

Business Hours:
8.00am to 6.00pm, Monday to Thursday
8.00am to 5.00pm, Friday

DA No: 0523/97

20 March 2009

JEREMY RICHMAN
62 HERBERT AVENUE
NEWPORT NSW 2106

Dear Sir/Madam

Modification of Deemed Development Consent P0523/97 for first floor extensions and alterations at 62 HERBERT AVENUE NEWPORT NSW 2106.

Your request for modification has been considered by Council and it has been agreed to modify the Consent.

Please find attached the consent as modified.

If there are any matters that require further clarification, please do not hesitate to contact me.

Yours faithfully

Sophie Garland
PLANNER

MODIFICATION OF DEVELOPMENT CONSENT NO: P0523/97

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION

OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

**JEREMY RICHMAN
62 HERBERT AVENUE NEWPORT NSW 2106**

Being the applicant in respect of Development Application No 0523/97

Pursuant to section 81 of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of this Development Application for: -

Modification of Development Consent P0523/97 for first floor extensions and alterations

At:-

Lot 151 DP 13457

**62 HERBERT AVENUE
NEWPORT NSW 2106**

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with plans numbered 97-58(2/2) dated 18.6.1997 and 97-58A(1/1/) dated 24.8.1997 submitted 26.6.1997 as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of these conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act, pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Note: For ease of reference, all of the previous conditions have been re-listed. Those conditions amended or deleted have been highlighted.

Endorsement of date of consent 10 September 1997, ***Modified 20 March 2009***

Mark Ferguson
GENERAL MANAGER

Per:

CONDITIONS OF APPROVAL

1. Building works covered by this approval are to be substantially commenced within 12 months and completed to Council's satisfaction within 5 years from the date of approval.
2. The proposal is to be completed generally in accordance with the detail shown on Drawing No(s) 97-58(2/2) dated 18.6.1997 and 97-58A(1/1), dated 24.8.1977, submitted 26/6/1997, or as modified by any conditions of this approval.
3. Local Government Act , 1993, Local Government Act (Approvals) Regulation 1993 and the Building Code of Australia thereunder being complied with.
4. Council's Policy Guidelines relative to the erection of building being complied with.
5. Street Levels in relation to driveways, fences, garages, etc, being established from the Chief Engineer before construction commences.
6. Sydney Water requirements relative to all sanitary plumbing and drainage being complied with and Special Inspection Certificates from such authority being produced before occupation of building. Plans should be submitted to the Building Plans Section of the Board prior to commencement of building – failure may lead to penalty and demolition of work.
7. Your attention is directed to the necessity to locate the structure completely within the boundaries of your property and in accordance with the approval. It is recommended that you engage the services of a Registered Surveyor before construction commences to ensure encroachments do not take place. Demolition of any encroaching structure would be enforced.
8. **DELETED.**
9. Submission of details prior to the commencement of work from a Council listed (c) Structural Engineer, endorsed by a geotechnical engineer covering footings, columns, bracing, ties.
10. Compliance with the recommendations made in the Geotechnical Engineer's Report No UR 14697a dated 27.8.1997.
11. Submission of a certificate from a Geotechnical Engineer certifying that the foundations are adequate and in compliance with the recommendations contained in Report No UR 14697a dated 27.8.1997.
12. Submission of a certificate from a council listed Structural Engineer certifying that the footings, columns, bracing, ties are adequate and in compliance with the Council stamped structural design details.
NOTE: Certificates must be submitted prior to the building works progressing beyond the respective stage the certificate covers.
13. Approved smoke alarms being provided in each storey of the dwelling and/or additions, in accordance with Part E1.7 of the Building Code of Australia and Australian Standard 3786-1993. Details of the type, location and method of installation of smoke alarms are to be submitted to Council prior to commencement of building works.

NOTE: Written certification is to be submitted to Council, endorsed by a licensed electrical contractor, certifying all smoke alarms have been installed in accordance with AS 3786-1993. All approved smoke alarms to be connected to the mains electrical supply.

14. All excavated material being removed from the site.
15. Notice of 48 hours being given to Council for inspection of the following:
 - (a) Commencement of work on site.
 - (b) Footings are excavated/or floor slab is prepared and steel reinforcement is in position.
 - (c) Timber floor bearers and joists are in position.
 - (d) Timber wall and roof frame is completed.
 - (g) Building complete and ready for final inspection.
16. The maximum finished roof level being assumed RL 6.15. This to be confirmed in writing by a registered surveyor to Council prior to the roof covering being applied.
17. Wall immediately adjoining or behind the bath/s or of the shower compartment/s shall be finished to a height of not less than 1,800mm above the floor with cement render, ceramic tiles or other approved impervious finish.
18. Deck not being further enclosed without written permission from Council.
19. The carstand is not to be converted to a carport or garage without prior approval of Council.
20. Internal stair having a minimum head height of 2030mm and spiral staircase to have a minimum diameter of 1800.
21. Wet room floors being finished in an impervious material with a grade to a suitable floor waste outlet, full details of finishes and flashings are to be submitted prior to commencement of work.
22. The construction of all timber members, bracing of stud walls, tie down and fixing requirements being in accordance with the provisions of AS 1684-1992 "National Timber Framing Code".
23. Stormwater being piped to the Council controlled drainage easement or piped to existing system.
24. Safety Glass as defined in AS 2208-1978 being provided in all locations subject to human impact as required by AS 1288-1994.
25. The metal deck roof being treated to reduce its glare factor. A chemically bonded prepainted finish similar to Lysaghts "Colorbond" is generally acceptable to Council. Details of the colour of an pre or factory coloured roofing being submitted to Council for approval prior to the commencement of work. White or similar light colours are not accepted. Colour must have a reflectivity value of 25% or less.
26. Hours of construction being restricted to Monday to Friday, 7am to 5pm, Saturday 7am to 1pm (if audible at residential premises 8am to 1pm). Internal building work may be carried

out at any time outside the restricted hours subject to noise emission from the building not being audible at any adjoining boundary.

27. Provision of a balustrade to the balcony, deck, stairway in accordance with the requirements of Part D 2.16 of the Building Code of Australia.
28. Footpath and roadway being kept clear and free of obstruction during construction.
29. Submission of a detailed landscaping plan. Such plans to indicate type and number of indigenous species to screen the underside of the carstand.
30. Preservation of trees during construction of a building:
 - (a) Filling not to be placed in and around trees that are to be retained on the site.
 - (b) Excavation not to be carried out which will cause damage to the roots of existing trees. Particular attention to be made to roots within the drip line.
 - (c) All substantial trees to be protected by enclosing with fencing prior to the commencement and during the course of construction.
 - (d) Building material not to be stacked in and around the drip line of substantial trees.
31. The colour, texture and substance of all external components of the building and hard surfaced area being to Council's reasonable satisfaction, details to be submitted for approval prior to commencement of building works.
32. The requirements of Energy Australia to be complied with.
33. The level of the carstand floor to be 150mm higher than the edge of the road to allow for future layback to Council Engineer's requirements.
34. ***The road reserve is to be purchased from Council prior to the commencement of construction of the proposed carstand.***

Building is not to be occupied before it has been completed in accordance with the plans and specifications approved by Council.

Garage and/or other non-residential section of the building not being used for human habitation or occupation or let out for such purposes.

IMPORTANT: This approval shall be void if building work is not substantially commenced within 12 months after the date of approval.