

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

|                                    |              |
|------------------------------------|--------------|
| <b>Development Application No:</b> | DA 2006/0363 |
|------------------------------------|--------------|

### DEVELOPMENT APPLICATION DETAILS

|                        |                     |
|------------------------|---------------------|
| <b>Applicant Name:</b> | TELSTRA C/O ADBOOTH |
|------------------------|---------------------|

|                           |                                                          |
|---------------------------|----------------------------------------------------------|
| <b>Applicant Address:</b> | 91 Palmerston Crescent South Melbourne, Victoria<br>3205 |
|---------------------------|----------------------------------------------------------|

|                                        |                                                             |
|----------------------------------------|-------------------------------------------------------------|
| <b>Land to be developed (Address):</b> | Road reserve adjacent to 44 Kentwell Road, Allambie Heights |
|----------------------------------------|-------------------------------------------------------------|

|                              |                                                                                                       |
|------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>Proposed Development:</b> | Illuminated signage to telephone booth on road reserve adjacent to 44 Kentwell Road, Allambie Heights |
|------------------------------|-------------------------------------------------------------------------------------------------------|

### DETERMINATION

|                        |              |
|------------------------|--------------|
| <b>Made on (Date):</b> | 30 June 2006 |
|------------------------|--------------|

|                                        |              |
|----------------------------------------|--------------|
| <b>Consent to operate from (Date):</b> | 30 June 2006 |
|----------------------------------------|--------------|

|                                    |              |
|------------------------------------|--------------|
| <b>Consent to lapse on (Date):</b> | 30 June 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.*

## 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 | Drawing Title                                       | Revision Number | Revision Date |
|----------------|-----------------------------------------------------|-----------------|---------------|
| A3             | Site Plan                                           | 1               | 26/6/2006     |
| r.s techdwg2   | Proposed rear & side view of new Telstra booth      | 1               | 29/9/2004     |
| Rear.techdwg3  | Proposed rear competent layout of new Telstra booth | 1               | 29/9/2004     |

**Reason:** To ensure the work is carried out in accordance with the determination of Council and approved plans. [A1 (1)]

#### 2. Provision of access for all persons

A clear path of travel, minimum 1200mm wide, being maintained on the footpath in accordance with the requirements of AS 1428.2-1992, *Design for access and mobility - Enhance and additional requirements - Buildings and facilities*.

**Reason:** To ensure that suitable access is provided for all persons on the footpath of Oaks Avenue.

#### 3. 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 'ANCILLARY' MATTERS TO BE COMPLETED TO THE SATISFACTION OF COUNCIL OR ANOTHER NOMINATED PERSON PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Nil

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

### 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]*

### 5. Protection of Footpaths and Roadways

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

**Reason:** *Protection of footpath and roadways. [C22]*

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 6. Silt & Sediment Control

Provision shall be made throughout the period of demolition / Excavation & Construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

**Reason:** *To avoid siltation to adjoining properties and waterways. [D1]*

### 7. 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]*

## **8. 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]*

## **9. 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]*

## **10. Excavation/Building Works**

No excavation or building works shall be carried out until a Construction Certificate has been issued.

**Reason:** *To ensure compliance with statutory provisions. [D13]*

## **11. Inspection Fees**

Where Council is acting as the Principal Certifying Authority and where an inspection of building, civil or landscape work is required by these conditions, inspection fees and component certification fees must be paid to Council before Council will undertake any inspections. These fees may be paid at the time of submission of the required Notice of Commencement of works. This condition applies regardless of whether a Certification fee is also payable.

Note: The submission of a Notice of Commencement of works form to Council at least two (2) days prior commencing works is a statutory requirement.

**Reason:** *Statutory requirement and information. [D14]*

## **12. Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence

of insurance upon lodgement of the application.)

**Reason:** *To ensure the community is protected from the cost of any claim for damages arising from works on public land. [D17]*

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

### **13. Sign on Site**

A visually prominent sign to be erected and maintained on-site adjacent to the property's access point, for the duration of the landfill works. This condition must be complied with during demolition and building work.

**Reason:** *Proper identification of landfill works. [E2]*

### **14. Progress Inspections (Class 1 and 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, and
- (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
- (e) Prior to covering over waterproofing in any wet areas, and
- (f) Prior to covering over stormwater drainage connections, absorption pits and other drainage works, and
- (g) After the building work has been completed and prior to 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 telephone to Council on 9942 2111 and requesting a 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]

## **15. Replacement of Principal Certifying Authority**

If the person exercising the benefits of a development consent changes or replaces the Principal Certifying Authority (PCA) during works on the site, the replacement PCA must notify Warringah Council within two (2) days of appointment. If the original PCA was Warringah Council, written approval from Council must be obtained for any change to the PCA role.

(Note: Special legislative provisions in the Environmental Planning and Assessment Act 1979 apply to the procedure for replacing a PCA)

**Reason:** Statutory requirement. [E11]

## **16. Noise and Vibration**

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

**Reason:** To ensure residential amenity is maintained in the immediate vicinity. [E17]

## **17. Dust Emission and Air Quality**

Materials must not be burnt on the site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

**Reason:** To ensure residential amenity is maintained in the immediate vicinity. [E18]

## **18. 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]*

## **19. Out of Hours Work Permits**

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. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

(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. [E27]*

## **20. Installation and Maintenance of Sediment Control**

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council guidelines. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised. This Condition must be complied with during demolition and building work.

***Reason:** To protect the environment from the effects of sedimentation and erosion from development sites. [E28]*

## **21. Health and Safety**

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to

prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries. This Condition shall be complied with during demolition and building work.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the Internet at [www.WorkCover.nsw.gov.au](http://www.WorkCover.nsw.gov.au).

**Reason:** *To ensure the health and safety of the community and workers on the site. [E30]*

## **22. Maintenance of Road Reserve**

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

**Reason:** *Public Safety [E39]*

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

## **23. 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]*

## **24. Demolition**

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

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

## **25. 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 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]

## **26. Long Service Levy**

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation.

Advisory note: The rate of the Long Service Levy at the time of consent is 0.35% of the building construction works. At the time of consent, payment is not required where the value of the works is less than \$25,000. For works that are \$25,000 or over, a fee is required at the prescribed rate. 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 and is based on the building construction works identified in the Construction Certificate.

***Reason:*** Prescribed - Statutory. [F12]

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

## **27. 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]

## **CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION**

Nil

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

### 28. Illumination Intensity

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises.

**Reason:** *To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. [I20]*

### 29. Signage content

The proposed signage to the illuminated signage panel is not to be offensive in nature, wording or content. Any signage containing pictures or content which gives rise to justifiable complaint to Council is to be immediately removed. Signage is to be provided only in accordance with community standards as represented by the Code of Ethics of the Advertising Standards Bureau or similar peak industry body.

**Reason:** *To ensure advertising is not offensive.*

### 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                      30 June 2006