



Warringah Council

## NOTICE OF DETERMINATION

**Application Number:** REV2008/0026

### APPLICATION DETAILS

**Applicant Name and Address:** C K Hoatson, J M Hoatson  
1156 Pittwater Road  
COLLARROY NSW 2097

**Land to be developed (Address):** Lot C DP 954998 1156 Pittwater Road, Collaroy

**Proposed Development:** S82A Application to review DA2008/0177 for partial demolition, and alterations and additions to an existing dwelling

### DETERMINATION - APPROVED

**Made on (Date):** 23 February 2009

**Consent to operate from (Date):** 23 February 2009

**Consent to lapse on (Date):** 23 February 2012

### 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.



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## Development for Collaroy/ Narrabeen Beach

This property is on land located in an area where there is likely to be a risk of coastal erosion and wave impact during severe storms. The risk to the property may increase with time due to long term beach recession caused by greenhouse induced sea level rise or natural coastal processes.

To reduce the potential impact to your property, the Council strongly recommends that effective precautions be taken to ensure adequate volumes of sand are maintained within the eastern boundary of your property. The Council requires that only free draining, clean, yellow sand be used to fill allotments.

### 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
A-01 Roof plan/ site analysis/ landscape Revision A	16/10/2008	Jo Gillies Architect
A-02 Ground floor plan Revision A	16/10/2008	Jo Gillies Architect
A-03 First floor plan Revision A	16/10/2008	Jo Gillies Architect
A-04 Loft floor plan Revision A	16/10/2008	Jo Gillies Architect
A-05 Section AA, BB Revision A	16/10/2008	Jo Gillies Architect
A-06 Section CC, DD Revision A	16/10/2008	Jo Gillies Architect
A-07 North elevation Revision A	16/10/2008	Jo Gillies Architect
A-08 South elevation Revision A	16/10/2008	Jo Gillies Architect
A-09 East, west elevation Revision A	16/10/2008	Jo Gillies Architect
A-13 Drainage, erosion and sediment plan Revision A	16/10/2008	Jo Gillies Architect

No building 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.

#### 2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.



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**Reason:** *Prescribed - Statutory.*

### **3. New Development Application Required**

This consent is for partial demolition of the existing building only. If during the course of certification, demolition or construction, the remaining fabric of the building identified to be retained on the approved plans is removed or demolished a new development application may be required and relevant planning controls including BASIX may apply.

**Reason:** *To ensure compliance with the approved plans.*

### **4. Development for Collaroy/ Narrabeen Beach**

1. In the Zone of Adjustment, structures are to be supported on piles to withstand loads which may be induced in the pile by slumping of the soil face.
2. Criteria for structural pile design for residential development is detailed in Criteria for the Siting and Design of Foundations for Residential Development, February 1991, Geomarine Pty Ltd and Coffey Partners International Pty Ltd, Report No.69021 R02.
3. A suitably qualified engineer must undertake the geotechnical/ structural design of the foundations in accordance with Criteria for the Siting and Design of Foundations for Residential Development, February 1991, Geomarine Pty Ltd and Coffey Partners International Pty Ltd, Report No.69021 R02
4. Unless demonstrated as being adequate to the Council's satisfaction, piling must extend to a depth below 1 metre AHD in the Zones of Slope Adjustment
5. Piling requirements for major development extend to the whole structure, with any part of the structure located east of the zone of Stable Foundation.

The applicant/ owner is to minimise the amount of sand removed from the property during construction. If sand is removed from the site during construction, it may be placed on the beach reserve in accordance with the direction of the Council's Environmental Officers.

A suitably qualified engineer must undertake the geotechnical/structural design of the foundations in accordance with Schedule 13 of the WLEP and the report titled *Criteria for the Siting and Design of Foundations for Residential Development*, February 1991, Geomarine Pty Ltd and Coffey Partners International Pty Ltd, Report No 69021 R02.

**Reason:** *To ensure the structural adequacy of the development.*



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

### 5. Garage

The garage in the front setback area is to be amended in the following manners:

- The storage area along the southern perimeter of the garage is to be deleted, so that the width of the garage is to have a maximum width of 6.2 metres.
- Landscaping is to be provided in the front setback area along the southern perimeter of the garage.

Amended plans demonstrating compliance is to be submitted to a Certifying Authority prior to the issue of a Construction Certificate.

*Reason: To ensure consistency with the Desired Future Character statement of the locality and to reduce the visual impact of the development on the streetscape. .*

### 6. BASIX Certification

The development shall fully comply with the schedule of BASIX Commitments specified within BASIX Certificate. Plans and specifications that reflect those commitments identified on the BASIX Certificate to be satisfied prior to the issue of the Construction Certificate, shall be submitted to the Certifying Authority prior to the release of the Construction Certificate.

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

### 7. 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. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work.

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.

*Reason: Prescribed - Statutory.*

### 8. Roofing Materials - Reflectivity

The metal roof shall be medium to dark in colour 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.*



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## 9. Section 94A Contribution

\$495,000 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan. 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:

<b>Warringah Section 94A Development Contributions Plan</b>			
Contribution based on total development cost of		\$	495,000.00
<b>Contribution - all parts Warringah</b>	<b>Levy Rate</b>	<b>Contribution Payable</b>	<b>Council Code</b>
Total S94A Levy	0.95%	\$4,703	6923
S94A Planning and Administration	0.05%	\$248	6924
Total	1.0%	\$4,950	

**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.

## 10. Development/Construction Security Bond

A bond (determined from cost of works) of \$1000 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.

## 11. Stormwater Disposal

Plans indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments, shall be submitted prior to the issue of the Construction Certificate. The plans must indicate the provision of an on site absorption system and a rainwater tank. Stormwater shall be conveyed from the site to the absorption system.

**Reason:** To ensure appropriate provision for disposal and stormwater management, arising from the development.

## 12. Vehicle Crossings Application - Formwork Inspection

An application for street levels and payment of the associated fee shall be made with Council. This application includes the approval and all Council inspections relating to the driveway construction and the associated fee must be paid prior to the issue of the Construction Certificate.



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**Reason:** *To facilitate suitable vehicular access to private property.*

### **13. Damage to Public Infrastructure**

The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issue of the Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

**Reason:** *To ensure the protection of existing built public infrastructure.*

### **14. 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) for:

- 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.*

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

### **15. Energy Australia**

Prior to any development being carried out, the approved plans must be submitted to EnergyAustralia's local customer service office for approval to determine whether the development will affect EnergyAustralia's network or easement.

The development must comply with both the Reference Levels and the precautionary requirements of the draft ARPANSA's Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0Hz- 3kHz, 7 December 2006.

**Reason:** *To ensure compliance with EnergyAustralia's conditions of approval .*



## 16. 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.*

## 17. 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:
    - (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.*



## **18. 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.*

## **19. Site Sign**

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (a) stating that unauthorised entry to the work site is prohibited;
  - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

**Reason:** *Statutory requirement.*

## **20. 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).*

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

## **21. 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.





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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.*

## **22. Demolition Works**

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.*

## **23. 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.*

## **24. 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.*

## **25. 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



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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.*

## **26. 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.*

## **27. 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 Soils and Construction Manual Volume 1 - Managing Urban Stormwater. 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.*

## **28. Maintenance of Road Reserve**

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

**Reason:** *Public Safety.*

## **29. Silt & Sediment Control**

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

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

## **30. Layback Construction**

A layback 4 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

**Reason:** *To facilitate suitable vehicular access to private property.*

## **31. Vehicle Crossings**

The provision of one vehicle crossing 4 metres wide at the kerb and 5 meter wide at the boundary in accordance with Warringah Council Drawing No A4-3330/1 Normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.



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For details see Warringah Council's website <<http://www.warringah.nsw.gov.au>> or phone (02) 9942 2111.

**Reason:** *To facilitate suitable vehicular access to private property.*

### **32. Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Before excavation, the responsible person must notify their intention to the adjoining owner/s and shall at the same time furnish to such owner/s particulars of the work proposed to be carried out.

**Reason:** *Safety.*

### **33. 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.*

### **34. 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.*

### **35. 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*



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### **36. 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*

### **37. 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.*

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

### **38. BASIX Compliance Certification**

Prior to the issue of an Interim/Final Occupation Certificate, all the selected BASIX commitments as detailed in the BASIX Certificate, must be completed.

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

### **39. House / Building Number**

Prior to the issue of an Interim/Final Occupation Certificate, the house/building number is to be affixed to the building.

**Reason:** *Proper identification of buildings.*

### **40. 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.



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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.*

#### **41. Reinstatement of Kerb**

Prior to the issue of an Interim/Final Occupation Certificate all redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

**Reason:** *To facilitate the preservation of on street parking spaces.*

#### **Review of Determination**

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. The review must be determined within 12 months.

**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                              Cynthia Chan, Development Assessment Officer

Date                              23 February 2009