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Reference: 2018/168935
Enquiries: Development Assessment

Total Pages: 9

Mr G Malouf
C/- Malouf Family Pharmacy
52 The Corso
MANLY NSW 2095

Dear Sir/Madam,

NOTICE OF DETERMINATION

Pursuant to Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*

Development Application No.	2017/1210
Proposed Development	Alterations and additions to an existing commercial premises (signage)
Land to be developed	Lot 1 DP 577266 15 The Corso, Manly
Determination	Approved by DEL
Date of Determination	8 March 2018
Consent is to operate from	8 March 2018
Consent is to lapse on	8 March 2023

Council determined this application under delegated authority on 8 March 2018 when it was determined:

That Development Application No. 2017/1210 for Alterations and additions to an existing commercial premises (signage) at 15 The Corso Manly be **approved** subject to the following conditions:-

GENERAL CONDITIONS

1. The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and reference documentation;



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Drawings affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/1210:

Plan No. / Title	Issue/ Revision & Date	Prepared By
Site Plan	November 2017	CS Retail and Commercial Design
Proposed Shopfront Changes Elevation	Revision A, dated 8 December 2017	CS Retail and Commercial Design
Proposed shopfront changes	Revision C dated 10 November 2017	CS Retail and Commercial Design

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

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

2 General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 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).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.



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- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);



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- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)



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CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT

4 (3CD01)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued.

Reason: To ensure compliance with statutory provisions.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

5 (4AP02)

A copy of all stamped approved drawings, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must 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 the form of the development undertaken is in accordance with the determination of Council, public information and to ensure ongoing compliance.

6 (4CD02)

In order to maintain the amenity of adjoining properties, audible site works must be restricted to between 7.00am and 6.00pm, Monday to Friday and 7.00am to 1.00pm Saturday (including works undertaken by external contractors). No site works can be undertaken on Sundays or public holidays.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Reason: To prevent disturbance to the surrounding community.

7 (4CD03)

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

Reason: To maintain sanitary conditions on building sites.

ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT

8 (6MS02)

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

Reason: Statutory requirement, Environmental Planning and Assessment Act 1979.



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WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building works is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

Please note that all building work must be carried out fully in accordance with this development consent and conditions of approval. It is an offence to carry out unauthorised building work or building work that is not in accordance with this consent.

In accordance with Clause 284 of the *Environmental Planning and Assessment Regulation 2000*, non compliance with the above conditions may result in Council issuing a Penalty Notice which may incur a fine.

Notes:

Review of Determination

1. If you are dissatisfied with this decision, Section 82A of the *Environmental Planning and Assessment Act 1979* gives the applicant the right of review by Council within six (6) months of the date of determination. Please note that this review must be completed within the six (6) month period after the date of determination. A determination in respect of integrated development or designated development cannot be reviewed by Council.

Right of Appeal

2. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act 1979* gives the applicant the right to appeal to the Land and Environment Court of New South Wales (their address being Level 4, 225 Macquarie Street, Sydney NSW 2000) within six (6) months after the date on which the applicant received notice of the determination of that application.

Modification of the Consent

3. You are advised that any modification to the approved building(s) or structure(s), changes to the layout of buildings or structures on the site, modification of any conditions of this consent or changes to the operation of an approved use may require the lodgement of modification to the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
4. Please be advised that in order to lodge an application to modify the consent pursuant to this section, the development must be substantially the same development for which consent was originally granted. If Council is not satisfied that the development is substantially the same, a new development application for the works/use will be required.



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Before the Commencement of Building / Subdivision Work

5. A Long Service Levy is payable prior to the issue of all Construction Certificates or Complying Development Certificates, on building works in NSW, where the value of works is \$25,000 (inclusive of GST) and above. The levy is presently calculated by multiplying the value of works (including GST) by 0.35%. When calculating the levy round down to the nearest dollar, for example, if the cost of works is \$485,260 multiply this by 0.35% = \$1,698.41. The levy payable is therefore \$1,698.

Please be advised that the levy is a state government levy and the percentage at which it is charged, can change without notice. The levy funds a portable long service scheme for workers in the building and construction industry. For further information see www.lspc.nsw.gov.au or contact the Corporation on 13 14 41.

6. The erection of a building in accordance with this development consent **must not be commenced until:**
- (a) detailed plans and specifications of the building have been endorsed with a **Construction Certificate** by:
 - (i) the Consent Authority, or
 - (ii) an Accredited Certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a **Principal Certifying Authority**, and
 - (ii) has notified the Consent Authority and the Council (if the Council is not the consent authority) of the appointment, and
 - (c) the person having the benefit of the development consent has given at least two days notice to the Council of the person's intention to commence the erection of the building.

Details in regard to **Notice of Commencement of Building / Subdivision Work** and appointment of the Principal Certifying Authority are to be submitted to Council following issue of the Construction Certificate and two (2) working days prior to commencement of building works.

Other approvals

7. It is advised that your plans must be submitted to Sydney Water for approval at least fourteen (14) days before commencement of works. Please phone Sydney Water on 13 20 92 for information regarding an office closest to you.

Letter Box

8. Any new letter box is to comply with requirements outlined in the Australia Post 'General Post Guide' dated September 2007 or later.

Australia post delivers only in to mail boxes of an approved size. Australia Post recommends a separate aperture, box or tube to accommodate newspapers and non-mail articles.



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The approved dimensions of the mail boxes are:-

Internal width (left to right) - minimum 230mm

Internal depth (front to back) - minimum 330 mm

Internal height - minimum 160mm

Horizontal aperture – minimum 230mm x 30mm and minimum 130mm above base

Vertical aperture – minimum 330mm x 30mm and minimum 40mm above internal base

Elevation of aperture above ground level –

Single mail box – between 900mm and 1200mm

Group mail boxes – between 600mm and 1600mm.

For single residential or commercial premises the mail box is to be located on the boundary of the property with the footpath or road. The mail box aperture must face the footpath or road.

For further details please refer to Australia Post website auspost.com.au.

Reason: To comply with Australia Post requirements.

Dial Before You dig

9. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact *Dial Before You Dig* at www.1100.com.au or Telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the *Dial Before You Dig* service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the *Dial Before You Dig* service in advance of any construction of planning activities.

Telecommunications Act 1997 (Commonwealth)

10. Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with an availability or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact:- Telstra's network Integrity Team on Phone Number 1 800 810 443.



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Should you have any questions in relations to the matter, please contact Council's Planning, Place & Community, on (02) 9976 1414, during business hours.

Signed below on behalf of the consent authority.

Yours faithfully,

Date: 12 March 2018

Rodney Piggott
Planning Assessment Manager
Northern Beaches Council