



## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2009/0573
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### APPLICATION DETAILS

<b>Applicant Name and Address:</b>	Vaughan Milligan Development Consulting Pty Ltd PO Box 49 Newport Beach NSW 2106
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<b>Land to be developed (Address):</b>	Lot 1, DP 9900, Shop 1 No.874 Pittwater Road DEE WHY
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<b>Proposed Development:</b>	Alterations to a shop frontage & signage
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### DETERMINATION - APPROVED

<b>Made on (Date):</b>	7 July 2009
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<b>Consent to operate from (Date):</b>	7 July 2009
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<b>Consent to lapse on (Date):</b>	7 July 2012
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### Details of 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.*

*Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.*

*Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.*

## GENERAL CONDITIONS

### CONDITIONS THAT IDENTIFY APPROVED PLANS

#### 1. Change of use

No part of this consent relates to, or gives approval for the change of use of the premises from the approved use as a 'shop' for use as a 'cafe / restaurant'.

**Reason:** *Compliance with the conditions of this consent.*

#### 2. 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	Revision	Titled	Prepared By	Dated
DA01	-	Part Site & Ground Floor Plan	Sammy Fedeles	April 2009
DA02	-	Elevations & Section B	Sammy Fedeles	April 2009

No building 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.*

#### 3. 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.*

#### 4. Removal of Existing Signage

All redundant signage associated with previous occupation(s) shall be removed from the subject site prior to the erection of any new signage.

**Reason:** *Signage consolidation and amalgamation and reduction of signage clutter.*

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

### 5. Development/Construction Security Bond

A bond (determined from cost of works) of \$500.00 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of any Construction Certificate. This bond is to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

**Reason:** *To ensure adequate protection to Council infrastructure.*

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 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 the Environmental Planning and Assessment 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.*

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

### 7. Prohibition on Use of Pavements

No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without prior Council Approval.

**Reason:** *To ensure public safety and amenity on public land.*

### 8. Applicant's Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

**Reason:** *To ensure the proper management of public land.*



## **9. Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

***Reason:*** *Public Safety.*

## **10. 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).

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.

**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.*

## **11. 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 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.*



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

### 12. 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.

Note: In issuing an Interim / Final Occupation Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.

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

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

### 13. No Illumination

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

**Reason:** *To ensure appropriate forms of signage that are consistent with Council's controls, and do not interfere with amenity of nearby properties.*

### Right to Review by the Council

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 12 months from the date of determination.

**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                          Michael Edwards  
Development Assessment Officer

Date                            7 July 2009