



Warringah Council

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

<b>Development Application No:</b>	DA 2005/548/0
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### DEVELOPMENT APPLICATION DETAILS

<b>Applicant Name:</b>	MOTOROLA AUSTRALIA
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<b>Applicant Address:</b>	C/- JG SERVICE PTY LTD LEVEL 1, 64 CLARENCE STREET SYDNEY NSW 2000
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<b>Land to be developed (Address):</b>	Lot 100, DP 1015283, 145 OLD PITTWATER ROAD BROOKVALE
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<b>Proposed Development:</b>	Radio Antenna
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### DETERMINATION

<b>Made on (Date):</b>	22 August 2005
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<b>Consent to operate from (Date):</b>	22 August 2005
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<b>Consent to lapse on (Date):</b>	22 August 2010
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### 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 by other conditions of consent:

Plans / Document	Plan Number	Compiled by	Dated
Site set out plan	A-02	GHD Consulting	17/5/05
Elevations	A-03	GHD Consulting	17/5/05
Statement of Environmental Effects	Report	JGS Property Consultants	May 2005

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 MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

#### 3. 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]



#### 4. **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]*

#### 5. **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**

#### 6. **Notification of Inspections**

If Council is the Principal Certifying Authority, Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Locating of support bracing
- (b) Completion of work for adequacy of final fixture

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification as conditioned above. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

*Reason: Appropriate notice for works to be carried out. [E1]*

#### 7. **Progress Inspections (Class 10 Buildings)**

The Principal Certifying Authority (PCA) SHALL BE given a minimum of forty-eight (48) hours notice for mandatory inspection of the following, where applicable:

- (a) At the commencement of the work locating of support bracing;
- (b) After excavation for, and prior to the placement of any footings, and
- (c) Prior to pouring any in-situ reinforced concrete building element, and
- (d) Prior to covering of the framework for any floor, wall roof or other building element, and



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- (b) Completion of work for adequacy of final fixture, and

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 telephone to Council on 9942 2111 and requesting an 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. [E7]

## 8. 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]



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

### 9. 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]*

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

### 10. Radiation Emission

The calculated emissions listed in table 5.2 and 5.3 of the Statement of Environmental Effects are to be confirmed by field test once the antenna is in operation. Details to be forwarded to Council within two months of operation.

*Reason: To ensure calculated emission levels are compatible with actual safe operating emission levels.*

### 11. Occupation Certificate Required

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

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

## ONGOING CONDITIONS THAT MUST BE COMPLIED WITH

### 12. Annual Reporting

The carrier shall provide Council an annual report indicating the levels of the electromagnetic radiation emitted from the facility with test locations made in accordance with table 5.2 and 5.3 of the Statement of Environmental Effects.

*Reason: To ensure emission levels remain with actual safe operating emission levels.*



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### **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

Date      22 August 2005