

28 March 2008

C J Walmsley  
P O BOX 611  
FORESTVILLE NSW 2087

«DA\_NO»MOD1  
«Admin\_Off\_Initials» (PAS)

Dear Sir / Madam,

**RE: NO. 7 LANDSCAPE AVENUE, FORESTVILLE  
MODIFICATION OF DEVELOPMENT CONSENT NO. 2006/0915  
DELETION OF CONDITION 29 IN RELATION TO RURAL FIRE SERVICE  
REQUIREMENT FOR FRONT FENCE**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on «Mod\_Approval\_Date» and determined as follows:

➤ **Deletion of Condition No. 29** to read as follows:

**29. DELETED**

This letter should therefore be read in conjunction with Development Consent 2006/0915 dated 27 October 2006. Please find attached a consolidated set of conditions incorporating both modifications of consent.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 96(6) of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court.

Should you require any further information on this matter, please contact «**Resp\_Officer**» between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our DA's Online System at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au).

Yours faithfully

Ryan Cole  
**Team Leader, Development Assessment  
Planning & Development Services**

Encl.

## **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:

<b>Drawing No.</b>	<b>Drawing Title</b>	<b>Revision No.</b>	<b>Revision Date</b>	<b>Prepared By</b>
1	Lower Ground Floor, Ground Floor		Sept 2006	NBRS&P
2	Elevations		Sept 2006	NBRS&P
3	Elevations		Sept 2006	NBRS&P
4	Section		Sept 2006	NBRS&P

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. Demolition of Extra Fabric**

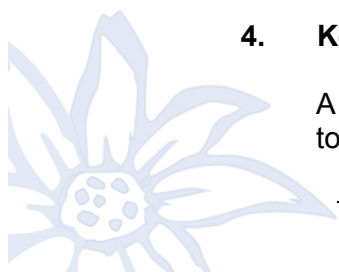
Alterations to, and demolition of the existing building shall be limited to that shown on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

**Reason:** To ensure compliance with the approved development. **[A3]**

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

## **4. Kerb Security Bond**

A bond of \$825.00 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. 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]*

**6. 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]*

**7. 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)]*

**8. Roofing Materials - Reflectivity**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details being submitted with the Construction Certificate.

**Reason:** *To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. [C55]*

**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:

<b>SECURITY BOND &amp; FEE SCHEDULE</b>
7 Landscape Avenue, Forestville (Property address)
DEVELOPMENT APPLICATION NUMBER <b>2006/0915</b>

**Consolidated Conditions of Modification No.1 Approved 3 March 2008,  
of Development Consent 20060915 Approved 27 October 2006**

<b>SECURITY BONDS</b>	<b>AMOUNT (\$)</b>
Tree Damage Bond (within the site)	N/A
Street Tree Bond (on Council Property)	N/A
Builders Road/Kerb Security Bond	\$825.00
Engineering Construction Bond · General Works · Road Pavement · Stormwater · Kerb & Gutter, Footpath	
Others	N/A
<b>TOTAL BONDS</b>	<b>\$825.00</b>
<b>FEES</b>	
<b>Kerb Security Inspection Fee</b>	<b>\$200.00</b>
Section 94 contribution	\$1350.00
Long Service Levy	\$472.00
Others	N/A
<b>TOTAL FEES</b>	<b>\$2022.00</b>
Progress Inspections if Council is selected as the PCA	<b>\$825.00</b>

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

#### 10. S94A Contribution

The payment of \$1350.00 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.

The basis for the contributions is as follows:

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on total development cost of                      \$                      135,000.00			
<b>Contribution - all parts Warringah (except Dee Why)</b>	<b>Levy Rate</b>	<b>Contribution Payable</b>	<b>Council Code</b>
S94A Levy	0.95%	\$1,283	6923
S94A Planning and Administration	0.05%	\$68	6924
<b>TOTAL</b>	<b>1%</b>	<b>\$1,350</b>	

**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]

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### **11. 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]

#### **12. 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]

#### **13. 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]

#### **14. 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]

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

#### **15. 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:

- (a) At the commencement of the work, and after excavation for, and prior to the placement of any footings, and prior to pouring any in-situ reinforced concrete building element, and
- (b) Prior to covering of the framework for any floor, wall roof or other building element, and



- (c) 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]

#### **16. 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]

#### **17. 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]



## **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. 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]*

## **20. 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]*





## **21. 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]

## **22. Home Building Act**

- (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.





## **23. 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]*

## **24. 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 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]*

## **25. 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**



**26. 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]*

**27. Termite Control**

- (1) Termite control measures being installed in accordance with AS 3660.1-2000 "Termite Management: New Building Work."

**Reason:** *Termite control. [G6 (1)]*

**28. Bushfire protection**

Roofing shall have leafless guttering to prevent the build up of flammable material.

**Reason:** *Protection from bushfire and safety. [G35]*

**29. DELETED**

**30. Bushfire Protection**

The entire property shall be managed as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

**Reason:** *Protection from bushfire and safety. [G38]*

**31. Smoke Alarms**

Prior to issuing the occupation certificate smoke alarms are to be installed in the dwelling in accordance with Part 3.7.2 Smoke Alarms of the Housing Provisions of the Building Code Australia.

**Reason:** *Ensure the safety of the occupants.*

**32. Bushfire protection**

Construction shall comply with AS3959 - 1999 level 3 'Construction of Buildings in bushfire prone areas' to the Northern, Southern and Eastern elevations.

**Reason:** *Protection from bushfire and safety. [RFS]*

**33. Bushfire protection**

Construction shall comply with AS3959 - 1999 level 2 'Construction of Buildings in bushfire prone areas' to the Western elevation.



**Reason:** Protection from bushfire and safety. [RFS]

**34. Bush Fire Protection**

Access to the rear of the property shall be provided for fire fighting purposes.

**Reason:** To ensure the safety and protection of the occupants.

