



Warringah Council

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

**Development Application No:** DA 2007/970

### DEVELOPMENT APPLICATION DETAILS

**Applicant Name:** Michael Charles Nott

**Applicant Address:** 96 Beacon Hill Road Beacon Hill NSW 2100

**Land to be developed (Address):** Lot 8, DP 25604, 96 Beacon Hill Road Beacon Hill

**Proposed Development:** Construction of a first floor addition to an existing dwelling including a new car port

### DETERMINATION

**Made on (Date):** 28 November 2007

**Consent to operate from (Date):** 28 November 2007

**Consent to lapse on (Date):** 28 November 2010

### 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. 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	Date
060719(A) Site Plan, Floor Plans and Elevations	November 2007

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]**

#### 3. Privacy screen

A fixed privacy screen manufactured in either obscure glazing or timber slats is to be installed along the southern edge of the balcony/terrace on the upper floor. The screen will have a height of 1.7m from the floor level of the balcony/terrace for a length of 4.7m taken from the external face of the western wall of the proposed bedroom, then tapering down to the height of the balustrade at the western edge.

If timber slats are selected for use in the screen, the slats are to be fixed at an angle of 90 degrees and spaced equally at half the width of each respective slat. Details demonstrating compliance are to be submitted with the Construction Certificate.

**Reason:** To ensure the maintenance of the privacy of the neighbouring property.

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

### 4. Kerb Security Bond

A bond of \$1,000 shall be deposited with Council and inspection fees paid, prior to the issue of any construction certificate, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process. (See Schedule)

**Reason:** *To ensure appropriate security is in place for the protection or repair of Public Infrastructure. [C16]*

### 5. Structural Adequacy of Existing Building

A certificate prepared by an appropriately qualified and practising Structural Engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads shall be submitted with the Construction Certificate application.

**Reason:** *To ensure the structural integrity of the building is maintained. [C50]*

### 6. Asbestos & Hazardous Material

A person taking down, demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Work Cover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

**Reason:** *To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. [C53 (2)]*

### 7. Colours & Finishes

The colours, texture and substance of all external components of the building and hard surfaced areas being generally in harmony with the materials used in the existing building. Prior to issue of the Construction Certificate, Council / Accredited Certifier is to verify that the external components are in accordance with that specified above.

**Reason:** *Amenity. [C56 (1)]*

### 8. No External Service Ducts

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

**Reason:** *To ensure quality built form of the development. [C57]*

### 9. Security Bond Schedule

All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:



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<b>SECURITY BOND &amp; FEE SCHEDULE</b>	
Lot 8, DP 25604, No. 96 Beacon Hill Road, Beacon Hill	
DEVELOPMENT APPLICATION NUMBER <b>2007/0970</b>	
<b>SECURITY BONDS</b>	<b>AMOUNT (\$)</b>
Tree damage bond (within the site)	-
Street tree bond (on Council property)	-
Builders road/kerb security bond	\$1,000.00
Engineering construction bond <input type="checkbox"/> <input type="checkbox"/> General works <input type="checkbox"/> <input type="checkbox"/> Road pavement <input type="checkbox"/> <input type="checkbox"/> Stormwater <input type="checkbox"/> <input type="checkbox"/> Kerb & gutter, footpath	-
Others	-
<b>TOTAL BONDS</b>	<b>\$1,000.00</b>
<b>FEES</b>	<b>AMOUNT (\$)</b>
Kerb security inspection fee	\$200.00
Section 94A contribution	\$989.00
Long Service Levy	\$692.00
Others	-
<b>TOTAL FEES</b>	<b>\$1,881.00</b>
Progress inspections (if Council is the PCA)	\$275.00 per inspection

**Reason:** Compliance with the development consent. [C71]

#### 10. Bonds

Council will accept a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council and shall be in place prior to the issuing of any Certificate and shall remain in place until the submission of the certificate required prior to the occupancy of the completed works. To be provided prior to issue of Construction Certificate.

**Reason:** Information, Protection of infrastructure and the environment. [C72]

#### 11. S94A Contribution

The payment of \$989.00 as a 94A levy prior to the approval/release of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan 2006. It is current at the time of issue of this Consent. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated. (see schedule)

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan
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Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of		\$	197,800.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.45%	\$890	6923
S94A Planning and Administration	0.05%	\$99	6924
Total	0.5%	\$989	

**Reason:** To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. **[C82]**

## 12. Structural Design Certificate

That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to issue of the construction certificate.

**Reason:** To ensure the safety and structural adequacy of the approved development and compliance with the appropriate Australian Standards. **[C83]**

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

## 13. 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]**

## 14. 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]**

## 15. 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]**

## 16. Road opening permit

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any



repairs and/or adjustments as those Authorities may deem necessary.

**Reason:** Statutory requirement (Roads Act 1993) [D6]

#### 17. 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]

#### 18. 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]

#### 19. Cigarette Butt Receptacle - Residential

A cigarette butt receptacle is to be provided on the site for the duration of demolition/construction process, for convenient use of site workers.

**Reason:** To ensure adequate provision is made for builders' waste. [D16]

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

#### 20. 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) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level/basecourse level
- (f) Sealing road pavement

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]

#### 21. Height

The maximum RL of the proposed development shall be RL 137.56 AHD measured at the apex

of the roof.

**Reason:** *To ensure compliance with the terms of this development consent. [E3]*

## **22. No Changes To Openings**

The windows / doors / fenestration shall not be enlarged or relocated on any elevation of the development. The use of rooms served by windows shall not be altered from that detailed on the approved plans.

**Reason:** *To ensure compliance with the terms of this development consent. [E5]*

## **23. 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 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]*



#### **24. 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]*

#### **25. Replacement of Builder- (Class 1, 2, 3 and 4 buildings)**

If the builder is replaced while residential building work is being carried out, the Principal Certifying Authority (PCA) must give Warringah Council written notice of the name, licence number, and insurer of head contractor (or name and permit number of the owner-builder) within two (2) days of their appointment/replacement.

**Reason:** *Statutory requirement. [E12]*

#### **26. 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]*

#### **27. 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]*

#### **28. 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





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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]*

**29. Prohibition on Use of Pavements**

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

**Reason:** *To ensure public safety and amenity on public land. [E35]*

**30. Plant & Equipment Kept Within Site**

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.

**Reason:** *To ensure public safety and amenity on public land. [E36]*

**31. 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 and funds. [E38]*

**32. Removal of Extra Fabric**

Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

**Reason:** *To ensure compliance with the terms of this development consent. [E40]*

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

**33. 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]*

**34. Home Building Act**



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- (1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
  - (a) in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number, and
    - (ii) is satisfied that the licensee has complied with the requirements of the Home Building Act, or
  - (b) in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was gazetted, that amount was \$3,000. As those regulations are amended from time to time, that amount may vary.
- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is 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.

**Reason:** Prescribed - Statutory. [F2]

**Note:** Evidence of insurance required PRIOR to commencement of work.

### **35. Lead**

For the protection of the health and safety of workers, adjoining property owners, the public and the environment, any person renovating or demolishing any building built before the 1970's should be aware that any surfaces may be coated with lead based paint. Lead dust is a hazardous substance. The requirements of the Environmental Protection Authority are to be followed in this regard.

**Reason:** Safety. [F4]

### **36. 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



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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

### 37. 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]

### 38. BASIX Compliance Certification

Prior to the issue of the Occupation Certificate, a compliance certificate is to be prepared by an Accredited Certifier and submitted to the Principal Certifying Authority stating that all the selected BASIX commitments as detailed in the BASIX Certificate, lodged with the Development Application, and the approved plans/specifications have been completed.

**Reason:** To ensure the development complies with the requirements of the SEPP (Building sustainability index: BASIX 2004). [G31]



### **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      Ryan Cole, team Leader, Development Assessment

Date      28 November 2007