

NOTICE OF DETERMINATION

Application Number: DA2007/0676

APPLICATION DETAILS

Applicant Name: Urbanesque Planning Pty Ltd
Po Box 319
ROSEVILLE NSW 2069

Applicant Address: PO Box 319 ROSEVILLE NSW 2069

Land to be developed (Address): Lot 4 DP 383746 197 Warringah Road BEACON
HILL NSW 2100

Proposed Development: Change of use from a dwelling to a veterinary hospital
including associated signage

DETERMINATION - APPROVED

Made on (Date): 14 February 2008

Consent to operate from (Date): 14 February 2008

Consent to lapse on (Date): 14 February 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.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the highlighted areas of 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
DA02/B	Proposed 1 x Illuminated Sign & 2 x Painted Signs	B	13/11/06	JKW
N/A	Beacon Hill Veterinary Hospital	N/A	N/A	N/A

Document Title / Number	Dated	Prepared By
Statement of Environmental Effects / Proposed Veterinary Hospital No.197 Warringah Road Beacon Hill for Dr M Kalil	July 2007	Urbanesque Planning 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.

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.



3. Retention of Tree

The existing driveway as indicated on the DA plans is to be amended to enable retention of the Eucalypt on the Earl Street frontage. Details shall be submitted to and approved by Council / Accredited Certifier prior to the issue of any Construction Certificate.

Reason: *To maintain local environmental amenity.*

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

4. Design for Access & Mobility

The development must be designed to comply with the requirements of the Disability Discrimination Act 1992 and Australian Standard AS1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities, in the following manner:

- The entrance to the hospital is not to have a step and provide a ramp adequate for wheelchair access;
- The reception desk must have a section no higher than 1100mm;
- Disabled access is to be provided to the toilet with all doorways to have a clear opening width of a minimum 850mm; and
- The toilet is to be modified for unisex and disabled access.

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.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

5. 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.*

6. 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.*

7. Excavation/Building Works

No excavation or building works (including erection of signage) shall be carried out until a Construction Certificate has been issued.

Reason: *To ensure compliance with statutory provisions.*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

8. 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.*

9. 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.*

10. 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).

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.*

11. Protection of Trees During Works

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Details of required protection methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

Reason: *To ensure compliance with the requirement to retain significant planting on the site.*

12. Tree Protection Specific

All trees identified for retention/protection are to be clearly identified by signage as protected trees.

Reason: *.To protect trees to be retained*

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

13. Access for People with Disabilities

Prior to the issue of an Interim/Final Occupation Certificate provision the Accredited Certifier is to be satisfied that any works necessary for access to and within the building on the site for persons with a disability have been carried out in accordance with the provisions of condition no.4 of this consent.

Reason: *Equitable access for people with a disability.*

14. 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.*

15. Bushfire Protection

The entire property shall be managed as an 'Inner Protection Area' as outlined within the Rural Fire Service's Planning for Bushfire Protection 2006.

Reason: *Protection from bushfire and safety.*

16. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be compiled which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: *Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.*

17. Noise Impact of Plant

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 5 dB(A) above the background level (LA90) during the day when measured at the nearest affected residence. For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with Environment Protection Authority's NSW Industrial Noise Policy guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.

A report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Certifying Authority demonstrating compliance with this condition prior to the issue of an Interim / Final Occupation Certificate.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard AS1055.1 - 1997 Acoustics - Description and measurement of environmental noise - General procedures.

Reason: *To ensure that noise generated from the development does not result in offensive noise to any other party.*

18. Garbage and recycling facilities

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.*

19. Construction of work areas, walls and floors

Work areas are to be finished with materials that are rigid, smooth and impervious. Construction should be free from open joints, gaps, cracks, and crevices and kept in good repair. The work area must be maintained in a clean and hygienic state. The floors of the treatment, examination, operation dog run and dog rooms must be constructed of a smooth, durable, impervious material that is non-slip and capable of being easily cleaned.

Reason: *To ensure the work areas and skin penetration rooms are constructed in a way that is easy to keep hygienically clean, free from build up dirt, dust or pests and to ensure compliance with the legislation.*

20. Requirement for commercial waste contract

The proprietor shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract and invoices are to be made available for inspection at any time.

Reason: *To protect the local amenity of the neighbourhood.*

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

21. Hours of Operation

The hours of operation of the veterinary hospital are restricted to between 9.00am to 5.00pm Monday to Friday.

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

22. Hours of Illumination

Illumination to the approved sign on the north-east elevation of the building and the subject premises shall cease between the hours of 12.00 pm and 6.00 am daily. No illumination is to occur on weekends.

Reason: *To ensure residential premises are not affected by inappropriate or excessive illumination.*

23. Illumination of Signs

No consent is given or implied for any form of illumination or floodlighting to any sign or other part of the subject property other than the sign the north-east elevation of the building. The existing lighting globes located on the fence are to be removed and not re-instated during the occupation of the building for the approved use. The north-east elevation sign is not to flash or move.

Reason: *To ensure appropriate forms of signage and illumination that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties*

24. Signs/Goods in the Public Way

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason: *To ensure pedestrian safety.*

25. 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.*



26. Use of the backyard exercise area

The use of the outdoor exercise area shall be limited to a maximum of 3 animals at any one time and shall only be used within the hours of operation, 9.00am to 5.00pm Monday – Friday.

Reason: *To prevent loss of amenity to the area.*

27. Storage, transport and disposal of clinical waste

Medical wastes shall be disposed of by an authorised waste disposal contractor. The Protection of the Environment Operations (Waste) Regulation 1996 is to be adhered to for the storage, transport and disposal of clinical wastes.

Reason: *To ensure compliance with the legislation and the protection of the health and safety of staff, patients and the community.*

28. Sharps

Sharps - must be placed in to a sharps container immediately after use. The container must comply with the requirements of AS 4261:1994 'Reusable container for the collection of sharp items used in human and animal medical applications' if they are reusable, or if they are not reusable AS 4031:1992 'Non-reusable containers for the collection of sharp medical items used in health care areas'. Sharps containers must never be overfilled and be securely sealed with a lid before disposal.

Reason: *To ensure compliance with the legislation and the protection of the health and safety of staff, patients and the community.*

29. Storage of radioactive substances

The operation of the premises and the use, storage and transport of any radioactive substance or waste shall be carried out in accordance with the provisions of the Radiation Control Act, 1990 and the Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (2004).

Reason: *to ensure the correct storage and transport of radioactive substances or wastes.*

30. Noise Generation

Noise from the combined operation of all mechanical plant and equipment 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 NSW Industrial Noise Policy.

Reason: *Health & amenity.*

31. Allocation of Spaces

Two (2) car parking spaces provided shall provided and maintained at all times on the subject site. Of the required number of car parking spaces at least one (1) car-parking spaces must be provided for use by persons with a disability. The spaces shall be allocated



in the following proportions:

Type of Car Space	Number of spaces
Employee	One (1)
Customer	One (1)

Car-parking provided shall only be used in conjunction with the uses contained within the development. Each car parking space allocated to a particular residential unit or tenancy shall be line marked and numbered or signposted to indicate the unit/tenancy to which it is allocated.

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

Review of Determination

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. The review must be determined within 12 months.

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

Date