

15 May 2006

Camden Neon Pty Ltd
17 Beverage Drive
TULLAMARINE VIC 3043

2005/0536 MOD 1
LP (PAS)

Dear Sir/Madam,

**RE: NOS.776-880 PITTWATER ROAD, BROOKVALE
MODIFICATION OF DEVELOPMENT CONSENT NO. 2005/0536DA**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 8 May 2006 and determined as follows:

- **Modification of Condition 1** to read as follows:

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 No.	Drawing Title	Revision No.	Revision Date	Prepared By
TFSSK1A	Site Plan/ Elevations	N/A	15 April 2005	Camden Neon Pty Ltd
TFSSK2B	Elevations	N/A	19 April 2005	Camden Neon Pty Ltd
TFSSK3	Sections	N/A	20 October 2005	Camden Neon Pty Ltd
TFSSK4	Elevations	N/A	4 July 2005	Camden Neon Pty Ltd
TFSSK5A	Monolith Sign	N/A	4 July 2005	Camden Neon Pty Ltd
TFSSK6	Removed Signs	N/A	4 July 2005	Camden Neon Pty Ltd

Reason: *To ensure the work is carried out in accordance with the determination of Council and approved plans. [A1 (1)]*

- **The Deletion of Condition 23, which states:**

23. Non Illumination Of Signage

The signs marked Sign "H" and Sign "G" on the plan numbered TFSSK4 provided by Camden Neon Pty Ltd, Dated 4 July 2005 shall not be illuminated in any way.

Reason: Reduction of signage clutter.

- **The Deletion of Condition 25, which states**

25. Deletion Of Monolith Pylon Sign

The "Monolith Pylon Sign" marked as "Sign A" on the plans provided by Camden Neon Pty Ltd, submitted as part of the application, is to be omitted from the application. This sign has been deleted from the plans in red.

Reason: Prohibited development, compliance.

- **The Deletion of Condition 26, which states:**

26. No Illumination

The flush mounted wall signs marked "G" and "H" on the plans provided by Camden Neon Pty Ltd, submitted as part of the application, are to be non-illuminated.

Reason: Signage clutter, impact on the amenity.

- **The following conditions are to be included in the consent:**

- **Building Certificate**

- i) A Building Certificate must be issued by the Principle Certifying Authority for all works, being the subject of this modification, completed prior to the issue of this Section 96(1) (A) modification consent. Evidence of the Building Certificate must be supplied to Council, 30 days from the date of consent of this modification
- ii) In the event of the non-issuing of a Building Certificate for the existing works within 30 days, the Principle Certifying Authority must instruct the applicant to undertake works to enable the issuing of a Construction Certificate for this Section 96 (1) (A) modification, in accordance with the provisions of the Act and the Regulations.

Reason: Compliance with Section 109F of The Environmental Planning and Assessment Act 1979.

This letter should therefore be read in conjunction with Development Consent 2005/0536DA dated 2 November 2005 and Modification No. 1 dated 8 May 2006. Please find attached a consolidated set of conditions incorporating both modifications of consent.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 97(1) of the Environmental Planning and Assessment Act confers on the applicant who is not satisfied with the determination of the Consent Authority has a right of appeal to the Land and Environment Court exercisable within 12 months of receipt of this notice.

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.

Should you have any further enquiries in connection with this matter, please contact the referred to Enquiry Officer.

The appropriately stamped plan/s to which the modification of consent has now been granted is available for collection at Councils Customer Service Centre. Please note that if you nominate Council to assess your Construction Certificate, associated forms and information regarding what to submit is also enclosed in the determination kit.

It is Council's policy not to forward these by mail to ensure safe receipt of these important documents. When collecting your Modified Consent and accompanying documents, please bring this letter with you for identification purposes. The Customer Service Centre is open between 8.30am and 5pm Monday to Friday (excluding Public Holidays).

Work must also be in accordance with the relevant MODIFIED conditions of the Development Consent.

Should you require any further information on this matter, please contact **Mitchell Drake** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our DA's Online System at www.warringah.nsw.gov.au.

Yours faithfully,

Renee Ezzy
Acting Team Leader
Development Assessments

**Consolidated Conditions of Modification No.1 Approved 8 May 2006,
of Development Consent 2005/0536DA Approved 2 November 2005**

- **Modification of Condition 1** to read as follows:

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 No.	Drawing Title	Revision No.	Revision Date	Prepared By
TFSSK1A	Site Plan/ Elevations	N/A	15 April 2005	Camden Neon Pty Ltd
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TFSSK4	Elevations	N/A	4 July 2005	Camden Neon Pty Ltd
TFSSK5A	Monolith Sign	N/A	4 July 2005	Camden Neon Pty Ltd
TFSSK6	Removed Signs	N/A	4 July 2005	Camden Neon Pty Ltd

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]*

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**

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4. Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

Reason: To ensure the protection of existing built public infrastructure. [C6]

5. 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]

6. 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]

7. 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	
776-780 Pittwater Road Brookvale 2100	
DEVELOPMENT APPLICATION NUMBER 2005/0536	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$550.00
TOTAL BONDS	\$550.00

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FEES	
Kerb Security Inspection Fee	\$200.00
Long Service Levy	\$160.00
Progress inspections x 2	\$500.00
TOTAL FEES	\$860.00

Reason: Compliance with the development consent. [C71]

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY
COMMENCEMENT**

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 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]

9. WorkCover

Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

Reason: Statutory requirement. [D5]

**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) Prior to covering any stormwater drainage connections.

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- (c) 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. Replacement of Principal Certifying Authority

If the person exercising the benefits of a development consent changes or replaces the Principal Certifying Authority (PCA) during works on the site, the replacement PCA must notify Warringah Council within two (2) days of appointment. If the original PCA was Warringah Council, written approval from Council must be obtained for any change to the PCA role.

(Note: Special legislative provisions in the Environmental Planning and Assessment Act 1979 apply to the procedure for replacing a PCA)

Reason: Statutory requirement. [E11]

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13. 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]*

14. 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 favorable 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]*

15. 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

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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]*

16. Maintenance of Road Reserve

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:** Public Safety [E39]*

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

17. 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]*

18. Demolition

Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

***Reason:** To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. [F6]*

19. 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 0.2% of the building and construction work.

***Reason:** Prescribed - Statutory. [F12]*

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

20. Hours of Illumination

The sign shall cease illumination between the hours of 2am and 5pm daily eastern summer time and Eastern Standard Time.

***Reason:** To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. [I19]*

21. Illumination Intensity

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises.

***Reason:** To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. [I20]*

22. Lighting

No flood lighting is to be provided to the building.

***Reason:** To ensure energy efficiency and residential amenity is maintained. [I34]*

23. DELETED.

24. Consent duration

In accordance with State Environmental Planning Policy 64 Advertising and Signage, this approval will cease 15 years from the consent date marked on the determination documents by council. At this time the applicant must lodge an application to renew the signage.

***Reason:** Compliance with SEPP 64 of The EP and A Act 1979*

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25. DELETED.

26. DELETED.

- **The following conditions are to be included in the consent:**
- **Building Certificate**
 - iii) A Building Certificate must be issued by the Principle Certifying Authority for all works, being the subject of this modification, completed prior to the issue of this Section 96(1) (A) modification consent. Evidence of the Building Certificate must be supplied to Council, 30 days from the date of consent of this modification
 - iv) In the event of the non-issuing of a Building Certificate for the existing works within 30 days, the Principle Certifying Authority must instruct the applicant to undertake works to enable the issuing of a Construction Certificate for this Section 96 (1) (A) modification, in accordance with the provisions of the Act and the Regulations.

Reason: *Compliance with Section 109F of The Environmental Planning and Assessment Act 1979.*