



Warringah Council

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

**Development Application No:** DA 2006/0042

### DEVELOPMENT APPLICATION DETAILS

**Applicant Name:** Davis Langdon Australia

**Applicant Address:** Level 20, 350 Queen Street Melbourne VIC 3000

**Land to be developed (Address):** Lot 100, DP 1015283, 145 Old Pittwater Road Brookvale

**Proposed Development:** Extension of business premises and provision of signage

### DETERMINATION

**Made on (Date):** 15<sup>th</sup> February 2006

**Consent to operate from (Date):** 15<sup>th</sup> February 2006

**Consent to lapse on (Date):** 15<sup>th</sup> February 2011

### 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.*



Warringah Council

## 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 Number	Dated
JB017 Sheet 01 Rev C	17/10/05
JB017 Sheet 02 Rev C	17/10/05
JB017 Sheet 03 Rev C	17/10/05
JB017 Sheet 05 Rev C	17/10/05
FAX (Describing provision of roller shutter doors and sprinklers)	dated 2/02/06

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]*

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



Warringah Council

### 3. Fire Safety Measures

Submission at the Construction Certificate stage of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, and such fire safety schedule shall specify the minimum standard of performance for each fire safety measure.

*Reason: Fire Safety [C1]*

### 4. 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]*

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 5. 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]*

### 6. 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



Warringah Council

construction work is proposed to commence.

**Reason:** *Legislative requirement for the naming of the PCA. [D4]*

## 7. 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

### 8. 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) 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



Warringah Council

development in order to resolve issues.

**Reason:** *Prescribed mandatory inspections under legislation. [E9]*

## 9. 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]*

## 10. Work site and on-going tenancy/building management

Trade materials, product and plant to be kept within the confines of the building at all times.

**Reason:** *To ensure the safety of public land and maintain egress routes in emergencies.*

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

## 11. 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]*

## 12. Site Sign

(1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

(a) stating that unauthorised entry to the work site is prohibited;



Warringah Council

- (b) 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 any time for business purposes and outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while to 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]

### 13. Emergency Lighting

Provision of an emergency lighting system for the building to comply with the requirements of Part E4.2 of the Building Code of Australia (BCA).

**Reason:** Prescribed Statutory.

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

### 14. Fire Safety Certificate

To ensure the safety of occupants of the building a “Fire Safety Certificate” which identifies the schedule of “Fire Safety Measures” that have been completed to satisfactory standard shall be provided to the Principal Certifying Authority prior to the issue of an “Occupation Certificate” as required in the “Environmental Planning and Assessment Act & Regulation.

**Reason:** To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants. [G3]

### 15. Fire Safety Schedule

The following fire safety schedule must be designed, installed and maintained in accordance with the provisions of the Environmental Planning and Assessment Regulation:

No:	Service Currently Installed/Service Required:	Standard	BCA Clause(s)
1.	Automatic fire detection & alarm systems	AS AS 1670 - 1995; AS 1603	Spe Spec E2.2a



Warringah Council

2.	Automatic fire suppression systems	AS AS 2118.1 - 1999	Spe Spec E1.5
3.	Emergency lighting	AS/ AS/NZS 2293.1 - 1998	E4.4 E4.4
5.	Exit signs	AS/ AS/NZS 2293.1 - 1998	E4.8 E4.8
6.	Portable Fire Extinguisher	AS/ 2444 - 1995	E1.6

**Notes:**

1. On completion of the building work the owner must furnish Council with a Fire Safety Certificate that states that each essential fire safety measure specified in the current fire safety schedule to which the Certificate relates: a) has been assessed by a properly qualified person, and b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.
2. The assessment must have been carried out within the period of three (3) months prior to the date on which the final fire safety certificate was issued.
3. The choice of person to carry out the assessment is up to the owner of the building.
4. The person who carried out the assessment: a) Must inspect and verify the performance of each fire safety measure being assessed, and b) Must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedule for the building.
5. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:- a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of new South Wales Fire Brigades, and b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

*Reason: Prescribed/Statutory*

**16. Final Fire Safety Certificate**

The submission to Council of a Final Fire Safety Certificate in respect to the design and installation of each essential fire safety measure listed in the fire safety schedule prior to the issue of the Occupation Certificate stating:-

- a) the fire measure has been assessed (inspected and operation tested) by a properly qualified person; and
- b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the fire safety schedule; and
- c) the date the fire safety measure was assessed. (C373)

*Reason: Prescribed/Statutory*

**17. Essential services**

No existing essential services installed in the main structure may be altered without the prior written consent of Council being obtained or the works being certified as being in conformity with the “alternate solution” for Warringah Mall by a suitably qualified Fire Engineer to Council’s satisfaction.



Warringah Council

*Reason: Fire safety*

## **18. Sprinkler heads**

Shelving and storage of materials is not permitted within 500mm of the sprinkler heads installed in the structure (measured as a horizontal line across the tenancy).

*Reason: Fire safety.*

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

## **19. Hours of Operation**

The car sound installation bay may be open for business only between the following hours:

**7.00am to 9.00pm Monday to Friday**  
**7.00am to 6.00pm Saturday**

Upon expiration of the permitted hours, all car sound installation 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]*

## **20. 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]*

## **21. Amenity**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort of a person who is outside of the premises by reason of the emission or discharge of noise, fumes, vapour, odour, dust, waste water, waste products, grit, oil or other harmful products.

*Reason: To ensure that the surrounding health and amenity is maintained.*





## **22. Delivery Hours**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 6pm to 7am from Monday to Friday and from 5pm to 8am on Saturdays with no deliveries on a Sunday or Public Holiday.

*Reason: To ensure the acoustic amenity of surrounding properties.*

## **23. Noise control**

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

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

## **24. Annual Fire Safety Statement for the building**

In accordance with the EPA Act & Regulation the owner of a building is to provide Council with an Annual Fire Safety Statement for the building.

*Reason: To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants.*



### **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        Philip Hoffman

Date        15<sup>th</sup> February 2006