

11 July 2006

Paynter Dixon Constructions
320 Liverpool Road
ASHFIELD NSW 2131

2005/0651 MOD 1
LP (PAS)

Dear Sir/Madam,

**RE: NO. 563 PITTWATER ROAD, BROOKVALE
MODIFICATION OF DEVELOPMENT CONSENT NO. 2005/0651DA
TO INCLUDE AN EMERGENCY EXIT STAIRCASE AND
ACCESSIBLE (DISABLED) PATHWAY TO THE APPROVED
OUTDOOR TERRACE**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 7 July 2006 and determined as follows:

- **Modification to Condition No. 1** to read as follows:

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 in red and by other conditions of consent:

Drawing Number	Dated
224/04 A01 (Issue DA-2)	June 2005
224/04 A02 (Issue DA-2)	June 2005
224/04 A03 (Issue DA-2)	June 2005
224/04 A04 (Issue DA-2)	June 2005
9582 C0101 (Issue 02)	28.11.05

As modified by plans numbered:

Drawing Number	Dated
224/04 A01 (Issue D) Site & Ground Floor Plan	22.06.2006
224/04 A02 (Issue D) Ground Floor Plan	22.06.2006
224/04 A03 (Issue C) Part East Elevation & Terrace & Ramp Details	22.06.2006

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)]*

- **Imposition of Condition No. 20A** to read as follows:

20A. Construction Certificate – Modified Proposal

A Construction Certificate for the modified development proposal is required to be approved and issued by Council / Accredited Certifier.

Reason: *Legislative requirements.*

This letter should therefore be read in conjunction with Development Consent 2005/0651DA dated 13 February 2006 and Modification No. 1 dated 7 July 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 carried out.

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 **Simon Ip** 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,

Philip Hoffman
Acting Manager
Development Assessment
Planning and Assessment Services

**Consolidated Conditions of Modification No.1 Approved 7 July 2006,
of Development Consent 2005/0651DA Approved 13 February 2006**

1. Approved Plans and Supporting Documentation

- **Modification to Condition No. 1** to read as follows:

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 in red and by other conditions of consent:

Drawing Number	Dated
224/04 A01 (Issue DA-2)	June 2005
224/04 A02 (Issue DA-2)	June 2005
224/04 A03 (Issue DA-2)	June 2005
224/04 A04 (Issue DA-2)	June 2005
9582 C0101 (Issue 02)	28.11.05

As modified by plans numbered:

Drawing Number	Dated
224/04 A01 (Issue D) Site & Ground Floor Plan	22.06.2006
224/04 A02 (Issue D) Ground Floor Plan	22.06.2006
224/04 A03 (Issue C) Part East Elevation & Terrace & Ramp Details	22.06.2006

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)]*

2. 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]*

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3. Demolition of Extra Fabric

Alterations to the existing building shall be limited to that shown on the approved plans. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

***Reason:** To ensure compliance with the approved development. [A3]*

*CONDITIONS THAT REQUIRE 'ANCILLARY' MATTERS TO BE COMPLETED TO
THE SATISFACTION OF COUNCIL OR ANOTHER NOMINATED PERSON PRIOR
TO ISSUE OF CONSTRUCTION CERTIFICATE*

4. Provision of Services

Certification must be obtained from the relevant statutory authority that adequate services are available to satisfy the demands of the proposed development. Such certification is to be provided to the Council / Accredited Certifier prior to the issue of the Construction Certificate.

***Reason:** To ensure that services have been provided as required by this Consent. [B4]*

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

5. Provision of Planter Bed

A planter bed of a minimum width of 700mm is to be provided along the full length of the proposed terrace in a location as indicated on plan numbered 224/04 A02 (Issue DA-2), dated June 2005. The planter bed is to have a maximum height of 650mm above the finished floor level of the proposed terrace. The planter bed is to be vegetated with plant species that can achieve a mature height of a minimum of 400mm.

The drainage design as indicated on plan numbered 9582 C0101 (Issue 02), dated 28.11.05, is to be appropriately adjusted to accommodate the above planter bed.

The glass barrier above the required planter box must be no less than 1,000mm above the height of the planter box.

Details are to be provided prior to the issue of the Construction Certificate.

***Reason:** To improve the amenity of occupants and the streetscape and to ensure safety.*

6. Fire Safety Measures

Submission at the Construction Certificate stage of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, and such fire safety schedule shall specify the minimum standard of performance for each fire safety measure.

Reason: Fire Safety [C1]

7. Design for Access & Mobility

Access/egress/services and facilities including external and interior access are required in accordance with the provisions of AS 1428.2 - Design for Access and Mobility.

The building being adequately adjusted where required complying with the provisions of the *Disability Discrimination Act (1992)*. Note that any approval granted by Council does not necessarily guarantee compliance or otherwise with the *Disability Discrimination Act (1992)* and the applicant should investigate their liability under the Act. You are directed to the following sources to achieve compliance with the DDA: -

- (a) AS 1428.2 - Design for Access and Mobility
- (b) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998)
- (c) Disability Discrimination Act (1992)

Details being submitted and approved by Council / Accredited Certifier prior to the issue of a Construction Certificate.

Reason: To ensure equitable access to members of the community to all public facilities. [C5]

8. Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

Reason: To ensure the protection of existing built public infrastructure. [C6]

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9. Kerb Security Bond

A bond of \$2,200 shall be deposited with Council and inspection fee of \$200 paid, prior to the issue of any construction certificate, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process. (See Schedule)

***Reason:** To ensure appropriate security is in place for the protection or repair of Public Infrastructure. [C16]*

10. Protection of Footpaths and Roadways

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.

***Reason:** Protection of footpath and roadways. [C22]*

11. Cleanliness and Maintenance of Food Preparation Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:

- (a) the Food Act (as amended);
- (b) the Food Regulation (as in force);
- (c) Council's Code for the Construction and Fitout of Food Premises;
- (d) Sydney Water Corporation - Trade Waste Section;
- (e) the Clean Air (Plant and Equipment) Regulation;
- (f) AS 1668 Part 1;
- (g) AS 1668 Part 2;
- (h) the Protection of the Environment Operations Act;
- (i) the Building Code of Australia; and
- (j) the ANZ Foods Standards Code

The relevant matters to be taken into account under this approval relate to:

- (k) construction, materials and finishes;
- (l) installation of fixtures, fittings and equipment;
- (m) washing facilities, other facilities and special requirements;
- (n) mechanical ventilation and exhaust discharges; and
- (o) temperature control.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted to, and approved by, the Council / Accredited Certifier prior to the issue of a Construction Certificate.

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Reason: *To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation. [C42]*

12. Sediment Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council / Accredited Certifier accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Warringah Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites. [C46]*

13. Structural Adequacy of Existing Building

A certificate prepared by an appropriately qualified and practising Structural Engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads shall be submitted with the Construction Certificate application.

Reason: *To ensure the structural integrity of the building is maintained. [C50]*

14. Reflectivity Index of Glazing

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the

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proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

(Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

Reason: *To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. [C54]*

15. Cigarette Butt Receptacle - Commercial

That provision be made for cigarette butt receptacles within the proposed outdoor terrace to minimise littering. Details of the size and the location of the receptacles are to be provided in the Construction Certificate.

Reason: *To ensure that adequate provision is made for waste upon completion of the development. [C58]*

16. Security Bond Schedule

All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

SECURITY BOND & FEE SCHEDULE	
563 Pittwater Road, Brookvale	
DEVELOPMENT APPLICATION NUMBER 2005/0651DA	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$2,200.00
TOTAL BONDS	\$2,200.00
FEES	
Kerb Security Inspection Fee	\$200.00
Long Service Levy	\$2,979.00
TOTAL FEES	\$3,179.00

Reason: *Compliance with the development consent. [C71]*

17. Bonds

Council will accept a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council and shall be in place prior to the issuing of any Construction Certificate and shall remain in place until the submission of the certificate required prior to the occupancy of the completed works. To be provided prior to issue of Construction Certificate.

Reason: *Information, Protection of infrastructure and the environment. [C72]*

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18. High Quality Lighting

Details demonstrating high quality external lighting within the proposed terrace area for security without adverse effects on public amenity from excessive illumination levels are to be submitted with the Construction Certificate.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. Silt & Sediment Control

Provision shall be made throughout the period of demolition and construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

Reason: To avoid siltation to adjoining properties and waterways. [D1]

20. Construction Certificate

A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.

Reason: Legislative requirements. [D3]

- **Imposition of Condition No. 20A** to read as follows:

20A. Construction Certificate – Modified Proposal

A Construction Certificate for the modified development proposal is required to be approved and issued by Council / Accredited Certifier.

Reason: Legislative requirements.

21. 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 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]

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22. 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]

23. Road Opening Permit

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

Reason: Statutory requirement (Roads Act 1993) [D6]

24. Building Works

No building works shall be carried out until a Construction Certificate has been issued.

Reason: To ensure compliance with statutory provisions. [D13]

25. 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 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.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. [D17]

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

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26. No Changes To Openings

The windows / doors / fenestration shall not be enlarged or relocated on any elevation of the development, except where indicated in the approved plans. The use of rooms served by windows shall not be altered from that detailed on the approved plans.

***Reason:** To ensure compliance with the terms of this development consent. [E5]*

27. Approved Materials

The colour, texture and substance of all external materials shall be generally in accordance with that detailed in the application.

***Reason:** To ensure compliance with the terms of this development consent. [E6]*

28. Progress Inspections- (Class 5, 6, 7, 8 and 9 Buildings)

The Principal Certifying Authority (PCA) SHALL BE given a minimum of two (2) working days notice for inspection of the following, where applicable:

- (a) At the commencement of the building work.
- (b) Prior to covering any stormwater drainage connections.
- (c) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The appointed Principal Certifying Authority MUST do the first inspection at the commencement of building work, and at completion of building work.

Notes:

- (1) The appointed Principal Certifying Authority has a discretion to determine additional inspections, or nominate other Accredited Certifiers to undertake inspections other than the first and last inspections, which are required to ensure compliance or otherwise with relevant codes and standards. In any event, the Principal Certifying Authority MUST be advised at all of the stages of construction identified above.
- (2) The PCA must advise the person with the benefit of the consent of the mandatory critical stage inspections referred to in the EP & A Regulations.
- (3) Where Warringah Council is acting as the Principal Certifying Authority for the project, notice is to be given by telephoning Council on 9942 2111 and requesting the relevant inspection. Failure to advise Council at the stages of construction identified above may result in fines being imposed.

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- (4) Failure to advise the Principal Certifying Authority of the need for MANDATORY INSPECTIONS at the critical stages of construction detailed above may result in fines being imposed, works being required to be demolished, or delays experienced in obtaining final certification and occupation of the development in order to resolve issues.

Reason: *Prescribed mandatory inspections under legislation. [E9]*

29. Replacement of Principal Certifying Authority

If the person exercising the benefits of a development consent changes or replaces the Principal Certifying Authority (PCA) during works on the site, the replacement PCA must notify Warringah Council within two (2) days of appointment. If the original PCA was Warringah Council, written approval from Council must be obtained for any change to the PCA role.

(Note: Special legislative provisions in the Environmental Planning and Assessment Act 1979 apply to the procedure for replacing a PCA)

Reason: *Statutory requirement. [E11]*

30. 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]*

31. 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]*

32. Special Permits

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to S138 of the Roads Act. A minimum of forty-eight (48) hours notice is required for any permit:

Hoardings

Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

***Reason:** Proper management of public land. [E24 (2)]*

Storage of building materials and building waste containers (skips) on Council's property

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

***Reason:** Proper management of public land. [E24 (3)]*

33. 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 guidelines. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised. This Condition must be complied with during demolition and building work.

***Reason:** To protect the environment from the effects of sedimentation and erosion from development sites. [E28]*

34. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and provide a contact telephone number for enquiries. This Condition shall be complied with during demolition and building work.

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Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the Internet at www.WorkCover.nsw.gov.au.

***Reason:** To ensure the health and safety of the community and workers on the site. [E30]*

35. Prohibition on Use of Pavements

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

***Reason:** To ensure public safety and amenity on public land. [E35]*

36. 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. This condition shall be complied with during demolition and building work.

***Reason:** To ensure public safety and amenity on public land. [E36]*

37. 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 and funds. [E38]*

38. Maintenance of Road Reserve

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.

***Reason:** Public Safety [E39]*

39. Removal of Extra Fabric

Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of

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Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

Reason: *To ensure compliance with the terms of this development consent. [E40]*

40. 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. [E41]*

**OPERATIONAL CONDITIONS IMPOSED UNDER EP&A ACT AND REGULATIONS
AND OTHER RELEVANT LEGISLATION**

41. 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. [F1]*

42. Lead

For the protection of the health and safety of workers, adjoining property owners, the public and the environment, any person renovating or demolishing any building built before the 1970's should be aware that any surfaces may be coated with lead based paint. Lead dust is a hazardous substance. The requirements of the Environmental Protection Authority are to be followed in this regard.

Reason: *Safety. [F4]*

43. Demolition

Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

Reason: *To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. [F6]*

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44. 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 the 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 inside an existing building.

Reason: Statutory requirement. [F9]

45. 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. This 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.

Reason: Prescribed - Statutory. [F12]

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

46. 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.

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***Reason:** To ensure compliance with the provisions of the Environmental Planning and Assessment Act. [G1]*

47. Fire Safety Certificate

To ensure the safety of occupants of the building a “Fire Safety Certificate” which identifies the schedule of “Fire Safety Measures” that have been completed to satisfactory standard shall be provided to the Principal Certifying Authority prior to the issue of an “Occupation Certificate” as required in the Environmental Planning and Assessment Act & Regulation.

***Reason:** To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants. [G3]*

48. Annual Fire Safety Statement for the building

In accordance with the EP&A Act and Regulation the owner of a building is to provide Council with an Annual Fire Safety Statement for the building.

***Reason:** To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants. [G4]*

49. Access for People with Disabilities

Prior to occupation provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment (AS 1428.4).

***Reason:** Equitable access for people with a disability. [G10]*

50. Disabled Access from the Public Realm- Tactile Surface Indicators

Tactile ground surface indicators complying with AS1428.4 shall be provided at the point of common public access to the building and at the vehicular access points to assist people with visual impairments in gaining access to and from the public way and the premises prior to occupation. Such works are to be undertaken wholly within the boundaries of the site.

***Reason:** To ensure public safety, and equitable access for people with a disability. [G11]*

51. Utility Services

All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to final completion and the issue of any Occupation Certificate.

***Reason:** To ensure compliance with the terms of this consent. [G23]*

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52. On-Site Stormwater Detention Compliance Certification

The on-site detention system and associated drainage works are to be in accordance with the drainage plan submitted by Meinhardt consultants (Drawing No. 9582 C0101 Issue 02, dated 28.11.2005), except where amended by the conditions of this consent. On completion of works as executed drawing and certification of the works by the design engineer is to be submitted to the Principal Certifying Authority. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the above approved plans, the conditions of this consent and Council's "On-site detention technical specification", the compliance certificate is to be submitted to the Principal Certifying Authority prior to occupation. Council can issue the Compliance Certificate if required subject to prescribed fee.

***Reason:** To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded. [G27]*

53. Creation of Positive Covenant and Restriction as to User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as to user, the original completed request forms shall be submitted to Warringah Council for authorisation. A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "NSW Land and Property Information Department" prior to occupation.

***Reason:** To identify encumbrances on land. [G28]*

54. Restrictions as to User

Restrictions as to User shall be created over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction is to be prepared to Warringah Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with the "NSW Land and Property Information Department". Warringah Council shall be nominated as a party to release, vary or modify such restriction.

***Reason:** To ensure no modification of the stormwater detention structure without Council's consent. [G29]*

**Consolidated Conditions of Modification No.1 Approved 7 July 2006,
of Development Consent 2005/0651DA Approved 13 February 2006**

55. Positive Covenant (Onsite Detention Structure)

Creation of a Positive Covenant of the Title of the land requiring the proprietor of the land to maintain the stormwater detention structures required by this Consent, in accordance with the standard requirements of Council. The Positive Covenant is to be prepared by the applicant using terms acceptable to, and which are available from Warringah Council. The positive covenant is to be endorsed by Council prior to its lodgement with the 'NSW Land and Property Information Department'.

***Reason:** To ensure ongoing maintenance of the stormwater detention structure. [G32]*

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

56. Noise Impact On Surrounding Area

Use of the proposed outdoor terrace area shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at any point along the site boundaries.

***Reason:** To ensure compliance with acceptable levels of noise established under best practice guidelines. [I8]*