



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA2007/1095

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Kent Gilbert Assoc

Applicant Address: PO Box 448 COLLAROY BEACH NSW 2097

Land to be developed (Address): Lot 4 in DP 601758, Lot 4/ Bennett Street CURL
CURL NSW 2096

Proposed Development: Subdivision of lot 4 in dp 601758 into two lots

DETERMINATION

Made on (Date): 06 AUGUST 2008

Consent to operate from (Date): 06 AUGUST 2008

Consent to lapse on (Date): 06 AUGUST 2011

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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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 | Revision | Titled | Prepared By | Dated |
|-----------------------|-----------------|---|---|--------------|
| SLP/01 | B | Site Layout & Landscape Plan | JCA Urban Designers Landscape Architects | 05/05/2008 |
| 14096 | - | Proposed Subdivision Harbord Bowling Club | Kent Gilbert & Associates | 20/12/2007 |

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. **(DACGBapasd)**

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. **(DACGBbca)**

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

3. Development/Construction Security Bond

A bond (determined from cost of works) of \$1,000.00 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. **(DACECdcsb)**



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4. Construction Certificate required for Parking Bays

A Construction Certificate is required prior to the commencement of works associated with the parking bays.

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

5. Installation of Underground Telecommunications Services

A letter from the telecommunications service provider confirming that satisfactory arrangements have been made for the provision of underground telecommunications for the proposed development shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services.

6. 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.

7. Sydney Water (Fire Hydrant System)

Subdivisions involving the creation of private roads are to be serviced with fire hydrant systems to ensure that coverage of no less than 90 metres is maintained to all areas of the development. The fire hydrants are to be installed in accordance with all relevant Australian Standards and the requirements of the Sydney Water Authority and the NSW Fire Brigades. Details are to be provided and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: NSW Fire Brigades Requirement.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

8. Construction Work within Public Open Space

The written consent of Council must be obtained to enter or undertake any work within adjoining public lands prior to the commencement of works.

Reason: Protection of existing public infrastructure. (DACEDcwpos)

9. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an



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interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: *To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEDpliwp)*

10. Building Works

No building works associated with the parking bays shall be carried out until a Construction Certificate has been issued.

Reason: *To ensure compliance with statutory provisions. (DACGDebw)*

11. 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. (DACGDnc)*

12. 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 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. (DACGDss)*

13. Protection of Trees During Works

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Details of required protection



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methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

Reason: *To ensure compliance with the requirement to retain significant planting on the site.*

14. Protection of Trees During Works

All trees identified for retention/protection are to be clearly identified by signage as protected trees.

The primary root zone areas of the trees identified for protection are to be protected by fencing during the entire construction period except for specific areas directly to achieve construction works.

Reason: *To protect trees to be retained*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. 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. (DACEEacwcp)*

16. 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 Warringah Council Specifications for Erosion and Sediment Control. 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. (DACEEimsc)*

17. 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. (DACEEmrr)*

18. 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. (DACEEpup)*



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19. Benchmarks

All permanent survey markers shall be retained, undamaged, and not relocated.

Reason: *Protection of existing environmental infrastructure and community assets. (DACGEb)*

20. 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. (DACGEch)*

21. 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. (DACGEhs)*

22. Plant & Equipment Kept Within Site

All plant and equipment used in the construction of the parking bays, 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. This condition shall be complied with during demolition and building work.

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



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23. 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. (DACGEpos)

24. 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. (DACGertsmc)

25. 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. (DACHEdeaq)

26. 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. (DACHEnv)

27. 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. (DACHEsecs)



28. No Removal of Trees on Public Property

No trees or native shrubs or understorey on public property (footpaths, roads, reserves, etc.), unless specifically approved in this consent, shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

Reason: *Protection of existing environmental infrastructure and community assets. (DACLEnrtp)*

29. No Removal of Trees on Public Property

No trees or native shrubs or understorey on public property (footpaths, roads, reserves, etc.), unless specifically approved in this consent, shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

Reason: *Protection of existing environmental infrastructure and community assets.*

30. Protection of Trees

All trees which are not listed as exempt or noxious in Warringah that are not indicated for removal on Site Layout & Landscape Plan Drawing No.SLP/01/B prepared by JCA dated 05/05/2008 are to be protected.

Reason: *Protection of existing environmental infrastructure and community assets. (DACLEpt)*

31. Trees

(2) Tree roots of 50mm or greater in diameter encountered during excavation, shall only be cut following consultation with a qualified Arborist. Tree roots between 10mm and 50mm in diameter, severed during excavation, shall be cut cleanly by hand.

Reason: *Protection of trees.*

(5) The following guidelines are to be complied with at all times:

- (a) The applicant shall ensure that at all times during the development period no activities, storage or disposal of materials shall take place beneath the canopy of any tree covered under Council's Tree Preservation Order unless specifically approved by Council.
- (b) Trees marked for retention are not to be damaged or used to display signage, or as fence or cable supports for any reason.
- (c) Siting of sheds, stockpiles and vehicle parking should be sited so that they are remote from trees.
- (d) Site personnel are to be made aware of tree requirements and protective measures. Paving materials placed within the dripline of any tree should be of a porous material.

Reason: *Protection of trees.*



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- (6) During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:
- (a) A general decline in health and vigour.
 - (b) Damaged, crushed or dying roots due to poor pruning techniques.
 - (c) More than 10% loss or dieback of roots, branches and foliage.
 - (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
 - (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
 - (f) An increase in the amount of deadwood not associated with normal growth.
 - (g) An increase in kino or gum exudation.
 - (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
 - (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

Reason: *Protection of trees.*

- (7) All trees on neighbouring properties are to be protected from adverse impacts caused by the works. Any excavations or changes of level occurring within the canopy of trees on neighbouring properties shall only be undertaken following consultation by a suitably qualified Arborist.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: *Protection of trees.*

32. Tree Pruning

Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified Arborist and be in accordance with the relevant Australian Standards.

Note: The following Australian Standard applied at the time of determination:

- Australian Standard AS 4373.2007 - Pruning of Amenity Trees.

Reason: *To ensure protection and longevity of existing trees. (DACLEtp)*



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CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE

33. Provision of Services for Subdivision

The applicant is to provide separate services including water, electricity, telephone and gas to proposed Lot 15. All new services are to be located within the proposed easement for services and certified by a registered surveyor on a copy of the linen plan prior to the issue of the Subdivision Certificate.

Reason: To ensure that utility services have been provided to the newly created lots.

34. Right of Carriageway

A right of carriageway 6.2 metres wide and variable (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument to include all vehicular access and maneuvering areas for proposed lot 15 within lot 14.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

35. Services

All utilities and services for proposed lot 15 are to be installed by the applicant/developer prior to the release of the Subdivision Certificate. Certification is to be provided to Council stating the above requirement has been complied with the Subdivision Certificate Application.

Reason: Public safety and to ensure services have been provided for the newly created lots.

36. Easement for Services

An easement for services over the entire width of the proposed right of carriageway (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and the accompanying 88B instrument to ensure all new utility services for proposed lot 15 are located within the easement for services through proposed lot 14.

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.

37. Stormwater Drainage and Utility Services Plan

A plan of subdivision identifying the location of water, gas, telephone, electricity and stormwater drainage in relation to boundaries and/or relevant easements, prepared by a registered surveyor is to be submitted to Council prior to the issue of the Subdivision Certificate.



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Reason: *To ensure that services have been provided with appropriate easements as required by the Conveyancing Act 1919.*

38. Sydney Water Compliance Certification

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be build and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: *To ensure compliance with the statutory requirements of Sydney Water.*

39. Title Encumbrances

All easements, rights of carriageway, positive covenants and restrictions as to user as indicated on the plans and required by this consent are to be created on the title naming Warringah Council as the sole authority empowered to release or modify.

Reason: *To ensure proper management of land.*

40. Easement for Drainage

An easement for drainage (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision the accompanying 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s).

Reason: *Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.*



Right to Review by the Council

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.

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 Ailsa Prendergast
Team Leader – Development Assessment

Date 06 AUGUST 2008