



Warringah Council

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

**Development Application No:** DA2007/1019

### DEVELOPMENT APPLICATION DETAILS

**Applicant Name:** Phillip Gordon Scholfield

**Applicant Address:** 6 Colvin Place, Frenchs Forest NSW 2086

**Land to be developed (Address):** Lot 1, DP 835234, 50 Waine Street, Freshwater

**Proposed Development:** Proposed alterations and additions to an existing dwelling

### DETERMINATION

**Made on (Date):** 25 September 2008

**Consent to operate from (Date):** 25 September 2008

**Consent to lapse on (Date):** 25 September 2011

#### 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 Number	Dated	Prepared By
DAS1-09-07 Sheet 1 of 3	Sept 2007	Mila Technical Services
DAS1-09-07 Sheet 2 of 3	Sept 2007	Mila Technical Services
DAS1-09-07 Sheet 3 of 3	Sept 2007	Mila Technical Services

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. (DACGBapasd)*

#### 2. 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. (DACGBbca)*

#### 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. (DACGBdef)*

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

#### 4. Amended Plan

The western building wall of the sunroom is to be relocated and aligned to be generally consistent with the existing building wall of the front part of the dwelling 0.4 metres from the western boundary. Amended plans are to be submitted to a Certifying Authority prior to the issue of a Construction Certificate.

**Reason:** *To ensure consistency with the built form control.*

## **5. Development/Construction Security Bond**

A bond (determined from cost of works) of \$500 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of any Construction Certificate. This bond is to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

**Reason:** *To ensure adequate protection to Council infrastructure. (DACECdcsb)*

## **6. Sydney Water Approval**

The approved consent plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au)

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building/over Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating

Or telephone 13 20 92.

The Certifying Authority must ensure that a Quick Check agent/ Sydney Water has appropriately stamped the plans prior to the issue of any Construction Certificate.

**Reason:** *To ensure compliance with the statutory requirements of Sydney Water. (DACECswa)*

## **7. 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 are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

## **8. Demolition/ Building Works**

No demolition/ building works shall be carried out until a Construction Certificate has been issued.

**Reason:** *To ensure compliance with statutory provisions. (DACGDebw)*

## **9. Home Building Act**

(1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) 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:



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- (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. (DACGDhba)*

## **10. Notice of Commencement**

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with Section 81A of the Environmental Planning and Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

**Reason:** *Legislative requirement for the naming of the PCA. (DACGDnc)*

## **11. 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. (DACGDss)*

## 12. Protection of Trees During Works

All existing trees on the site shall be maintained and protected during demolition and construction on the site. Details of required protection methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

**Reason:** *To ensure compliance with the requirement to retain significant planting on the site. (DACLDptdw)*

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

## 13. 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 Specifications for Erosion and Sediment Control. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

**Reason:** *To protect the environment from the effects of sedimentation and erosion from development sites. (DACEEimsc)*

## 14. Prohibition on Use of Pavements

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

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

## 15. Construction Hours

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

**Reason:** *To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACGEch)*

## 16. Demolition Works



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All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with all relevant Acts, Regulations and Australian Standards.

Note: The following Australian Standard applied at the time of determination

- Australian Standard AS2601.2001 - Demolition of Structures

**Reason:** *To ensure a satisfactory standard of demolition works. (DACGE<sub>dw</sub>)*

## **17. Support for Neighbouring Buildings**

(1) If a demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage;
- (b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent; and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

**Reason:** *To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage. (DACGE<sub>g</sub>)*

## **18. Health and Safety**

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

**Reason:** *To ensure the health and safety of the community and workers on the site. (DACGE<sub>hs</sub>)*

## **19. Plans on Site**

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Certifying Authority.

**Reason:** *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance. (DACGE<sub>pos</sub>)*

## **20. 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. (DACGE<sub>ref</sub>)*



## **21. Dust emission and air quality**

Materials must not be burnt on 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 Landcom's Managing Urban Stormwater: Soils and Construction (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.

**Reason:** *To ensure residential amenity is maintained in the immediate vicinity. (DACHEdeaq)*

## **22. Noise and Vibration**

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) 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. (DACHEnv)*

## **23. Removing, Handling and Disposing of Asbestos**

Any works involving asbestos based products in relation to removal, handling and disposing of material must be undertaken in accordance with all relevant Acts, Regulations, Guides and Codes.

Note: The following standards applied at the time of determination:

- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]

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

## **24. Removal of Lead**

All work involving lead removal must not cause lead contamination of air or ground and must be carried out in accordance with the relevant Australian Standards. Particular attention must be given to the control of dust levels on the site.

Note: The following standard applied at the time of determination:

- Australian Standard AS4361.2 - Guide to lead paint management - Residential and commercial buildings

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

## **25. Protection of Trees**

All trees on the site which are not listed as exempt or noxious in Warringah are to be protected.

**Reason:** *Protection of existing environmental infrastructure and community assets. (DACLEpt)*



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## 26. Survey Certificate

A survey certificate prepared by a registered Surveyor is to be submitted to the Principal Certifying Authority at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

**Reason:** *To determine the height of buildings under construction comply with levels shown on approved plans. (DACGEsc)*

## 27. Tree Pruning

Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified Arborist and be in accordance with the relevant Australian Standards.

Note: The following Australian Standard applied at the time of determination:

- Australian Standard AS 4373.2007 - Pruning of Amenity Trees.

**Reason:** *To ensure protection and longevity of existing trees. (DACLEtp)*

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

## 28. Occupation Certificate Required

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

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

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





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### **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                      \_\_\_\_\_  
Rodney Piggott, Team Leader, Development Assessment

Date                      25 September 2008