



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA2008/1344

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Levitch Design Associates

Applicant Address: L2/280 Pacific Highway Lindfield NSW 2070

Land to be developed (Address): Ground floor and level 1, 7 Oaks Avenue (Lot 1, DP 725574), Dee Why

Proposed Development: Fitout and use for a radiology centre (health consulting rooms)

DETERMINATION

Made on (Date): 9 October 2008

Consent to operate from (Date): 9 October 2008

Consent to lapse on (Date): 9 October 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 following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing Number	Dated	Prepared By
001- site plan Issue DA-01	11/9/08	Levitch Design Associates
G501 Issue DA-01	11/9/08	Levitch Design Associates
F501 Issue DA-01	11/9/08	Levitch Design Associates
G502 Issue DA-01	11/9/08	Levitch Design Associates
F502 Issue DA-01	11/9/08	Levitch Design Associates
002- carparking plan Issue DA-01	11/9/08	Levitch Design Associates

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. **(DACGBapasd)**

2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: Prescribed - Statutory. **(DACGBbca)**

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

3. Development/Construction Security Bond

A bond (determined from cost of works) of \$500 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of any Construction Certificate. This bond is to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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



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. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

5. Long Service Levy

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work.

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

Reason: Prescribed - Statutory. (DACGCIsI)

6. Section 94A Contribution

\$2960 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of		\$ 296,000.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$2,812	6923
S94A Planning and Administration	0.05%	\$148	6924
Total	1.0%	\$2,960	

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACGCS94ac)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

7. Building Works

No building works shall be carried out until a Construction Certificate has been issued.

Reason: To ensure compliance with statutory provisions. (DACGDebw)

8. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with Section 81A of the Environmental Planning and Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

Reason: Legislative requirement for the naming of the PCA. (DACGDnc)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

9. 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. (DACGEch)

10. Health and Safety

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

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

11. Plans on Site

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

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

12. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

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

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 shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities.

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

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.



Warringah Council

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act. **(DACGFocr)**

15. Garbage and Recycling Facilities

An appropriate area(s) 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.

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. **(DACGFfsm)**

17. Regulated Systems- Air Handling

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with all relevant Acts, Regulations, Australian Standards and Codes and the Work Cover Authority requirements prior to the issue of an Interim/Final Occupation Certificate.

An application to register any regulated system installed must be made to Council prior to commissioning of the system and the issuing of an Interim / Final Occupation Certificate.

Note: The following Acts, Regulations, Australian Standards and Codes applied at the time of determination:

- Public Health Act 1991
- Public Health (Microbial Control) Regulation 2000
- Building Code of Australia,
- Australian/ New Zealand Standard AS/NZS 1668.1: 1998 The use of ventilation and air conditioning in buildings - Fire and smoke control in multi compartment buildings
- Australian/ New Zealand Standard AS/NZS 1668.2 - 2002 The use of ventilation and air conditioning in buildings - Ventilation design for indoor contaminant control



Warringah Council

- Australian/ New Zealand Standard AS/NZS 3666.1:2002 Air handling and water systems of buildings - Microbial control - Design, installation and commissioning
- Australian/ New Zealand Standard AS/NZS 3666.2:2002 Air handling and water systems of buildings - Microbial control - Operation and maintenance
- Australian/ New Zealand Standard AS/NZS 3666.3:2000 Air handling and water systems of buildings - Microbial control - Performance based maintenance of cooling water systems

Reason: *To ensure public health is maintained, statutory requirements for record keeping. (DACHFrsh)*

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

18. Allocation of Spaces

Fifteen (15) carparking spaces, out of the 41 on-site commercial carparking spaces, are to be provided and maintained at all times. Each car parking space allocated to the tenancy shall be line marked and numbered or signposted to indicate the tenancy to which it is allocated.

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

19. Health Consulting Rooms

The health consulting room (Radiology Centre) is to be used by not more than 3 legally qualified medical practitioners to ensure consistency with the WLEP 2000 health consulting room definition.

Reason: *To ensure consistency with the assessment of the application.*

20. Loading within Site

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

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

21. 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. (DACGGdh)*

22. Hours of Operation

The hours of operation of the Radiology Centre are restricted to between 8:30am and 6:00pm Mondays to Friday inclusive, and between 9:00am and 12:00pm Saturdays.

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

23. 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.*

24. 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 2005 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.*

25. 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.*

26. 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.

27. Noise Impact on Surrounding Area

The 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 when measured in accordance with the Environment Protection Authority's Industrial Noise Policy.



Warringah Council

Reason: *To ensure compliance with acceptable levels of noise established under best practice guidelines. (DACHGniosa)*

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 _____
 Rodney Piggott

Date 9 October 2008