



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA2008/0608

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Ian Neil Foy

Applicant Address: 27 Maroa Crescent ALLAMBIE HEIGHTS NSW 2100

Land to be developed (Address): Lot 41 in DP 26781, 27 Maroa Crescent ALLAMBIE HEIGHTS NSW 2100

Proposed Development: Alterations and additions including an upper storey addition

DETERMINATION

Made on (Date): 05 AUGUST 2008

Consent to operate from (Date): 05 AUGUST 2008

Consent to lapse on (Date): 05 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.

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	Title	Prepared By	Dated
DA-00.2	-	Site / Roof Plan	Jessica McGowan Design	22/04/2008
DA-01.1	-	Garage Plans: Demo / Proposed	Jessica McGowan Design	22/04/2008
DA-01.3	-	Ground Floor Plan – Proposed	Jessica McGowan Design	22/04/2008
DA-01.4	-	First Floor Plan – Proposed	Jessica McGowan Design	22/04/2008
DA-02.1	-	Sections A & B	Jessica McGowan Design	22/04/2008
DA-03.1	-	NE Elevation / Existing / Proposed	Jessica McGowan Design	22/04/2008
DA-03.2	-	NW Elevation / Existing / Proposed	Jessica McGowan Design	22/04/2008
DA-03.3	-	SW Elevation / Existing / Proposed	Jessica McGowan Design	22/04/2008
DA-03.4	-	SE Elevation / Existing / Proposed	Jessica McGowan Design	22/04/2008

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)*

3. New Development Application Required

This consent is for alterations and additions to the existing building only. If during the course of certification, demolition or construction, the remaining fabric of the building is removed or demolished a new development application may be required and relevant planning controls including BASIX may apply.

Reason: *To ensure compliance with the approved plans. (DACGBndar)*

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

4. 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)*

5. BASIX Certification

The development shall fully comply with the schedule of BASIX Commitments specified within BASIX Certificate No. A33199. 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). (DACGCbc)*

6. 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. (DACGCIsI)

7. Roofing Materials - Reflectivity

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. (DACGCrnr)

8. Section 94A Contribution

\$3,428.00 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of			\$ 342,820.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
S94A Levy	0.95%	\$3,257.00	6923
S94A Planning and Administration	0.05%	\$171.00	6924
Total	1.0%	\$3,428.00	

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACGCS94ac)

9. Structural Adequacy of Existing Building - Additional Storey

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 to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the structural integrity of the building is maintained. (DACGCsaeb)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. 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. (DACGDebw)*

11. 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. (DACGDhba)*

12. 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)*

13. 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 inside an existing building.

Reason: *Statutory requirement. (DACGDss)*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

14. 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)*



15. 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)*

16. 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)*

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. (DACEEpup)*

18. Benchmarks

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

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

19. Bush rock

No bush rock is to be removed or damaged unless necessary for approved road construction, fence construction, sewage infrastructure installation or building envelope construction.

Reason: *To ensure bushland management. (DACGEbr)*

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 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. (DACGEpekws)*

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 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 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. (DACGEref)*

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.*
(DACHEdaq)

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)

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

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). (DACGFbcc)*

30. Bushfire Protection

- Construction shall comply with Australian Standard AS3959-1999 Construction of Buildings in bushfire prone areas 'Level 1'.
- The structure shall incorporate gutterless roofing or leafless guttering to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.
- The entire property shall be managed as an 'Inner Protection Area' as outlined within the Rural Fire Service's Planning for Bushfire Protection 2006 and 'Standards for Asset Protection Zones'.

Reason: *Protection from bushfire and safety. (DACGFbp)*

31. 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. (DACGFhbn)*

32. 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. (DACGFocr)*

33. Smoke Alarms

Prior to issuing the Occupation Certificate, Smoke Alarms are to be installed in the dwelling in accordance with Part 3.7.2 Smoke Alarms of the Housing Provisions of the Building Code of Australia.

Reason: *To ensure the safety of the occupants. [SPECIAL CONDITION]*



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

34. Single Occupancy

Nothing in this consent shall authorise the use of the premises other than for a single occupancy.

Reason: *To ensure compliance with the terms of this consent. (DACGGso)*

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 Cn behalf of the Consent Authority:

Signature _____

Name Ailsa Prendergast
Team Leader – Development Assessment

Date **05 AUGUST 2008**