



Warringah Council

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

**Development Application No:** DA 2005/864

### DEVELOPMENT APPLICATION DETAILS

**Applicant Name:** Adherettes Pty. Ltd.

**Applicant Address:** PO Box 124, South Melbourne VIC 3205

**Land to be developed (Address):** Lot A in DP 339410, 884 Pittwater Road, Dee Why

**Proposed Development:** Upgrading of signage on the building facade and under-awning and vestibule areas of an existing bank premises.

### DETERMINATION

**Made on (Date):** 19 December 2005

**Consent to operate from (Date):** 19 December 2005

**Consent to lapse on (Date):** 19 December 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.*

## 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:*

<b>Drawing Number</b>	<b>Dated</b>
A1 Plan / West Elevation	13.12.05
A2 Underawning Large ATM with Cantilever Arm	13.12.05
A3 Fascia A	13.12.05
A4 Maintenance on Existing Double Sided Tavern Sign	19.12.05

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) 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 the existing building shall be limited to that shown on the approved plans. 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]*



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#### **4. Deletion of Existing Flush Mounted Above-Awning Sign**

The existing flush mounted letterings that display the business name of “Westpac” located above the awning level and below the existing projecting wall sign on the western facade of the building are to be removed.

*Reason: To ensure compliance with this development consent.*

### **CONDITIONS THAT REQUIRE SUBSIDIARY MATTERS TO BE COMPLETED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

#### **5. 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.

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]*

#### **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]*

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

#### **7. 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]*

#### **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



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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]*

#### **10. Building Works**

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

**Reason:** *To ensure compliance with statutory provisions. [D13]*

### **CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

#### **11. Approved Materials**

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

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

#### **12. 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.
- (c) After the building work has been completed and prior to 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



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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]

### **13. 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]

### **14. Final Compliance Certificate**

Within seven (7) days of completion of the building works, a Certificate of Compliance under Section 109C (1) (a) of the Environmental Planning and Assessment Act 1979 must be provided by the Principal Council or an Accredited Certifier to the Principal Certifying Authority. This Compliance Certificate must certify that the completed work complies with the relevant plans and specifications and with the conditions of this consent.

**Reason:** To ensure compliance with the terms of this development consent. [E13]

### **15. Construction Hours**

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm



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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 work shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only.

The builder 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]*

## **16. 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]*

## **17. 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](http://www.WorkCover.nsw.gov.au).

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

## **18. Prohibition on Use of Pavements**

Building materials shall not be placed on Council's footpaths, roadways, parks or grass



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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]*

**19. 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]*

**20. Removal of Extra Fabric**

Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

*Reason: To ensure compliance with the terms of this development consent. [E40]*

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

**21. 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]*

**22. 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]*

**23. Site Sign**

- (1) A sign must be erected in a prominent position on any work site:
  - (a) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at



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any time for business purposes and outside working hours; and

- (b) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

*Reason: Statutory requirement. [F9]*

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

### **24. Concealed Wiring**

All wiring to the under awning sign shall be concealed within the fabric of the building and in the support structure of the sign.

*Reason: To ensure that wiring is not exposed to potential vandalism and reduce visual clutter. [I17]*

### **25. 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]*

### **26. Under Awning Sign**

The under awning sign shall be erected approximately horizontal to the ground and be at no point less than 2.6m from the ground.

*Reason: To ensure adequate head clearance for pedestrian safety. [I21]*

### **27. No Illumination**

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

*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]*

**28. Lighting**

No flood lighting is to be provided to the building.

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

**29. Consent Duration**

In accordance with the provisions of State Environmental Planning Policy 64 *Advertising and Signage*, this development consent will cease to be in force upon the expiration of 15 years after the date on which this consent becomes effective.

*Reason: Compliance with SEPP 64.*



### **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        Tony Collier – Senior Team Leader – Major Developments

Date         19 December 2005