



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2007/719

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Clearview Place Brookvale Pty Ltd

Applicant Address: 88 Cumberland Street, The Rocks, Sydney NSW 2000

Land to be developed (Address): Lot 16, DP 619911, 22 Clearview Place Brookvale

Proposed Development: Fit out of Unit 8 for a cafe / restaurant

DETERMINATION

Made on (Date): 17 October 2007

Consent to operate from (Date): 18 October 2007

Consent to lapse on (Date): 18 October 2007

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.

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
U8-A01 prepared by Thiessen Architects	19.07.07

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]**

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

3. Kerb Security Bond

A bond of \$2000 shall be deposited with Council and inspection fees paid, prior to the issue of any construction certificate, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process. (See Schedule)

Reason: To ensure appropriate security is in place for the protection or repair of Public Infrastructure. **[C16]**



4. Protection of Footpaths and Roadways

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

Reason: Protection of footpath and roadways. [C22]

5. 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	
Unit 8, 22 Clearview Place, Brookvale	
DEVELOPMENT APPLICATION NUMBER 2007/0719	
SECURITY BONDS	AMOUNT (\$)
Kerb Security Bond	\$2000
TOTAL BONDS	\$2000
FEES	
Kerb Security Inspection Fee	\$200.00
Section 94 contribution	\$1000
Long Service Levy	\$700
TOTAL FEES	\$1900

Reason: Compliance with the development consent. [C71]

6. S94A Contribution

The payment of \$1000 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
Total S94A Levy	0.45 %	\$900	6923
S94A Planning and Administration	0.05	\$100	6924

	%		
Total	0.5%	\$1,000	

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]**

7. Design, construction and fit out

The design construction and fit out of the kitchen shall comply with Australian Standard AS 4674 - 2004 - 'Design, Construction and fit-out of food premises'. Such details are to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

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

8. 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 microorganisms to the hands or arms. Such details are to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

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.

9. Amended Plans

The restaurant is seat a maximum of 20 people. Prior to the issue of the Construction Certificate, amended plans are to be submitted to the Certifying Authority that comply with this requirement.

Reason: To ensure compliance with the Building Code of Australia.

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

10. 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]**

11. 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]

12. 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]

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

13. 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]

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION

14. Sound Insulation

All sound-producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system shall be sound insulated and/or isolated so that the noise emitted does not exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary.

NOTE: The method of measurement of sound shall be carried out in accordance with the "NSW Environment Protection Authority, **Industrial Noise Policy**, January 2000".

Reason: Health & amenity. [H1]

15. Allocation of Spaces

Two car parking spaces shall be allocated to the restaurant.

Reason: To ensure that adequate parking facilities to service the development are provided on site. [H6]

16. Approval for Use Only

This approval is for the use of the premises as a restaurant only as defined by Warringah Local Environmental Plan 2000.

Reason: To ensure no building works occur within the premises without prior approval

17. Separate Development Application for Signs

A separate development application is to be submitted for signage where required under the provisions of Warringah Local Environmental Plan 2000.

Reason: Control of signage.

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

18. Hours of Operation

The restaurant may be open for business only between 6am to 6pm, Monday to Sunday.

Upon expiration of the permitted hours, all restaurant service shall immediately cease, no person shall be permitted entry and all customers on the premises shall be required to leave within the following half hour.



Reason: Information to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality. [I2]

19. Noise Impact On Surrounding Area

Use of the premises shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at any point along the site boundaries.

Reason: To ensure compliance with acceptable levels of noise established under best practice guidelines. [I8]

20. 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]

21. No Entertainment

This approval is for a restaurant/cafe only and does not authorise musical or other forms of entertainment. A separate development consent and Place of Public Entertainment licence would be required for such activities/events.

Reason: Clarification of terms of this consent and ensure compliance with relevant legislation. [I25]

22. Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. All internal walls of the garbage storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Reason: To prevent pollution of the environment and to protect the amenity of the area.

23. Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To ensure the acoustic amenity of surrounding properties. [I31]

24. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: To ensure the acoustic amenity of surrounding properties. [I32]



25. Notification of the food premises

The proprietor of a food business must notify the NSW Food Authority of the details of the business prior to commencement of trading.

Notification may be done either online at 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 in accordance with Warringah Council's Fees and Charges 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.*

26. 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 noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: *To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997.*



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 Peter Robinson, Manager Development Assessment

Date 17 October 2007