

2 May 2006

Clarendon Homes
DX 8102
BLACKTOWN

2004/0574 MOD 1
LP (PAS)

Dear Sir / Madam,

**RE: NO. 4 TURELLA CLOSE, BELROSE
MODIFICATION OF DEVELOPMENT CONSENT NO. 2004/0574DA**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 28 April 2006 and determined as follows:

- **Development Consent Condition No. 1 of DA 2004/0574 be replaced with the following:**

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 No.	Date	Prepared By
Job 215237 Sheet 1	17/2/04	Clarendon Homes P/L
Job 215237 Sheet 2	31/5/02	Clarendon Homes P/L
Job 215237 Sheet 3	31/5/02	Clarendon Homes P/L
Job 215237 Sheet 4 A	31/5/02	Clarendon Homes P/L
Job 215237 Sheet 5	31/5/02	Clarendon Homes P/L
Job 215237 Sheet 6 A	31/5/02	Clarendon Homes P/L
Job 215237	22/4/04	Clarendon Homes P/L
Job 215237 Sheet D	22/4/04	Clarendon Homes P/L

Reason: *To ensure that the form of development undertaken is in accordance with the determination of Council*

This letter should therefore be read in conjunction with Development Consent 2004/0574DA dated 1 September 2004 and Modification No. 1 dated 28 April 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 **Keith Wright** 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,

Keith Wright
Team Leader
Development Assessment

**Consolidated Conditions of Modification No.1 Approved 28 April 2006,
of Development Consent 2004/0574DA Approved 1 September 2004**

1. • **Development Consent Condition No. 1 of DA 2004/0574 be replaced with the following:**

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Job 215237 Sheet 5	31/5/02	Clarendon Homes P/L
Job 215237 Sheet 6 A	31/5/02	Clarendon Homes P/L
Job 215237	22/4/04	Clarendon Homes P/L
Job 215237 Sheet D	22/4/04	Clarendon Homes P/L

***Reason:** To ensure that the form of development undertaken is in accordance with the determination of Council*

2. **Commencement of Use**

The use not commencing until such time as the requirements of this consent have been carried out. (C2)

Reason: To ensure that the form of development undertaken is in accordance with the determination of Council

3. **Long Service Leave Levy**

Payment of the Long Service Leave 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. (C3)

Reason: Prescribed/Statutory

4. **Compliance with Building Code of Australia**

- a. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- b. This clause does not apply to the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4). (C375)

Reason: Prescribed/Statutory

5. **Public service utilities**

Prior to finalising detailed designs of the proposed development, the applicant should check all existing public service utilities adjacent to the site and ensure that where necessary appropriate arrangements are made for the relocation and/or adjustment of

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any services at the applicant's expense. (C96)

Reason: Protection of public service utilities

6. Road Reserve

All construction and restoration work on Council's road and footpath area are to be carried out in accordance with the approved drawings and Council's Standard Specifications. (C110)

Reason: Safety and convenience

7. Road Reserve

All disturbed areas adjacent to the works on Council's road and footpath are to be restored to the satisfaction of the Principal Certifying Authority. (C111)

Reason: Safety and convenience

8. Road Reserve

The total cost of all construction and restoration works on Council's road and footpath shall be borne by the developer/applicant. (C112)

Reason: Safety and convenience

9. Copy of plans on site

A true copy of the approved plans must be kept on the site at all times and be available to Council's officers on request. Variations will not be permitted from the approved plans and/or details without Council's prior written consent.

The developer/applicant or his contractor shall give Council a minimum of 48 hours notice of his intention to commence work by contacting Council's Development Engineer during office hours.

NOTE: Failure to do so may result in rejection of works already completed. (C126)

Reason: To ensure that the form of development undertaken is in accordance with the determination of Council

10. Construction Certificate

A Construction Certificate is required to be approved, by either Council or an Accredited Certifier, prior to the commencement of any works on the site. (C165)

Reason: Legislative requirements

11. Residential Building Work

a. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:

(i) in the case of work to be done by a licensee under that Act:

A. has been informed in writing of the licensee's name and contractor licence number, and

B. is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR

(ii) in the case of work to be done by any other person:

A. has been informed in writing of the person's name and owner-builder permit number, or

B. 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 definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (i) and (ii) whenever arrangements for the

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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 (ii) B 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, so that amount may vary.

- b. 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. (C377)

Reason: Prescribed/Statutory

12. Excavations and Backfilling

- a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b. 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. (C378)

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

13. Class 1

C3961 The Principal Certifying Authority (PCA) SHALL BE given a minimum of forty-eight (48) hours notice for mandatory inspection of the following where applicable:-

- (a) Prior to covering stormwater drainage connections

The appointed Principal Certifying authority MUST do the first inspection at the commencement of building work, and at the 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 to Council by telephoning 9942 2111 and requesting the relevant inspection. Failure to advise Council at the stages of construction identified above may result in fines being imposed.
- 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

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occupation of the development in order to resolve issues.

(Reason: Prescribed mandatory inspections under legislation)

14. Tree Preservation Order

The land is subject to a Tree Preservation Order and no trees other than those expressly granted permission as a result of this development consent, may be removed or pruned without the prior consent of Council. (C560)

Reason: Protection of trees

15. Driveway gradients within the private property not exceeding a maximum ratio of 1:4 with transient slopes of 1.5 metres at a grade not steeper than 1:10. Access levels across road reserve to comply with Warringah Council access requirements. (C163)

Reason: Safety and convenience

16. Provision of an on-site stormwater detention facility to control the rate of stormwater runoff from the site to be in accordance with the current version of Warringah Council's publication "On-Site Stormwater Detention - Technical Specification". (C68)

Reason: Safety and convenience

17. The on-site detention system and associated drainage works are to be strictly in accordance with the drainage plan submitted by Ibrahim Consultants (Plan No 286-215237) dated 31.7.2004. On completion of works a Compliance Certificate is to be issued by an accredited certifier in civil works with the institute of engineers, stating that the works are in accordance with the above approved plans and Council's "On site detention technical specification", the compliance certificate is to be submitted to the Principal Certifying Authority prior to occupation. (C510)

Reason: Safety and convenience

18. Creation of a Positive Covenant on the title of the land requiring the proprietor of the land to maintain any water quality control and/or 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 Department of Information Technology and Management'.(C51)

Reason: Safety and convenience

19. Restrictions as to User shall be created over the on-site detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction to be prepared to Warringah Council's standard requirements at the applicant's expense. Warringah Council shall be nominated as a party to release, vary or modify such restriction. (C53)

Reason: Safety and convenience

20. Provision of one vehicle crossing(s), 1.5 metres wide in accordance with Warringah Council Drawing No.A4-3330 to approved levels and specifications. An application for street levels is to be made prior to issue of the Construction Certificate. (C89)

Reason: Safety and convenience

21. Construction of approved kerb laybacks in accordance with the details shown on Warringah Council Plan A4-2276. (C90)

Reason: Safety and convenience

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22. Reinstatement of redundant crossings and laybacks prior to issue of the final Compliance Certificate. (C91)

Reason: Safety and convenience

PRIOR TO RELEASE OF THE CONSTRUCTION CERTIFICATE

23. **Inspection Fees**

The fee(s) required for a Council Compliance Certificate is \$1120 and it is to be paid prior to Council issuing the Construction Certificate. NOTE: Each Compliance Certificate fee is \$160. Where external accredited certifiers issue construction certificates and compliance certificates the above fee is not required. (C397)

Reason: Fees for inspection

24. The payment of an on-site detention checking fee of \$300 to Account WCP 20340 U351, prior to issue of the Construction Certificate. (C512)

PRIOR TO THE COMMENCEMENT OF WORKS

25. **Form 7-Commencement of work notification**

At least 2 days prior to work commencing on site Council must be informed, by the submission of Form 7 of the Environmental Planning and Assessment Regulation 1998 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence. (C168)

Reason: Prescribed/regulatory

26. **Silt/sediment**

No excavation or construction work to commence on site until all silt/sediment control measures are in place. (C317)

Reason: To protect environment

27. **Signs to be Erected on Building and Demolition Sites.** (C382)

- a. 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:
 - (i) stating that unauthorised entry to the work site is prohibited, and
 - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- b. Any such sign is to be removed when the work has been completed.
- c. This clause does not apply to:
 - (i) building work carried out inside an existing building, or
 - (ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

Reason: Public information

28. **Toilet Facilities**

- a. 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.
- b. Each toilet provided:
 - (i) must be a standard flushing toilet, and
 - (ii) must be connected:
 - A. to a public sewer, or
 - B. if connection to a public sewer is not practicable, to an accredited sewage

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- management facility approved by the council, or
- C. if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by Council.
- c. The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- d. In this clause:
- (i) accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 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 Clause 95B of the Regulation.
 - (ii) approved by the council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.
 - (iii) public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.
 - (iv) sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993. (C383)

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

29. Demolition

Access to the demolition site shall be protected with the use of suitable fences or hoardings being to the satisfaction of the Principal Certifying Authority and located on the private property. (C526)

Reason: Safety

30. Demolition sites

Silt and sediment erosion control measures shall be provided to the demolition site to prevent the siltation of all downstream properties and/or other public areas. (C531)

Reason: To avoid siltation to adjoining properties and waterways

- 31.** 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. (C113)

Reason: Safety and convenience

DURING WORKS

32. Demolition

Adequate protection measures are to be employed to retain excavated areas during the demolition process. (C37)

Reason: Safety

33. Demolition

Provision shall be made throughout the period of demolition to prevent transmission of soil to the public road and drainage system by vehicles leaving the site. (C44)

Reason: To avoid siltation to adjoining properties and waterways

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34. 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. (C88)

Reason: Public safety

35. Waste containers or “skips”

Building waste containers or “skips” and the like are not to be placed within the public road reserve unless approval from Warringah Council has been obtained prior to issue of the Construction Certificate and appropriate fees paid. (C105)

Reason: Public safety and amenity

36. Termite control

Termite control measures being installed in accordance with AS 3660.1-2000 “Termite Management: New Building Work.” (C263)

Reason: Protection from termites

37. Termite protection

A durable notice is to be permanently fixed to the building in a prominent location, such as the meter box or the like, indicating: The method of termite protection; date of installation; life expectancy of chemical barrier (if used); and installer’s or manufacturer’s recommendations for the scope and frequency of future inspections for termite activity. (C264)

Reason: Protection from termites

38. Preservation of Trees During Demolition:

- a. Filling not to be placed in and around trees that are to be retained on the site.
- b. Excavation not to be carried out which will cause damage to the roots of existing trees. Particular attention is to be made to roots within the drip line (ie canopy edge).
- c. All substantial trees to be protected by enclosing with fencing prior to the commencement and during the course of construction.
- d. Building materials not to be stacked in and around the drip line of trees. (C296)

Reason: Protection of trees

39. Stormwater

Stormwater being piped to Warringah Council's street drainage system. (C300)

Reason: Stormwater control

40. Road reserve

Footpath and roadway being kept free of obstruction by building materials and plant. All concrete trucks, pumps and/or agitators being kept wholly within the building site. No concrete or slurry being discharged onto Council's street surfaces, nature strips, drains/gutters, reserves parks etc. (C321)

Reason: Public safety and amenity

41. Support for Neighbouring Buildings

- a. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (i) must preserve and protect the building from damage, and
 - (ii) if necessary, must underpin and support the building in an approved manner, and
 - (iii) must, at least 7 days before excavating below the level of the base of the

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footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

- b. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- c. In this clause, allotment of land includes a public road and any other public place. (C380)

Reason: To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage

42. Protection of Public Places

- a. If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (ii) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d. Any such hoarding, fence or awning is to be removed when the work has been completed. (C381)

Reason: To ensure public safety and the proper management of public land

43. Road reserve

Plant and demolition materials shall not be placed or stored within the public road reserve and shall be stored within the boundaries of the site during demolition works. Failure to comply with this condition may result in Council taking action to remove the offending items from the public reserve, and all costs incurred by Council will be deducted from any deposit moneys held in relation to the subject property. (C522)

Reason: Safety and amenity

44. Demolition

All demolition work shall be carried out in a safe and responsible manner, with minimal harm to the surrounding natural environment under the supervision of a licensed contractor, and within the boundaries of the private property. (C524)

Reason: safety

45. Demolition

All demolitions are to be carried out in accordance with the guidelines contained in the Australian Standard AS2601-1991 - "The Demolition of Structures". (C525)

Reason: Safety

46. Hours of demolition

Hours of demolition being limited to Monday to Friday 7.00am - 5.00pm, Saturday 7.00am – 1pm. No demolition work to take place on Sundays or Public Holidays. (C528)

Reason: amenity

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47. Demolition

Dust control measures shall be undertaken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment. (C529)

Reason: Dust control and public health

48. Demolition and asbestos

A person taking down, demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Work Cover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with. (C530)

Reason: Safety

49. Demolition

Soil on vacant sites is to be stabilised as soon as practical to prevent erosion, and sites generally are to be kept clear of excess vegetation. (C532)

Reason: stabilisation of soil

50. Demolition

The lighting of fires for building or rubbish and demolition materials is prohibited. (C533)

Reason: safety and amenity

51. Demolition and 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. (C535)

Reason: safety

52. Hours of construction

Hours of construction being restricted to 7am to 5pm Monday to Friday, Saturday 7am to 1pm if audible at residential premises, excluding public holidays. No audible construction work to take place outside these hours. (C326)

Reason: Public health and amenity

PRIOR TO OCCUPATION

53. Occupation Certificate

The building shall not be occupied until an Occupation Certificate has been issued. (C162)

Reason: Safety

54. Component certificates

The following component certificates are required to be submitted to Council where Council is the nominated principal certifying authority prior to occupation/use of the building, to ensure compliance with the Building Code of Australia and relevant Australia Standards:(C399)

- a. Structural Engineer / Accredited Certifiers certificate which states the piers / footings / slabs/ columns/ beams/retaining walls are adequate and in accordance with the structural details and relevant Australian Standards.

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- b. Structural Engineer/Accredited Certifiers certificate which states structural steel/timber frame and connections have been completed in accordance with relevant Australian Standards.
 - j. Electrical contractors certificate stating the smoke alarm system has been installed in accordance with AS 3786-1993 "Smoke Alarms".
 - k. Plumbing and Drainage contractors certificate indicating that sewer/waste water system has been installed and completed in accordance with the Sydney Water requirements.
 - l. Accredited waterproof installers certificate which certifies the waterproofing system has been applied in accordance with the manufactures recommendations and AS 3740-1994 "Waterproofing of Wet Areas in Residential Buildings".
 - n. Registered pest contractors certificate which states termite control measures have been installed in accordance with AS 3660.1-1995 "Termite Management : New Building Work".
 - o. Registered Surveyors, Identification Survey report indicating the location of the completed development on the site in relation to all boundaries.
 - p. Registered Surveyors identification report indicating the finished site / ***** floor / roof / ridge levels in relation to a nominated fixed datum point / are in accordance with the levels indicating plans.
 - q. Glazing installation contractor certificate stating all glazing has been selected and installed in accordance with AS 1288-1994 and the appropriate terrain category classification.
 - r. Drainage contractors Certificate certifying that the stormwater drainage system has been satisfactorily installed and completed.
 - s. That an energy compliance certificate be submitted prior to occupation to ensure that the conditions of consent relating to ceiling, wall, floor insulation, glazing or any other treatments as specified have been satisfied.
55. Where any conditions of this Consent require dedication, consolidation, easement or covenant, the number allocated by Land & Property Information (Land Titles Office) to the documents and/or plans referred to shall be advised in writing to Warringah Council, together with a letter of intent to proceed with the Positive Covenant prior to occupation. A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been effected by Land & Property Information (Land Titles Office). (C57)
56. The requirements of condition No. 16 ending in code C68 shall be designed and supervised during the works by an Engineer with qualifications and expertise recognised by the Institute of Engineers Australia as being adequate for the purpose. The Engineer shall certify prior to occupation or release of Linen Plan of Subdivision that the works have been completed strictly in accordance with the approved design and to appropriate standards of workmanship. (C98)