

9 October 2006

Humel Architects  
PO Box 153  
Manly NSW 2095

6000/6478MOD2  
CA (PAS)

Dear Sir / Madam,

**RE: LOT 1, VETERANS PARADE, WHEELER HEIGHTS -  
MODIFICATION OF DEVELOPMENT CONSENT NO. 6000/6478**

I advise that the request to modify the above-mentioned Development Consent has been approved on 5 October 2006 and determined as follows:

The Development Application No:6000/6478/2 for modification 2, reduction in number of units changes to levels reduction to footprint modify roads and driveways retaining walls, at Lot 1, DP 774980, 0L 1 Etc Veterans Parade Wheeler Heights be Approved subject to the following conditions and including an amendment to Condition No.24:

A. Condition No.1 be amended to read as follows:

**CONDITIONS THAT IDENTIFY APPROVED PLANS**

**1. Development in Accordance with Plans (S96 Amendments)**

The development being carried out in accordance with development application DA6000/6478 plans numbered as seen below:

Drawing No.	Drawing Title	Revision Date	Date
<b>Architecturals: Prepared by Cox Richardson Architects</b>			
94072 DA-01 Rev A	Master plan	-	March 1998
94072 DA-02 Rev B	Site Plan	-	March 1998
94072 DA-03	Site Sections	-	March 1998
94072 DA-04	Units	-	March 1998
94072 DA-05	Community Club	-	March 1998

except as modified by Modification 2 Reference 6000/6478/2 plans listed below:

Drawing No.	Drawing Title	Revision No.	Date
<b>Architecturals: Prepared by Humel Architects</b>			
100	Stage 1 Masterplan	-	December 2005
101 Rev G	Stage 1: Site Plan	08/02/2006	February 2006
102 Rev G	Stage 1: Ground Floor Plan	08/02/2006	February 2006
103 Rev G	Stage 1: First Floor Plan	08/02/2006	February 2006
104 Rev G	Stage 1: Building elevations & site sections 1 & 2	08/02/2006	February 2006
105 Rev G	Typical detail plans of units, garbage areas, clothes line pavilion and gazebo	08/02/2006	February 2006
106 Rev G	Typical floor plan & Roof plan & Elevations units blocks: A; B; D; E; F; G & H	08/02/2006	February 2006
107 Rev G	Typical floor plan & Roof plan & Elevations units blocks: C	08/02/2006	February 2006

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

**B. The addition of the following Conditions 1 (4) and 1(5):**

**(4) 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]

**(5) Compliance with notations in red on plans**

Compliance with notations made in red on the face of the plans. Amended plans demonstrating compliance with these notations are to be submitted and approved by an accredited certifier prior to the issue of the Construction Certificate.

**Reason:** To ensure compliance with the conditions of this consent

**C. Add the following conditions at the end of the consent conditions:**

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

**11. High Quality Lighting**

Details demonstrating high quality external lighting for security without adverse affects on public amenity form excessive illumination levels are to be submitted with the Construction Certificate.

***Reason:** To ensure lighting provides security and amenity. [C78]*

**12. Visitors space**

The proposed visitors parking space located within the emergency vehicle track is to be deleted from the application as indicated in red on the approved plans. Amended plans demonstrating compliance with this condition must be submitted and approved by the accredited certifier prior to the issue of the Construction Certificate.

***Reason:** To ensure compliance with original consent. Condition 10.19 limiting James Wheeler Place tor ingress and egress for emergency purposes only.*

**13. Clotheslines**

The proposed clotheslines structures located within the cross-hatched area are to be deleted from the application as indicated in red on the approved plans. Amended plans demonstrating compliance with this condition must be submitted and approved by the accredited certifier prior to the issue of the Construction Certificate.

***Reason:** To ensure that the expansion or intensification of existing Category Three development, is of a minor nature and does not, to any significant extent, change the scale, size or degree the approved development.*

**14. Garbage Enclosures**

The proposed garbage enclosures located within the cross-hatched area are to be deleted from the application as indicated in red on the approved plans. Amended plans demonstrating compliance with this condition must be submitted and approved by the accredited certifier prior to the issue of the Construction Certificate.

***Reason:** To ensure that the expansion or intensification of existing Category Three development, is of a minor nature and does not, to any significant extent, change the scale, size or degree the approved development.*

### 15. Garbage Enclosure adjacent to Block A

The proposed garbage enclosure located within the crosshatched area is to be relocated as indicated in red on the approved plans. Amended plans demonstrating compliance with this condition must be submitted and approved by the accredited certifier prior to the issue of the Construction Certificate.

**Reason:** *To ensure that the expansion or intensification of existing Category Three development, is of a minor nature and does not, to any significant extent, change the scale, size or degree the approved development.*

### 16. Bus shelter

The proposed bus shelter located within the cross-hatched area are to be deleted from the application as indicated in red on the approved plans. Amended plans demonstrating compliance with this condition must be submitted and approved by the accredited certifier prior to the issue of the Construction Certificate.

**Reason:** *To ensure that the expansion or intensification of existing Category Three development, is of a minor nature and does not, to any significant extent, change the scale, size or degree the approved development.*

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 17. 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]*

### 18. 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]*

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

### 19. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with 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. [E17]*

### 20. Dust Emission and Air Quality

Materials must not be burnt on the 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 NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

**Reason:** *To ensure residential amenity is maintained in the immediate vicinity. [E18]*

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

### 21. Bushfire protection

- a). Construction of units A-E shall comply with AS3959 - 1999 level 3 'Construction of Buildings in bushfire prone areas'.
- b). Construction of units F-H shall comply with AS3959 - 1999 level 2 'Construction of Buildings in bushfire prone areas'.

**Reason:** *Protection from bushfire and safety. [G33]*

## 22. Bushfire Protection

The structure shall incorporate leafless guttering and valleys are to be screened to prevent the build up of flammable material. Products used shall be non-combustible or have a flammability index of not greater than 5 when tested in accordance with AS1530.2-1993 "Methods for Fire Test on Building Materials, components and Structures".

*Reason: Protection from bushfire and safety. [G37]*

## 23. Bushfire protection

Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.

*Reason: Protection from bushfire and safety (Special)*

## 24. Bushfire protection

In recognition that this is a staged development, at the commencement of building works the property to the northeast of the proposed dwellings to a distance of 65 metres, shall be maintained as an "Inner Protection Area" (IPA) and 15 metres, shall be maintained as an Outer Protection Area (OPA) as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001 until commencement of the subsequent stages removes the bushfire hazard in that direction.

*Reason: Protection from bushfire and safety (Special)*

# SCHEDULE 1: SENIORS LIVING

## 25. Age Criteria

The housing is to be occupied by older people (55 years and older) or people with a disability. (S91 [3B] of the Environmental Planning and Assessment Act)

*Reason: Statutory requirements. [S1 (1)]*

## 26. Accessible Entry

Every entry (whether a front entry or not):

- (a) must not have a slope that exceeds 1:40, and
- (b) must comply with clauses 4.3.1 and 4.3.2 of AS 4299, and
- (c) must have an entry door handle and other hardware that complies with AS 1428.

Details to be provided prior to Occupation.

*Reason: Safety and convenience. [S1 (5)]*

## 27. External Door

All external doors to any one dwelling must be keyed alike.

Details to be provided prior to Occupation.

**Reason:** *Safety and convenience. [S1 (6)]*

## 28. Internal Door

- (a) Internal doors must have a clearance of at least 820 millimetres.
- (b) Internal corridors must have a width of at least 1,000 millimetres.
- (c) The width at internal door approaches must be at least 1,200 millimetres.

Details to be provided prior to Occupation.

**Reason:** *Access and safety. [S1 (7)]*

## 29. Living room and dining room

- (a) a circulation space:
  - (i) of at least 2,250 millimetres in diameter, and
  - (ii) as set out in clause 4.7 of AS 4299, and
- (b) a telephone adjacent to a general power outlet.
- (c) A living room and dining room must have a potential illumination level of at least 300 lux.

Details to be provided prior to Occupation.

**Reason:** *Safety and convenience. [S1 (8)]*

## 30. Kitchen

A kitchen in a self-contained dwelling must have:

- (a) a width of at least 2.7 metres and a clear space between benches of at least 1,450 millimetres, and
- (b) a width at door approaches of at least 1,200 millimetres, and
- (c) benches that include at least one work surface:
  - (i) that is at least 800 millimetres in length, and
  - (ii) the height of which can be adjusted from 750 millimetres to 850 millimetres, and
- (d) a tap set:
  - (i) that is located within 300 millimetres of the front of the sink, and
  - (ii) that is a capstan tap set or that comprises lever handles or a lever mixer, and

- (e) a thermostatic mixing valve for the hot water outlet, and
- (f) cook tops:
  - (i) with either front or side controls, and
  - (ii) with controls that have raised cross bars for ease of grip, and
  - (iii) that include an isolating switch, and
- (g) a work surface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
- (h) an oven that is located adjacent to a work surface the height of which can be adjusted, and
- (i) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- (j) general power outlets:
  - (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
  - (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

Details to be provided prior to Occupation.

***Reason: Safety and convenience. [S1 (9)]***

### **31. Main Bedroom**

At least one bedroom within a self-contained dwelling must have:

- (a) an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1,200 millimetres wide at the foot of the bed, and
- (b) 2 double general power outlets on the wall where the head of the bed is likely to be, and
- (c) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
- (d) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
- (e) a potential illumination level of at least 300 lux.

Details to be provided prior to Occupation.

***Reason: Safety and convenience. [S1 (10)]***

### **32. Bathroom**

A bathroom must have:

- (a) an area that complies with AS 1428, and
- (b) a slip-resistant floor surface, and
- (c) a shower:



- (i) the recess of which is at least 1,160 millimetres x 1,100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
- (ii) the recess of which does not have a hob, and
- (iii) that is waterproofed in accordance with AS 3740, and
- (iv) the floor of which falls to a floor waste, and
- (v) that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
- (vi) that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
- (vii) that has the tap set positioned so as to be easily reached from the entry to the shower, and
- (viii) that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
- (ix) that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
- (d) thermostatic mixing valves for all hot water outlets, and
- (e) a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
- (f) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
- (g) a mirror, and
- (h) a double general power outlet beside the mirror.

Details to be provided prior to Occupation.

***Reason: Safety and convenience. [S1 (11)]***

### **33. Toilet**

Each residence must have a toilet:

- (a) that is a visitable toilet within the meaning of clause 1.4.12 of AS 4299, and
- (b) that is installed in compliance with AS 1428, and
- (c) that has a slip-resistant floor surface, and
- (d) the WC pan of which is located from fixed walls in accordance with AS 1428, and
- (e) that can accommodate a grab rail that complies with Figure 4.5 of AS 4299 and AS 1428.

Details to be provided prior to Occupation.

***Reason: Safety and convenience. [S1 (12)]***

**34. Laundry**

A self-contained dwelling must have a laundry:

- (a) that has provision for the installation of an automatic washing machine, and
- (b) that has provision for the installation of a clothes dryer, and
- (c) that has a clear space in front of appliances of at least 1,300 millimetres, and
- (d) that has thermostatic mixing valves for all hot water outlets, and
- (e) that has a slip-resistant floor surface, and
- (f) that has an accessible path of travel to any clothesline provided in relation to the dwelling.

Details to be provided prior to Occupation.

***Reason: Safety and convenience. [S1 (13)]***

**35. Storage**

A self-contained dwelling must be provided with a linen cupboard:

- (a) that is at least 600 millimetres wide, and
- (b) that has adjustable shelving.

Details to be provided prior to Occupation.

***Reason: Safety and convenience. [S1 (14)]***

**36. Doors**

Door hardware provided as the means for opening doors must be:

- (a) able to be operated with one hand, and
- (b) located between 900 millimetres and 1,100 millimetres above floor level.

Details to be provided prior to Occupation.

***Reason: Safety and convenience. [S1 (15)]***

### **37. Surface Finishes**

Balconies and external paved areas must have slip-resistant surfaces. Details to be provided prior to Occupation.

***Reason:** Safety and convenience. [S1 (16)]*

### **38. Ancillary Items**

Switches must be located between 900 millimetres and 1,100 millimetres above floor level. General-purpose outlets must be located at least 600 millimetres above floor level. Details to be provided prior to Occupation.

***Reason:** Safety and convenience. [S1 (17)]*

This letter should therefore be read in conjunction with the Court Consent 6000/6478 dated 28 May 1998, Court Orders dated 17 April 2003 and Court Orders dated 5 May 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 satisfied.

Section 97(1) of the Environmental Planning and Assessment Act confers on the applicant who is not satisfied with the determination of the Consent Authority has a right of appeal to the Land and Environment Court exercisable within 12 months of receipt of this notice.

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.

Should you have any further enquiries in connection with this matter, please contact the referred to Enquiry Officer.

The appropriately stamped plan/s to which the modification of consent has now been granted is available for collection at Councils Customer Service Centre. Please note that if you nominate Council to assess your Construction Certificate, associated forms and information regarding what to submit is also enclosed in the determination kit.

It is Council's policy not to forward these by mail to ensure safe receipt of these important documents. When collecting your Modified Consent and accompanying documents, please bring this letter with you for identification purposes. The Customer Service Centre is open between 8.30am and 5pm Monday to Friday (excluding Public Holidays).

Work must also be in accordance with the relevant MODIFIED conditions of the Development Consent.

Should you require any further information on this matter, please contact **Annalize Kaalsen** 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,

Philip Hoffman  
**Acting Manager Development Assessment  
Planning and Assessment Services**