



Warringah Council

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

**Development Application No:** DA 2005/582

### DEVELOPMENT APPLICATION DETAILS

**Applicant Name:** Peter John Whittle

**Applicant Address:** Po Box W219, Brookvale NSW 2100

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

**Proposed Development:** Installation of a retail kiosk within existing shopping centre Warringah mall

### DETERMINATION

**Made on (Date):** 4<sup>th</sup> September 2005

**Consent to operate from (Date):** 4<sup>th</sup> September 2005

**Consent to lapse on (Date):** 4<sup>th</sup> September 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. 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 MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

#### 2. 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:

- (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.



Warringah Council

- (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]*

### **3. 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]*

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

Trade materials, product and plant to be kept within 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**

### **5. 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]*

### **6. Demolition**

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



Warringah Council

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

## 7. 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;
  - (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 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]*

## 8. 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

## 9. Occupation Certificate Required

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

**Reason:** *To ensure compliance with the provisions of the Environmental Planning and Assessment Act. [G1]*

## 10. 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]*

## 11. 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. [G4]*

## 12. Safety Glass

Safety Glass as defined in AS 2208-1978 being provided in all locations subject to human impact as required by AS1288-1994 "Glass in Buildings - Selection and Installation"

**Reason:** *Prescribed Statutory.*

## 13. 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 1670 – 1995; AS 1603	Spec E2.2a
2.	Automatic fire suppression systems	AS 2118.1 – 1999	Spec E1.5
3.	Emergency lighting	AS/NZS 2293.1 - 1998	E4.4
5.	Exit signs	AS/NZS 2293.1 - 1998	E4.8

### 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.



Warringah Council

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*

#### **14. 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*

#### **15. 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.

*Reason: Fire safety*

#### **16. 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.*



Warringah Council

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

### **17. Compliance with Development Consent**

The terms and conditions of Development Consent No. 98/229, 6000/6840, 96/335 being strictly complied with.

***Reason:** To ensure that the form of development undertaken is in accordance with the determination of Council.*

### **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 Phillip Hoffman  
Senior Team Leader

Date: 4<sup>th</sup> September 2005