



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2005/508

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Predag Stankovic

Applicant Address: 202/910 Pittwater Road Dee Why NSW 2099

Land to be developed (Address): Lot 3, DP 212382, 28 Oaks Avenue Dee Why

Proposed Development: Erection of timber deck with terrace awning

DETERMINATION

Made on (Date): 29 November 2005

Consent to operate from (Date): 29 November 2005

Consent to lapse on (Date): 29 November 2010

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.



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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 No.	Drawing Title	Revision No.	Revision Date	Prepared By
1/110705	Proposed Development	N/A	March 2005	Professional Architectural

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. 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

3. Design for Access & Mobility

Access/egress/services and facilities including external and interior access are required in accordance with the provisions of AS 1428.1 (2001) - Design for Access and Mobility.



The building being adequately adjusted where required complying with the provisions of the *Disability Discrimination Act (1992)*. Note that any approval granted by Council does not necessarily guarantee compliance or otherwise with the *Disability Discrimination Act (1992)* and the applicant should investigate their liability under the Act. You are directed to the following sources to achieve compliance with the DDA: -

- (a) AS 1428.1 (2001) - Design for Access and Mobility
- (b) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998)
- (c) Disability Discrimination Act (1992)

Details being submitted and approved by Council / Accredited Certifier prior to the issue of a Construction Certificate.

Reason: To ensure equitable access to members of the community to all public facilities. [C5]

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. S94 Contributions

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

Increase in Floor Area	Increase in <i>Commercial Floor Space</i>	TOTAL
40sqm	\$740.00 (40sqm)	\$740.00

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:

An increase of 40 square metres of commercial floor space.

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	
28 Oaks Avenue Dee Why 2099	
DEVELOPMENT APPLICATION NUMBER 2005/0508	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$550.00
TOTAL BONDS	\$550.00
FEES	
Kerb Security Inspection Fee	\$200.00
Section 94 Contributions	\$740.00
Others Inspections x 2	\$500.00
TOTAL FEES	\$1470.00

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



CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

9. Construction Certificate

A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.

Reason: Legislative requirements. [D3]

10. 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]

11. 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

12. 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]

13. Progress Inspections- (Class 2, 3 and 4 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 of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building.



- (c) Prior to covering any stormwater drainage connections.
- (d) 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. [E8]

14. 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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15. Replacement of Builder- (Class 1, 2, 3 and 4 buildings)

If the builder is replaced while residential building work is being carried out, the Principal Certifying Authority (PCA) must give Warringah Council written notice of the name, licence number, and insurer of head contractor (or name and permit number of the owner-builder) within two (2) days of their appointment/replacement.

Reason: Statutory requirement. [E12]

16. Construction Access Over Public Reserve

No building, demolition, excavation or material of any nature is to be placed on a public reserve and no vehicular or other access is to be gained over a public reserve.

A separate application for access is to be made only in circumstances where direct access from a street frontage is not reasonable.

Reason: To ensure the proper management of public land. [E20]

17. 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]

18. 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.



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(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]

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

19. 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]

20. 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 less than \$25,000.

The Long Service Levy is calculated on 0.2% of the building and construction work.

Reason: Prescribed - Statutory. [F12]

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

21. Access for People with Disabilities

Prior to occupation 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 AS 1428 Parts 1 and 4. Particular attention should be given to tactile ground surface indicators around poles and new structures 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

22. Hours of Operation

The refreshment room may be open for business only between the following hours:

8am to 9.30pm Monday To Sunday

Upon expiration of the permitted hours, all service shall immediately cease, no person shall be permitted entry and all customers on the premises shall be required to leave within the following half hour.

***Reason:** Information to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality. [I2]*

23. No Illumination

No consent is given or implied for any form of illumination or floodlighting.

***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. [I23]*

24. No Entertainment

This approval is for an eating area deck and does not authorise musical or other forms of entertainment. A separate development consent and Place of Public Entertainment licence would be required for such activities/events.

***Reason:** Clarification of terms of this consent and ensure compliance with relevant legislation. [I25]*

25. Daily Cleaning

The applicant is to ensure that at all times when the premises are open and at the end of each day after the premises have closed, all rubbish including loose papers, cigarette butts, bottles etc which may be left on the subject area or immediately adjacent is picked up and placed in the proprietor's rubbish bins.

***Reason:** To ensure waste generated by the approved use or activity is properly managed by the person acting upon this consent, to prevent unsightly build up of waste material. [I29]*



26. Commercial Waste and Recycling Storage

Commercial waste and recycling material/storage bins must be stored within the confines of the Rotunda.

Reason: *To ensure that commercial waste is properly managed. [I30]*

27. Occupancy Numbers

That the premises shall have a maximum seating capacity for 20 patrons.

Reason: *Provision of public information, and to assist in assessing ongoing compliance. [I38]*

28. Orientation of Tables and Chairs

All tables and chairs are to be located within the designated outdoor seating area/deck.

Reason: *To ensure adequate and unobstructed pedestrian amenity relating to the provision of outdoor seating on footpaths. [I43]*

29. 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 that the surrounding health and amenity is maintained.

30. Litter Patrols

The operator of the premises shall be responsible at all times to ensure that regular litter patrols are carried out in the vicinity of the subject premises to collect and dispose of all litter in an environmentally sound manner.

Reason: To protect the local amenity of the neighbourhood and to prevent contamination of stormwater.

31. Noise control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy.

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



32. Signage

No consent for Signage on the subject site is either granted or implied by this consent. Any proposed signage must be the subject of a separate application to council.

Reason: Compliance, statutory requirement

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
Major Developments

Date 29 November 2005