



Address PO Box 770 GLADESVILLE
Sydney NSW 2111
Tel 02 9816 3733 / 0414 720 060
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Email pr.consult@bigpond.com.au
ABN 74 105 418 773

MOD 2013/0259
R2100215623

MODIFIED COMPLYING DEVELOPMENT CERTIFICATE CD12.10.1534A

Issued under Part 4A of the Environmental Planning and Assessment Act 1979 Sections 109 and 86

APPLICANT DETAILS

Applicant: Andy Hurst
Address: 1 Surfers Parade FRESHWATER NSW 2096
Contact Details: **Phone** 0415 460 040 **Fax:**

OWNER DETAILS

Name of person having benefit of the development consent: Andy Hurst
Address: 1 Surfers Parade FRESHWATER NSW 2096
Contact Details: **Phone.** 0415 460 040

COMPLYING DEVELOPMENT CONSENTS

Consent Authority/Local Government Area: Warringah Council
Decision Made Under: SEPP Exempt and Complying Development Codes 2008
CDC Number: CD12 10 1534 **Date issued:** 4/12/2013
Lapse date: 86a of the EPA Act 1979 stipulates that this certificate will lapse within 5 years if not physically commenced on the stated land to which this certificate applies 81a of the Act is applicable

PROPOSAL

Address of Development: 1 Surfers Parade FRESHWATER NSW 2096
Lot/DP/Zoning: Lot 37 DP 5466 Zone.
Building Classification: Class 1a
Scope of building works covered by this Notice: Alterations & Additions to Existing Dwelling, Extension of rear of house to provide new living area and lock up garage. Modification CDC is for relocation of Entry & Laundry and addition of a study nook
Value of Construction Certificate (Incl GST): \$200,000 00
Plans and Specifications approved: Schedule 1
Fire Safety Schedule: N/A
Conditions: See Conditions attached to this certificate
Exclusions:
Critical stage inspections; See attached Notice

CERTIFYING AUTHORITY

Certifying Authority: Paul Rolfe
Accreditation Body: Building Professionals Board
Registration No. BPB0347

I certify that the proposed development is complying development, and if carried out as specified in this certificate will comply with all development standards applicable to the development and with the requirements prescribed by the Environmental Planning & Assessment Regulation 2000 concerning the issue of this certificate
The issue of this certificate has been endorsed on the documents listed in Schedule 1 which were provided in connection with the application for this certificate

Dated this: 3/12/2013

Paul Rolfe

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3 December 2013

Our ref.: CD12.10.1534A

The General Manager
Warringah Council
Civic Centre, 725 Pittwater Road,
Dee Why NSW 2099



Dear Sir/Madam,

**Re: 1 Surfers Parade FRESHWATER
Modified Complying Development Certificate No. CD12.10.1534A
Decision Made Under: SEPP Exempt and Complying Development Codes 2008**

PAUL ROLFE CONSULTING PTY LTD has issued a Modified Complying Development Certificate under Part 4A of the Environmental Planning and Assessment Act 1979 for the above premises.

Please find enclosed the following documentation:

- Modified Complying Development Certificate No CD12 10 1534A
- Copy of application for Modified Complying Development Certificate.
- Documentation used to determine the application for the Modified Complying Development Certificate as detailed in Schedule 1 of the Modified Certificate
- Cheque for Council's registration fee

Should you need to discuss any issues, please do not hesitate to contact the Accredited Building Surveyor Paul Rolfe.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Paul Rolfe'.

Paul Rolfe
Accredited Certifier
PAUL ROLFE CONSULTING PTY LTD



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Accredited Certifier

NB Prior to the commencement of work S86 (1) and (a) of the Environment Planning and Assessment Act 1979 must be satisfied



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SCHEDULE 1: APPROVED PLANS AND SPECIFICATIONS

1 Endorsed Architectural plans

PREPARED BY	DOCUMENT	DRAWING NO	REV	DATE
Bruce Swalwell Architects Pty Ltd	Existing Site & Ground Floor Plan	DA02		1/08/2012
	Existing Elevations	DA03		1/08/2012
	Site & Roof Plan	DA04		1/08/2012
	<u>Proposed Ground Floor Plan</u>	<u>DA05</u>		<u>27/08/2012</u>
	<u>Proposed Elevations</u>	<u>DA06</u>		<u>27/08/2012</u>
	<u>Proposed Elevations - Basix Window Schedule</u>	<u>DA06A</u>		<u>27/08/2012</u>
	North & South Section 1-1	DA07		1/08/2012

2 Endorsed Engineering plans

PREPARED BY	DOCUMENT	DRAWING NO	REV	DATE
Jack Hodgson Consulting Pty Ltd	Footing & Ground Floor Slab & Ground Floor Marking Plans & Details	28466-S1		15/10/2012
	Ground Floor Lintel & Roof Marking Plans & Details	28466-S2		15/10/2012

3 Endorsed Other documents

PREPARED BY	DOCUMENT	DRAWING NO	REV	DATE
Department of Planning	Basix Certificate	A148574		8/10/2012
Long Service Levy Corp	Long Service Levy Receipt			15/10/2012
Sydney Water	Sydney Water Quick Check			18/10/2012
Sydney Water	Sydney Water Approval			18/10/2012
Steve Davey & Associates	Survey Plan showing Details & Levels			1/08/2012
Sydney Water	Sewer Diagram			2/08/2010
QBE Insurance	HOW Insurance for Rob Low Builder Pty Ltd			2/11/2012



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PART 3 GENERAL HOUSING CODE CONDITIONS

DIVISION 3 CONDITIONS APPLYING TO COMPLYING DEVELOPMENT CERTIFICATE UNDER THIS CODE

Note. Complying development must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Part.

Note. A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 NO 203-CONDITION

94EC CONTRIBUTIONS PLANS—COMPLYING DEVELOPMENT

- (1) In relation to an application made to an accredited certifier for a complying development certificate, a contributions plan
- (a) is to specify whether or not the accredited certifier must, if a complying development certificate is issued, impose a condition under section 94 or 94A, and
- (b) can only authorise the imposition by an accredited certifier of a condition under section 94 that requires the payment of a monetary contribution, and
- (c) must specify the amount of the monetary contribution or levy that an accredited certifier must so impose or the precise method by which the amount is to be determined
- (1A) The imposition of a condition by an accredited certifier as authorised by a contributions plan is subject to compliance with any directions given under section 94E (1) (a), (b) or (d) with which a council would be required to comply if issuing the complying development certificate concerned
- (2) This section does not limit anything for which a contributions plan may make provision in relation to a consent authority

Condition, The Section 94EC fee applicable to this project is

\$ _____

The owner / applicant is required to pay this amount prior to the "notice of commencement" being issued to Council two days before physical commencement is to occur on site. A copy of the receipt of the applicable S94 EC payment is required to be submitted to the Accredited Certifying Authorities office as evidence two days prior to the commencement on site. Failure to undertake this step will result in the complying development being *invalid*.

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000-CONDITION

136A COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

(1) A complying development certificate for development that involves any building work must be issued subject to the following conditions

- (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
- (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.

(1A) A complying development certificate for a temporary structure that is used as an entertainment venue must be issued subject to the condition that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia* (as in force on the date the application for the relevant complying development certificate is made)

(2) This clause does not limit any other conditions to which a complying development certificate may be subject, as referred to in section 85A (6) (a) of the Act

(3) This clause does not apply

(a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or



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requirement referred to in clause 187 (6) or 188 (4), or

(b) to the erection of a temporary building, other than a temporary structure that is used as an entertainment venue

(4) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant complying development certificate is made

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues

136B ERECTION OF SIGNS

(1) A complying development certificate for development that involves any building work, subdivision work or demolition work must be issued subject to a condition that the requirements of subclauses (2) and (3) are complied with

(2) 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

(a) showing the name, address and telephone number of the principal certifying authority for the work, and

(b) 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

(c) stating that unauthorised entry to the site is prohibited

(3) 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

(4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building, that does not affect the external walls of the building.

(5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

(6) This clause applies to a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100)

136C NOTIFICATION OF HOME BUILDING ACT 1989 REQUIREMENTS

(1) A complying development certificate for development that involves any residential building work within the meaning of the *Home Building Act 1989* must be issued subject to a condition that the work is carried out in accordance with the requirements of this clause

(2) 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

(a) in the case of work for which a principal contractor is required to be appointed

(i) the name and licence number of the principal contractor, and

(ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder

(i) the name of the owner-builder, and

(ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

(3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) 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.

(4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws

136D FULFILMENT OF BASIX COMMITMENTS

(1) This clause applies to the following development

(a) BASIX affected development,

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(b) any BASIX optional development in relation to which a person has made an application for a complying development certificate that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 4A of Schedule 1 for it to be so accompanied)

(2) A complying development certificate for development to which this clause applies must be issued subject to a condition that the commitments listed in each relevant BASIX certificate for the development must be fulfilled

136E DEVELOPMENT INVOLVING BONDED ASBESTOS MATERIAL AND FRIABLE ASBESTOS MATERIAL

(1) A complying development certificate for development that involves building work or demolition work must be issued subject to the following conditions

(a) work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the Occupational Health and Safety Regulation 2001,

(b) the person having the benefit of the complying development certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences,

(c) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered

(2) This clause applies only to a complying development certificate issued after the commencement of this clause

(3) In this clause, ***bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work*** have the same meanings as in clause 317 of the Occupational Health and Safety Regulation 2001

Note 1. Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed

Note 2. The effect of subclause (1) (a) is that the development will be a workplace to which the Occupational Health and Safety Regulation 2001 applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken

Note 3. Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Department of Environment, Climate Change and Water.

Note 4. Demolition undertaken in relation to complying development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* must be carried out in accordance with Australian Standard AS 2601—2001, Demolition of structures

136H CONDITION RELATING TO SHORING AND ADEQUACY OF ADJOINING PROPERTY

(1) A complying development certificate for development must be issued subject to a condition that if the development 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 certificate must at the person's own expense.

(a) protect and support the adjoining premises from possible damage from the excavation, and

(b) where necessary, underpin the adjoining premises to prevent any such damage

(2) The condition referred to in subclause (1) does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the

SUBDIVISION 1 CONDITIONS APPLYING BEFORE WORKS COMMENCE

3.37 Protection of adjoining areas

(1) A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

(a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or

(b) could cause damage to adjoining lands by falling objects, or



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- (c) involve the enclosure of a public place or part of a public place
(2), (3) (Repealed)

Note. See the entry in the General Exempt Development Code for scaffolding, hoardings and temporary construction site fences.

3.38 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site
(2) Each toilet must
(a) be a standard flushing toilet connected to a public sewer, or
(b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
(c) be a temporary chemical closet approved under the Local Government Act 1993

3.39 Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed
(2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers

3.39A Notification to neighbours

The person having the benefit of the complying development certificate must give at least 2 days' notice in writing of the intention to commence the works to the owner or occupier of each dwelling that is situated within 20m of the lot on which the works will be carried out

SUBDIVISION 2 CONDITIONS APPLYING DURING THE WORKS

Note. The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise

3.40 Hours of construction or demolition

Construction or demolition may only be carried out between 7 00 am and 5 00 pm on Monday to Saturday and no construction or demolition is to be carried out at any time on a Sunday or a public holiday

3.41 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates

3.42 Sedimentation and erosion controls

Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped

3.43 Maintenance of site

- (1) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held
(2) Demolition materials and waste materials must be disposed of at a waste management facility.
(3) The work site must be left clear of waste and debris at the completion of the works

SUBDIVISION 3 CONSTRUCTION REQUIREMENTS



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3.44 Staging construction

- (1) If the complying development is the erection of, or alterations or additions to, a dwelling house, the roof stormwater drainage system must be installed and connected to the drainage system before the roof covering is installed
- (2) Any approval that is required for connection to the drainage system under the Local Government Act 1993 must be held before the connection is carried out
- (3) If the complying development involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the complying development on the site is obtained

3.45 Utility services

If the complying development requires alteration to, or the relocation of, utility services on the lot on which the complying development is carried out, the complying development is not complete until all such works are carried out



MODIFIED COMPLYING DEVELOPMENT CERTIFICATE APPLICATION

Date received: ____/____/____

You can use this form to apply for approval to carry out a proposal that is classed as complying development. The planning instrument made under the *Environmental Planning and Assessment Act 1979* applying to your property will identify whether your proposal is complying development. To complete this form, please place a cross in the boxes ☐ and fill out the white sections as appropriate. To minimise delay in receiving a decision about your application, please ensure you submit all relevant information. You need to apply to a certifying authority (either your council or a private certifier).

1. Details of the owner

Mr ☒ Ms ☐ Mrs ☐ Dr ☐ Other ☐

First name

ANDREW

Surname or Company name

HURST

Flat/street no.

1

Street name

SURFERS PARADE

Suburb or town

FRESHWATER

State

NSW

Postcode

2096

Daytime telephone

0415 460 040

Fax

Mobile

0415 460 040

Email

ahurst@unitingcarens.waact.org.au

2. Identify the land you propose to develop

Flat/street no.

1

Street name

SURFERS PARADE

Suburb or town

FRESHWATER

Postcode

2096

Lot no.

37

Section

LOT 37 OF SECTION 2 IN DP 5466

DP/MPS no.

Volume/folio

You can find the lot no., section DP/MPS no. and volume/folio details on a map of the land or on the title documents for the land. If you need additional room, please attach a schedule and/or map with these details.

3. Estimated cost of the development

\$

including GST

4. Describe the work you propose to carry out

This might include the type of building you propose to build or demolish and its location.

ADDITION OF REAR EXTENSION, ADDITION OF GARAGE, DEMOLITION OF REAR DECK, LAUNDRY + SHEDS ADDITION OF DECK

5. Residential building work

Identify the planning instrument to be applied to this proposed work:

Council DCP/LEP ☐

NSW Codes SEPP ☐

1. Are you going to build a house or other dwelling or alter or add to a dwelling?

No ☐

Yes ☒ ➤ Go on to question 2

2. Are you an owner-builder?

Yes ☐ ➤

What is your owner-builder permit no.?

No ☒ ➤

Will the work be carried out by someone who is licensed to do so?

Yes ☒ ➤

What is the name of the builder?

ROBERT LOW

What is the telephone no. of the builder?

0412 455 262

What is the contractor licence no. of the builder?

137186C

Have you attached to this application evidence that the licensed person is insured to carry out this type of work?

No ☐

Yes ☒

No ☐ ➤

Have you attached to this application a declaration (signed by each owner of the land) that the reasonable market cost of the labour and materials to be used is less than \$3000?

No ☐

Yes ☐

6. Plans and specifications of the land and development

You need to provide the plans and specifications of your proposal to help the certifying authority determine whether it complies with set standards and requirements. Please confirm that you have attached this material by placing a cross in the appropriate boxes ☐:

☒ A site plan of the land, drawn to scale (4 copies) that indicates:

- the location of the land, the measurements of the boundaries of the land, the size of the land and which direction is north
- existing vegetation and trees on the land
- the location and uses of buildings that are already on the land
- the existing levels of the land in relation to buildings and roads
- the location and uses of buildings on sites that adjoin the land.

☒ Plans or drawings of the proposal, drawn to scale (4 copies) that indicate, where relevant:

- the location of any buildings or structures on the land, any proposed extensions or additions, the boundaries of the land, and any development on adjoining land
- the floor plans of each proposed building

- each elevation of the proposed building(s)
- how high the proposed development will be in relation to the land
- the level of the lowest floor, the level of any yard or unbuilt area and the level of the ground
- any changes that will be made to the level of the land by excavation, filling or otherwise
- the arrangements you have made for parking, where vehicles will enter and leave the site, and how vehicles will move about the site
- the fire safety and fire resistance measures (if any) and their height, design and construction
- how the land will be landscaped or otherwise treated and what types of vegetation will be used (including their height and maturity)
- how you intend to drain the land.

Where you propose to alter, add to or rebuild a building that is already on the land, please mark the plans (by colour or otherwise) to show the alteration, addition or rebuilding you propose to do.

☒ **The specifications for the development (4 copies) that:**

- describe the construction (including the standards that will be met), the materials which will be used to construct the building and the methods of drainage, sewerage and water supply
- state whether the materials proposed to be used are new or second hand and give details of any second-hand materials to be used.

Where you propose to modify plans and specifications that have already been approved, you need to mark the approved plans and specifications (by colour or otherwise) to show the modification.

7. Attachments

- ☒ a plan of the existing building, drawn to scale, where the application involves building work to alter, enlarge or extend that building.

This plan will assist the certifying authority to assess whether the work will reduce the fire protection capacity of the building.

- ☐ the attached schedule, completed for the development

The information in the schedule will be used by the Australian Bureau of Statistics to report each quarter on the building activity that occurs in the economy. Building statistics allow governments and businesses to accurately identify main areas of population growth and demand for products and services.

You may also need to pay a long service levy under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or where such a levy is payable by instalments, the first instalment of the levy) before the certifying authority can issue a certificate to you.

Schedule to application for a complying development certificate

Please complete this schedule. The information will be sent to the Australian Bureau of Statistics.

All new buildings

Please complete the following:

- Number of storeys (including underground floors)
- Gross floor area of new building (m²)
- Gross site area (m²)

Residential buildings only

Please complete the following details on residential structures.

- Number of dwellings to be constructed
- Number of pre-existing dwellings on site
- Number of dwellings to be demolished
- Will the new dwelling(s) be attached to other new buildings? Yes ☐ No ☐
- Will the new building(s) be attached to existing buildings? Yes ☐ No ☐
- Does the site contain a dual occupancy?
(NB dual occupancy = two dwellings on the same site) Yes ☐ No ☐

Materials – residential buildings

Please indicate the materials to be used in the construction of the new building(s):

Walls	Code	Roof	Code	Floor	Code	Frame	Code
Brick (double)	<input type="checkbox"/> 11	Tiles	<input checked="" type="checkbox"/> 10	Concrete or slate	<input type="checkbox"/> 20	Timber	<input checked="" type="checkbox"/> 40
Brick (veneer)	<input checked="" type="checkbox"/> 12	Concrete or slate	<input type="checkbox"/> 20	Timber	<input checked="" type="checkbox"/> 40	Steel	<input type="checkbox"/> 60
Concrete or stone	<input type="checkbox"/> 20	Fibre cement	<input type="checkbox"/> 30	Other	<input type="checkbox"/> 80	Aluminium	<input type="checkbox"/> 70
Fibre cement	<input type="checkbox"/> 30	Steel	<input type="checkbox"/> 60	Not specified	<input type="checkbox"/> 90	Other	<input type="checkbox"/> 80
Timber	<input type="checkbox"/> 40	Aluminium	<input type="checkbox"/> 70			Not specified	<input type="checkbox"/> 90
Curtain glass	<input type="checkbox"/> 50	Other	<input type="checkbox"/> 80				
Steel	<input type="checkbox"/> 60	Not specified	<input type="checkbox"/> 90				
Aluminium	<input type="checkbox"/> 70						
Other	<input type="checkbox"/> 80						
Not specified	<input type="checkbox"/> 90						