



## NOTICE OF DETERMINATION

**Application Number:** DA2009/0579

### APPLICATION DETAILS

**Applicant Name and Address:** S M Kuryj, S A Claringbold  
C/O Masterton Homes P.O. Box 4006 Milperra BC  
NSW 1891.

**Land to be developed (Address):** Lot 10, DP 270547, No. 9/2A Booralie Road Terrey Hills

**Proposed Development:** New two (2) storey dwelling with associated parking and landscaping.

### DETERMINATION - APPROVED

**Made on (Date):** 30 June 2009

**Consent to operate from (Date):** 30 June 2009

**Consent to lapse on (Date):** 30 June 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.*

## 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	Title	Rev.	Dated	Prepared By
1/6	Site Plan	6	27 March 2009	Masterton Homes
2/6	Floor Plan	N/A	28 September 2008	Masterton Homes
3/6	Floor Plan	N/A	28 September 2008	Masterton Homes
4/6	Section	N/A	28 September 2008	Masterton Homes
5/6	Elevations	N/A	28 September 2008	Masterton Homes
6/6	Elevations	N/A	28 September 2008	Masterton Homes

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.

**Reason:** Prescribed - Statutory.



### 3. Approved Landscaping Plan

Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan as follows:

Drawing	Title	Rev.	Dated	Prepared By
LPDA 09 – 254/1	Landscape Plan	N/A	March 2009	Conzept Landscape Architects
LPDA 09 – 254/1	Detail Plan	N/A	March 2009	Conzept Landscape Architects

**Reason:** To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development.

### 4. Schedule of External Finishes

All materials for the external finishes of the dwelling must correspond with materials outlined within the “Schedule of External Finishes”, prepared by Masterton Homes.

**Reason:** To ensure the work is carried out in accordance with the determination of the Council approval.

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

### 5. Provision of Electricity

Prior to the issue of the Construction Certificate, evidence is to be submitted to the Certifying Authority that notification has been received from Energy Australia of electricity supply requirements for the development.

**Reason:** To ensure that services have been provided as required by this Consent.

### 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) <<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.*

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

A bond (determined from cost of works) of \$1000.00 must be deposited with Council and an inspection fee paid of \$200.00 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.*

## **8. 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).*

## **9. Structural Design Certificate**

Structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with all relevant Australian Standards and design codes shall be submitted to the Certifying Authority prior to issue of the Construction Certificate.

**Reason:** *To ensure the safety and structural adequacy of the approved development and compliance with the appropriate Australian Standards.*

## **10. 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.*

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 11. 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.*

### 12. 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.*

### **13. 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.*

### **14. 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 in an existing building.

**Reason:** *Statutory requirement.*

### **15. Toilets**

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
  - (a) must be a standard flushing toilet, and
  - (b) must be connected:
    - (i) to a public sewer; or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
    - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.



(4) In this clause:

accredited sewage management facility means a sewage management facility to which Division 4 Sub-division 5 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in of the Regulation.

approved by the Council means the subject of an approval in force under the Local Government (General) Regulation 2005.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

**Reason:** *To ensure adequate facilities are provided for workers on the site.*

## **16. Soil and Water Management Plan**

Techniques used for erosion and sediment control outlined in the Soil and Water Management Plan prepared by Masterton Homes, are to be installed prior to commencement.

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

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

## **17. 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.*

## **18. 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.*

#### **19. Plant & Equipment Kept Within Site**

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

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

#### **20. 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.*

#### **21. Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from site.

**Reason:** *To ensure bushland management*

#### **22. Excavation / Backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.



**Reason:** To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage.

### **23. Sediment and Erosion Control Signage**

A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

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

### **24. Soil and Water Management Plan**

Techniques used for erosion and sediment control outlined in the Soil and Water Management Plan prepared by Masterton Homes, are to be adequately maintained at all times.

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

### **25. 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

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

### **26. Stormwater Disposal Certification**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified professional. The certification is to be submitted to the Principal Certifying Authority prior to the issue of an Interim/Final Occupation Certificate.

Note: The following Standards and Codes applied at the time of determination:

- Australian/New Zealand Standard AS/NZS 3500.3:2003 - Plumbing and drainage - Stormwater drainage



Warringah Council

- Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 - Plumbing and drainage - Stormwater drainage
- National Plumbing and Drainage Code.

**Reason:** *To ensure appropriate provision for disposal of stormwater arising from the development.*

## **27. 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.*

## **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.*

## **29. 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).*

## **30. Smoke Alarms**

Smoke alarms shall be installed in the dwelling in accordance with the Building Code of Australia and AS 3786 prior to the issue of the interim/final occupation certificate.

**Reason:** *Compliance with Part 9 – Division 7A of EP & A Regulations 2000.*

## **31. Required Planting**

The tree/s listed in the following Schedule shall be planted prior to the issue of an Interim/Final Occupation Certificate.



## Schedule

Tree Species	Location	Pot Size
1 x <i>Corymbia gummifera</i>	Rear landscape area	25ltr/300mm

**Reason:** *To maintain environmental amenity*

### Right to Review by the Council

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 12 months from the date of determination.

**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 Mitchell Drake  
Development Assessment Officer

Date 30 June 2009