

6 June 2007

Mr James Jennings
19 Headland Road
NORTH CURL CURL NSW 2099

2003/1427MOD1
GF (PAS)

Dear Sir,

**RE: 18 AUSTIN AVENUE NORTH CURL CURL
MODIFICATION OF DEVELOPMENT CONSENT NO. 2003/1427**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 21 May 2007 and determined as follows:

The Development Application No: 2003/1427/1 for modification of plans approved under 2003/1427 including change roofline, window treatments, enclose rear patio, remove external stairs, revise ceiling height to garage, configuration changes of second storey rooms, at Lot 129, DP 6143, 18 Austin Ave, North Curl Curl be Approved subject to the original conditions of consent except for the replacement of Condition 1 as follows:

➤ **Replacement Condition 1**

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing No.	Drawing Title	Revision No.	Revision Date	Prepared By
DA-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14.	Site plan, floor plan & elevations		26 March 2007	Nvisage

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)]*

This letter should therefore be read in conjunction with Development Consent 2003/1427 dated 13 April 2004. 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 **Steve Ackerman** 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.

Yours faithfully,

Keith Wright
Team Leader
Development Assessment

**Consolidated Conditions of Modification No.1 Approved 21 May 2007,
of Development Consent 2003/1427 Approved 13 April 2004**

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Reason: *To ensure the work is carried out in accordance with the determination of Council and approved plans. [A1 (1)]*

2. At least 2 days prior to work commencing on site Council must be informed, by the submission of Form 7 of the Environmental Planning and Assessment Regulation 1998 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence. (C168)
3. Compliance with Building Code of Australia
 - a. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
 - b. This clause does not apply to the extent to which an exemption is in force under Clause 80H or 80I, subject to the terms of any condition or requirement referred to in Clause 80H (6) or 80I (4). (C375)
4. Payment of the Long Service Leave 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. This payment is not required where the value of the works is less than \$25,000. (C3)
5. Residential Building Work
 - a. Building work that involves 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:
 - (i) in the case of work to be done by a licensee under that Act:
 - A. has been informed in writing of the licensee's name and contractor licence number, and

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- B. is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR
- (ii) in the case of work to be done by any other person:
 - A. has been informed in writing of the person's name and owner-builder permit number, or
 - B. 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 definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (i) and (ii) 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 (ii) B 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, so that amount may vary.

- b. 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. (C377)
6. Retaining Walls and Drainage.
- If the soil conditions require it:
- a. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - b. adequate provision must be made for drainage. (C379)
7. Signs to be Erected on Building and Demolition Sites. (C382)
- a. 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:
 - (i) stating that unauthorised entry to the work site is prohibited, and
 - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
8. Protection of Public Places
- a. If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (ii) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
 - b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - d. Any such hoarding, fence or awning is to be removed when the work has been completed. (C381)

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9. The building not being adapted for multiple dwelling occupancy. (C291)
10. Trade materials, product and plant to be kept within the confines of the building at all times. (C30)
11. 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. (C305)
12. Hours of construction being restricted to 7am to 5pm Monday to Friday, Saturday 7am to 1pm if audible at residential premises, excluding public holidays. No audible construction work to take place outside these hours. (C326)
13. Stormwater being piped to Warringah Council's street drainage system. (C300)
14. Compliance Certificates are required at the following stages of construction:-
 - b. Building Envelope - completion of the envelope skeleton prior to fixing of internal linings (where applicable).
 - h. Final - prior to occupation/use, the satisfactory completion of the building works with respect to:-
 - (i) Compliance Certificates as nominated
 - (ii) Compliance Certificates (components) as nominated (C396)
15. The fee(s) required for a Council Compliance Certificate is \$220.00 and it is to be paid prior to Council issuing the Construction Certificate. NOTE: Each Compliance Certificate fee is \$110. Where external accredited certifiers issue construction certificates and compliance certificates the above fee is not required. (C397)
16. The following component certificates are required to be submitted to Council where Council is the nominated principal certifying authority prior to occupation/use of the building, to ensure compliance with the Building Code of Australia and relevant Australia Standards:(C399)
 - c. Structural Engineer / Accredited Certifiers certificate covering the supervision of all structural work and adequacy of the building.
 - j. Electrical contractors certificate stating the smoke alarm system has been installed in accordance with AS 3786-1993 "Smoke Alarms".
 - l. Accredited waterproof installers certificate which certifies the waterproofing system has been applied in accordance with the manufactures recommendations and AS 3740-1994 "Waterproofing of Wet Areas in Residential Buildings".
 - r. Drainage contractors Certificate certifying that the stormwater drainage system has been satisfactorily installed and completed.
Openings in external walls must be protected in accordance with Clause 2.7.1.5 "Fire Separation" of the Building Code of Australia Housing Provisions.
17. 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. (C88)

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18. Provision of 1 vehicle crossing, 6 metres wide in accordance with Warringah Council Drawing No.A4-3330 to approved levels and specifications. An application for street levels is to be made prior to issue of the Construction Certificate. (C89)