



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No:	DA 2005/592
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DEVELOPMENT APPLICATION DETAILS

Applicant Name:	Richmond & Ross Pty Ltd
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Applicant Address:	1St Floor, 38 Willoughby Road CROWS NEST 2065
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Land to be developed (Address):	Lot 1, DP 575638, 164 Warringah Road Beacon Hill
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Proposed Development:	Installation of new play area to existing fast food restaurant
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DETERMINATION

Made on (Date):	24 January 2006
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Consent to operate from (Date):	24 January 2006
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Consent to lapse on (Date):	24 January 2011
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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 in red and by other conditions of consent:

Drawing No.	Drawing Title	Revision No.	Revision Date	Prepared By
SP00	Existing Site Plan	N/A	May 2005	Richmond Ross
SP01	Proposed Site Plan	N/A	May 2005	Richmond Ross
SP02	Terrace Plan	N/A	May 2005	Richmond Ross
A06	Elevations	N/A	May 2005	Richmond Ross
A07	Fence details	N/A	May 2005	Richmond Ross

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 and Development Determination and Conditions) 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. Kerb Security Bond

A bond of \$550.00 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]

5. Bond for Engineering Construction Works - Kerb and Gutter, Footpaths, Vehicular Crossing

A Bond of \$200.00 shall be deposited with Council against any damage or failure to complete to the relevant specification the construction of any vehicular crossings, kerb and gutter and any footpath paving works required as part of this consent prior to the issue of any Construction Certificate. (See Schedule). An inspection fee is to be paid to Council prior to the issue of a Construction Certificate so that the site may be inspected prior to commencement of works.

The bond will only be refunded upon the completion of a six (6) month maintenance period, if the work has been completed in accordance with the approved plans, conditions to the satisfaction of the Principal Certifying Authority. Requests for refunds must be made in writing to Council.

Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure. [C17]

6. Roofing Materials - Reflectivity

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details are to be 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]



7. S94 Contributions

The payment of the following developer contributions prior to the approval/release of the Construction Certificate.

Increase In Gross Floor Area	Increase In Commercial Floor Area @ \$18.50 Per/m	Per Increase In Office Floor Area	TOTAL CONTRIBUTION
39.5sqm	\$731.00 (39.5sqm)	0sqm	\$731.00

These amounts have been calculated using the Warringah Section 94 Contributions Plan. They are current at the time of issue of this Consent. They will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). An updated schedule of Council's contribution rate is issued each quarter and is available at Council's office. 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:

39.5 square metres of commercial/industrial floorspace

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. [C70]*

8. 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	
164 Warringah Road Beacon Hill	
DEVELOPMENT APPLICATION NUMBER 2005/0592	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$550.00
Engineering Construction Bond • General Works • Road Pavement • Stormwater • Kerb & Gutter, Footpath	\$200.00
TOTAL BONDS	\$750.00
FEES	
Kerb Security Inspection Fee	\$200.00
Long Service Levy (Cost of Works x 0.35)	\$241.50
Section 94 (Account No. 6924)	\$731.00
Others Inspections x 2 (Commencement and Completion)	\$500.00
TOTAL FEES	\$1672.50

Reason: *Compliance with the development consent. [C71]*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

9. 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]*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. Approved Materials

The colour, texture and substance of all external materials shall be generally in accordance with that detailed in the application.

***Reason:** To ensure compliance with the terms of this development consent. [E6]*

11. 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) 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]

12. 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]

13. 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]*

14. 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.

Reason: *To ensure the health and safety of the community and workers on the site. [E30]*

15. 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]*

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

16. 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]*

17. 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

17. Access for People with Disabilities

Provision shall be made for access to and within the "Play Land" 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]

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

18. Hours of Operation

The "Play Land" may be open only between the following hours:

8.00am to 8.00pm Monday to Sunday

Upon expiration of the permitted hours, the "Play Land" must be locked and no person, apart from cleaning and maintenance staff, shall be permitted entry.

Reason: Information to ensure that amenity of the surrounding locality is maintained.[I2]

19. Access to the "Play Land"

Access to the "Play Land" is to be from the terrace area of the restaurant via the proposed gate only. No other external access is to be permitted.

Reason: Safety, access requirements, prevention of increase pedestrian traffic.

20. Use of the "Play Land"

The "Play Land" is for the exclusive use of patrons of the restaurant. No person may enter the site for the intention of using the "Play Land" only.

Reason: Prevention of increased pedestrian traffic, prevention of loitering.

21. Supervision of Children

All children inside the "Play Land" area must be under supervision at all times by a parent or guardian.

Reason: Safety of Children



22. Fence Construction

The surrounding fence must be constructed in accordance with The Department Of Community Services, "Children's' Services Regulation 2004".

Reason: *Safety of Children.*

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 Rebecca Fisher
Team Leader
Development Assessment

Date 31 January 2006