

25 8147/25 8398

Assessment Team 4/bw  
Mr J Gray  
DA 21637

Gemsted Pty Ltd  
PO Box 146  
WEST GOSFORD 2250

**Development Application No 21637 - Proposed Restaurant and Offices Lot 519 DP 729020  
Brisbane Water Drive Koolewong**

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Dear Sir/Madam

Pursuant to Section 92 of the Act, the above development application has been determined by granting of consent subject to the conditions attached.

The reasons for the conditions are to ensure that the development is carried out in the public interest in accordance with those matters referred to in Section 90 of the Environmental Planning and Assessment Act, 1979.

**DATE OF CONSENT :** 11 FEBRUARY 1997

Please note that a Building Application will not be considered for approval until all documentation, plans, etc. marked \*\* in this Development Approval are received by Council.

In addition, all DA contributions payable must be paid prior to the issue of a Building Approval.

Your attention is drawn to your right to appeal against the conditions to the Land and Environment Court of NSW

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You are advised that this approval, valid for a period of five (5) years for commencement of the development relates to planning control only, and that any other necessary approvals are to be obtained from the appropriate departments of Council or any other relevant authority.

Yours faithfully

Peter Wilson  
General Manager

Per: *BW*

Date. *25-2-97.*

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## CONDITIONS OF DEVELOPMENT CONSENT

### Development Application No 21637 - Proposed Restaurant and Offices Lot 519 DP 729020 Brisbane Water Drive Koolewong

- 1\*\* No building works are to be carried out until a formal building application together with two (2) sets of plans and a minimum of two (2) sets of the specifications, is lodged in accordance with the provisions of the Local Government Act 1993, and the Regulations thereunder, and is approved by the Council.
- 2 Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
- 3 No work is to be carried out within the road reserve without the written authority of the Director - Works.

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(Please note that the Council has made no commitment to expend funds or carry out any works on the road fronting or providing access to the property)

Should it be necessary to upgrade any public road to provide or maintain vehicular access to the site or to allow the property to be serviced for garbage, effluent, or waste removal etc., the works involved shall:-

- i be undertaken by the owner of the property at no cost to Council;
- ii comply with the Council's specification;
- iii be approved by the Director - Works prior to commencement; and
- iv it is the contractors responsibility to ensure that all works are to be carried out in accordance with the Occupational Health and Safety Act.

- 4 The building shall not be used or occupied until all the conditions of this consent have been complied with and completed to Council's satisfaction.
- 5 No filling or debris is to be placed within any watercourse or drain.

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- 6 No building materials are to be stored within the road reserve.
- 7 Any relocation or alteration of any authorities' utilities or any existing services made necessary as a result of this development is to be carried out at no cost to Council, with satisfactory arrangements being made with the authority concerned, and a certificate of clearance obtained from each relevant authority. These services include stormwater, telephones, electrical cables and power poles, gas, water mains (hydrants, stop valves, stop cocks), sewer mains and manholes, parking and street signs and traffic signals.
- 8 The car parking layout is to be amended as shown in red on the approved development plans. Final details are to be shown on the building application.
- 9 A garbage storage enclosure is to be provided in the area shown in green on the approved plans. The design of the enclosure is to be to the satisfaction of Council's Waste Services Section and shall adequately conceal its contents from public places. Its design should match the architectural appearance of the building and should be blended into the landscaping of the site. Details are to be submitted with the building application.

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- 10 Provision of the following traffic facilities at no cost to Council. These facilities may require widening, realignment and/or reconstruction of the existing Brisbane Water Drive carriageway;
- i a left turn deceleration lane for south bound vehicles entering the site,
  - ii a type 'C' right turn lane for north bound vehicles entering the site
  - iii a right turn merge lane for exiting traffic to proceed northward
  - iv a "type 3" access driveway in accordance with the Roads and Traffic Authority's Guide to Traffic Generating Developments. The access is to have a minimum entry width of 6 metres, an exit width of 4 to 6 metres and a median separation of 1 to 3 metres
  - v All linemarking and signage required by this consent to be to Roads and Traffic Authority Specifications and Australian Standards
  - vi 'No Stopping' signs (subject to Traffic Committee approval) across the frontage of the site on both sides of the road.
  - vii Street lighting of the driveway intersection to Council and Roads and Traffic Authority requirements.
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- 11 All works that will disrupt traffic flows being carried out between 9.00 am and 3.00 pm Monday to Saturday. All other works are to be carried out between 7.00 am and 6.00 pm Monday to Friday and 8.00 am and 4.00 pm Saturdays.
- 12 All redundant road line marking to be removed by sandblasting or grinding at no cost to Council.
- 13 All vehicle movements to and from the site are to be in a forward manner.
- 14\*\* The driveway, vehicle manoeuvring area and car parking spaces as shown on the approved plan are to be properly constructed, graded, drained and sealed with an impervious all-weather material, with all car parking spaces being clearly marked. Full details are to be shown on plans (4 copies) submitted with the building application.
- 15 **Engineering plans** (3 copies) for all civil works covered in the consent being submitted to and approved by Council prior to the commencement of any work. These plans are to be in accordance with Council's Drafting and Design of Stormwater Drainage Works and Roadworks Specification and Civil Construction Specification and to Roads and Traffic Authority Standards.
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**WARNING** It is the constructor's responsibility to ensure that all works are carried out in accordance with the Occupational Health and Safety Act.

- 16 An **erosion and sedimentation control plan** prepared by a suitably qualified Engineer shall be submitted to Council with engineering plans for approval prior to the commencement of any work. The plan shall be in accordance with Council's current Code of Practice for Erosion and Sedimentation Control. Details to be submitted with the engineering plans and building application.

**WARNING** The application shall be held responsible for any breaches of the *Clean Waters Act 1970*. Failure to implement or maintain appropriate erosion/sediment control measures is breach of the *Clean Waters Act 1970*. Such a breach is liable for a \$600 on-the-spot fine. Applicant(s) and Builder(s) are advised that spot checks of Erosion and Sedimentation Control measures may occur and fines for breaches imposed.

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- 17 Submission before the building approval of a **security deposit** of \$10,000 to be paid into Council's trust fund to cover the cost of repairing damage caused as a result of the development. Such deposit will be refunded upon the completion of the project if no damage is caused.
  - 18 Development being generally in accordance with plan(s) numbered 11252, dated 24 & 29 November 1989. (4 sheets) submitted/drawn by Plan 2000 Pty Ltd, or where modified by any conditions of this consent.
  - 19 No signs are to be erected on the exterior of the building other than a single sign having a maximum area of six square metres (6<sup>2</sup>m) at the front of the property. A separate application is to be made to Council for the proposed advertising sign in accordance with Council's policy.
  - 20 Landscaping is to be carried out and continually maintained in accordance with a plan (4 copies) to be submitted with the building application and approved by the Council prior to the issue of building approval.

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This is to include suitable landscaping and / or fencing along the boundary of Brisbane Water Drive to control pedestrian movements.

- 21 Loading and unloading operations being confined to within the property.
- 22 No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.
- 23 Satisfactory arrangements are to be made for the provision of water and sewer services to the land.  
  
A copy of the Certificate of Compliance under Section 27 of the Water Supply Authorities Act 1987, is to be lodged prior to the issue of building approval and/or use of the site. Contributions may be applicable to this Section 27 Certificate. Developers are urged to make early application for a Section 27 certificate. A Section 26 application form is attached in order to apply for a Section 27 Certificate of Compliance.
- 24 There be no extension of the restaurant onto the verandah area until such time as the Council undertakes an assessment of the number of off-street car parks required for the extended use of the verandah area.

- 25 Prior to use or occupation of the building, the applicant obtaining from the Council a certificate under the provisions of Section 172 of the Local Government Act 1993 to the effect that the building complies in all respects.