

**Applicant Name:** Peter Princi Architects

**Applicant Address:** PO Box 283  
COLLARROY 2097

**Land to be developed (Address):** Lot 1 in DP 784268, Lot PT1 in DP 114027,  
Lot B in 966128, Pittwater Road, Brookvale –  
Brookvale Oval.

**Proposed Development:** Corporate Tennis Style Box Seating to the  
Southern End of Brookvale Oval and the  
Erection of a new Kiosk on the northern hill  
of Brookvale Oval.

### DETERMINATION

**Made on (Date):** 3 April 2006

**Consent to operate from (Date):** 3 April 2006

**Consent to lapse on (Date):** 3 April 2011

### Details of Conditions - (including Section 94 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.*

## 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
DA01(A) Plan – Southern Granstand by Peter Princi Architects	Nov 05
DA02(A) Typical Bay Layout by Peter Princi Architects	Nov 05
DA03(A) Sections by Peter Princi Architects	Nov 05
DA04(A) Site Plan by Peter Princi Architects	Nov 05
DA05(B) Floor Plans by Peter Princi Architects	Mar 06

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 grandstand 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. Buildings located clear of pipeline, natural watercourse or Council easement

Buildings to be located clear of any pipeline, natural watercourse or Warringah Council easement. Footings of any building adjacent to an easement or pipeline to be a minimum of 300mm below the invert of the pipe and may rise by 300mm for each 300mm removed there from. Structural details prepared by a suitably qualified Civil Engineer are to be submitted to the Council/Accredited Certifier for approval prior to the issue of the Construction Certificate.

*Reason: Protection of Council's Infrastructure. [C2]*

### 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. 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.



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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]*

## **7. Design and Survey for Public Infrastructure**

The applicant shall engage an appropriately qualified person to undertake the survey, design and preparation of plans for all works located within Council's property or all works that revert to Council's care and control upon completion of the development. The design plans are to be certified by an appropriately qualified and practising Civil Engineer to confirm compliance with appropriate Australian Standards prior to the issue of a Construction Certificate.

***Reason:*** *To ensure the provision of public infrastructure of an appropriate standard, and record keeping purposes. [C15]*

## **8. 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 kiosk 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]*

## 9. Garbage and Recycling Facilities

An appropriate area shall be provided adjacent to the kiosk for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- (a) Any internal walls of the bin storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- (b) Include provision for the separation and storage in appropriate categories of material suitable for recycling;
- (c) The storage area shall be adequately screened from the street/public oval area, with the entrance to the enclosures no more than 2m from the street boundary of the property;
- (d) If a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay shall be provided no more than 2m from the street boundary of the property;
- (e) Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

Details of the storage area are to be provided to, and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

Note: The applicant may wish to discuss bin storage requirements and location with Council prior to finalisation of the required detail.

***Reason:*** To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors. [C45]

## 10. Roofing Materials - Reflectivity

The external finish to the kiosk roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties and the public areas of the oval. 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]

## 11. Colours & Finishes

The external colours and finishes to be used on the grandstand boxes and the kiosk shall harmonize with the colours and finishes used on the existing grandstand structure.

***Reason:*** Visual amenity. [C56]

## 12. No External Service Ducts

Service ducts shall be provided within the kiosk 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 and public areas of the oval. Details demonstrating compliance are to be provided in the Construction Certificate.

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

## 13. Cigarette Butt Receptacle - Commercial

That provision be made for cigarette butt receptacles on the site to minimise littering. Cigarette butt receptacles must be provided during building works on any site, and permanently provided to any restaurant/bar/retail/commercial component of the development after construction. Details of the size and the location of the receptacle are to be provided in the Construction Certificate.

*Reason: To ensure that adequate provision is made for builder's waste and waste upon completion of the development. [C58]*

## 14. Approval of sewage pump out system

Approval to install and operate an onsite sewage management system must be obtained from Council in accordance with section 68 of *The Local Government Act 1993*. The application form can be obtained from Councils website at [www.warringah.nsw.gov.au/paas\\_online\\_forms.htm](http://www.warringah.nsw.gov.au/paas_online_forms.htm) or at Councils customer service. The system must be approved and registered with Council prior to operation.

*Reason: To protect public health and the environment.*

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 15. 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]*

### 16. 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]*



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## 17. 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]*

## 18. 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]*

## 19. Inspection Fees

Where Council is acting as the Principal Certifying Authority and where an inspection of building, civil or landscape work is required by these conditions, inspection fees and component certification fees must be paid to Council before Council will undertake any inspections. These fees may be paid at the time of submission of the required Notice of Commencement of works. This condition applies regardless of whether a Certification fee is also payable.

Note: The submission of a Notice of Commencement of works form to Council at least two (2) days prior commencing works is a statutory requirement.

*Reason: Statutory requirement and information. [D14]*

## 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.

(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

### 21. Height

The maximum RL of the proposed development shall be RL 21.50 AHD measured at the ridge.

*Reason: To ensure compliance with the terms of this development consent. [E3]*

### 22. Progress Inspections

The Principal Certifying Authority SHALL BE given two (2) working days notice for inspection of the following:

- (a) After excavation for, and prior to the placement of any footings.
- (b) Prior to pouring any in-situ reinforced concrete building element.
- (c) Prior to covering of the framework for any floor, wall roof or other building element.
- (d) Prior to covering waterproofing or damp proofing in any wet areas.
- (e) Prior to covering stormwater drainage connections.
- (f) After the building work has been completed and prior any Occupation Certificate being issued in relation to the building.

Notes:

- (1) 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.
- (2) 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: Compliance, health and safety. [E10]*

### 23. Replacement of Principal Certifying Authority

If the person exercising the benefits of a development consent changes or replaces the Principal Certifying Authority (PCA) during works on the site, the replacement PCA must notify Warringah Council within two (2) days of appointment. If the original PCA was Warringah Council, written approval from Council must be obtained for any change to the PCA role.



(Note: Special legislative provisions in the Environmental Planning and Assessment Act 1979 apply to the procedure for replacing a PCA)

***Reason: Statutory requirement. [E11]***

#### **24. Replacement of Builder**

If the builder is replaced while residential building work is being carried out, the Principal Certifying Authority (PCA) must give Warringah Council written notice of the name, licence number, and insurer of head contractor (or name and permit number of the owner-builder) within two (2) days of their appointment/replacement.

***Reason: Statutory requirement. [E12]***

#### **25. Final Compliance Certificate**

Within seven (7) days of completion of the building works and prior to occupation or the issue of an Interim/Final Occupation Certificate, a Certificate of Compliance under Section 109C (1) (a) of the Environmental Planning and Assessment Act 1979 must be provided by the Principal Certifying Authority. This Compliance Certificate must certify that the completed work complies with the relevant plans and specifications and with the conditions of this development consent.

***Reason: To ensure compliance with the terms of this development consent. [E13]***

#### **26. Progress Survey**

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) at the completion of any excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) 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;
- (d) 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 points (a) through to (d) 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]***

## 27. 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]*

## 28. Benchmarks

All permanent survey markers shall be retained, undamaged, and not relocated.

*Reason: Protection of existing environmental infrastructure and community assets. [E23]*

## 29. 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.

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]*

## 30. 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]*

### **31. 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. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries. 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]*

### **32. 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]*

### **33. 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]*

### **34. Removal of Extra Fabric**

Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

***Reason:** To ensure compliance with the terms of this development consent. [E40]*

### **35. Surveyor's Report**

Registered Surveyor's identification report indicating the finished ground floor levels to a nominated fixed datum point are in accordance with the levels indicated on the approved plans. Surveyor's report is to be submitted for confirmation to The Principal Certifying Authority prior to pouring of the slab or construction of the floor platform.

***Reason:** To determine the height of buildings under construction comply with levels shown on approved plans. [E42]*



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

### 36. 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]*

### 37. 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]*

### 38. 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.



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(4) In this clause:

**accredited sewage management facility** means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 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 clause 95B of the Regulation.

**approved by the Council** means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

**public sewer** has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

**sewage management facility** has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

*Reason: To ensure adequate facilities are provided for workers on the site. [F10]*

### 39. 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 0.35% of the building and construction work.

*Reason: Prescribed - Statutory. [F12]*

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

### 40. 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]*

### 41. Conservation of Water & Energy

Compliance with Clause 68 “Conservation of Energy and Water” of Warringah Local Environmental Plan 2000 with respect to appliances. Details to be submitted with the Occupation Certificate.

*Reason: Provision of energy requirements. [G5]*

#### **42. Access for People with Disabilities**

Prior to occupation 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 AS 1428 Parts 1 and 4. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment (AS 1428.4).

*Reason: Equitable access for people with a disability. [G10]*

#### **43. 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]*

#### **44. Mechanical Exhaust Ventilation**

Any mechanical exhaust system for the kiosk shall be installed in accordance with the Building Code of Australia, AS1668.1 and 1668.2 - 1991, 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 the Building Code of Australia, AS1668.1 and 1668.2 - 1991, 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 and to ensure that the surrounding health and amenity is maintained. [G22]*

#### **45. Design, Construction and Fitout**

The design construction and fitout of the kitchen and food preparation area shall comply with Australian Standard AS 4674 – 2004 – ‘Design, Construction and fit-out of food premises.

*Reason: To ensure compliance with the Australian Food Standards Code.*

#### 46. Notification

The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted.

Notification may be done either online at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

Note: A fee applies when lodging notification forms with Council.

The proprietor of a food business must also contact an Environmental Health Officer of Council to inform them of their notification number and business details prior to trading.

*Reason: To ensure compliance with the Australian Food Standards Code.*

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

#### 47. Trade Waste

Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

*Reason: To ensure compliance with Sydney Water's requirements and protect the environment. [I16]*

#### 48. Loading Within Site

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

*Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity. [I13]*

#### 49. Cleaning

The applicant is to ensure that at all times when the premises are open and at the end of each day after the premises have closed, all rubbish including loose papers, cigarette butts, bottles etc which may be left on the subject area or immediately adjacent is picked up and placed in the proprietor's rubbish bins.

*Reason: To ensure waste generated by the approved use or activity is properly managed by the person acting upon this consent, to prevent unsightly build up of waste material. [I29]*



#### **50. Building Certificate**

This approval relates to proposed work only, not that already constructed without the prior consent of Council (as nominated on the attached plans). Such unauthorised work is to be the subject of an application for a Building Certificate under Section 149A of the EPA Act.

***Reason:** To ensure appropriate steps are taken with respect to management of unauthorised works. [I47]*

#### **51. Amenity**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of offensive noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

***Reason:** To ensure that the surrounding health and amenity is maintained.*

#### **52. Waste Collection**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 8pm to 7am from Monday to Friday and from 5pm to 8am on Saturdays with no waste collections on a Sunday or Public Holiday.

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

#### **53. Food Safety Standards**

The operation of the kiosk will comply with the “FSANZ Food Standards Code”, in particular Chapter 3; Food Safety Standards

***Reason:** To ensure compliance with the Australian Food Standards Code.*

#### **54. Location of hand washing facilities**

Hand washing facilities shall be located and installed so that they are; not obstructed, are at bench height either permanently fixed to the wall, to a supporting frame (freestanding hand basins) or set in a bench top and accessible and no further than 5m from any place where food handlers are handling open food. Hand basins shall be provided with a towel dispenser that dispenses a single-use paper or cloth towel or automatically dispenses a single-use portion of paper or cloth towel or other means of effectively drying hands and arms, which prevents the transfer of pathogenic micro organisms to the hands or arms.

Hand washing facilities are to be only used for the washing of hands, arms and face.

***Reason:** To ensure compliance with the Australian Standard AS 4674 – 2004 – ‘Design, Construction and fit-out of food premises and to ensure personal hygiene is able to be maintained.*





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### **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                      Tony Collier

Date                        3/4/2006