



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2006/787

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Raffi Kalloghlian

Applicant Address: 3/158 Melwood Avenue Killarney Heights NSW 2087

Land to be developed (Address): Lot 2, DP 513592, 55 Keldie Street Forestville

Proposed Development: Two storey dwelling following demolition of the existing dwelling together with a boundary fence

DETERMINATION

Made on (Date): 20 March 2007

Consent to operate from (Date): 20 March 2007

Consent to lapse on (Date): 20 March 2010

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	Dated
89668 SHEET 1/2 and SHEET 2/2	19/04/06

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]

3. Approved Landscaping Plan

Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan numbered Sheet L-01 Issue E prepared by ecodesign dated 05/05/06 and received by Council on 16/08/06

Reason: To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development. [A4]

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

TO ISSUE OF CONSTRUCTION CERTIFICATE

4. Vehicle Crossing

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.

Reason: *To facilitate suitable vehicular access to private property. [B6]*

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

5. Stormwater to be Gravity Fed- Minor Works

Stormwater shall be gravity fed to Council's nearest stormwater drainage line being located in Keldie Street in accordance with the stormwater design prepared by MLH Civil and Structural Engineers P/L Drawing No. SW01 REV:0 dated 22 May 2006 and the provisions of AS3500.3.2.

Reason: *To ensure appropriate drainage and stormwater management on site to protect amenity of residents. [C11]*

6. Kerb Security Bond

A bond of \$825-00 shall be deposited with Council and inspection fees 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]*

7. Vehicle Crossings

Provision of 1 vehicle crossing 4.5 metres wide at the kerb to 5.5m wide at the boundary in accordance with Warringah Council Drawing No A4-3330 and specifications. An Application for Street Levels is to be made prior to the issue of the Construction Certificate. Vehicle crossings and associated works within the road reserve shall be constructed in **plain concrete** by an Authorised Vehicle Crossing Contractor, for details see Warringah Council's website <<http://www.warringah.nsw.gov.au>> or phone (02) 9942 2111. All redundant laybacks and crossings are to be restored to footpath/grass.

Prior to the pouring of concrete, the vehicle crossing/s are to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

Reason: *To facilitate suitable vehicular access to private property. [C32]*



8. Pruning

Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified arborist. Details prepared by an appropriately qualified person, on measures to be employed during construction indicating the nature of the pruning and the long term effects on the tree shall be submitted to the Council / Accredited Certifier for approval with the Construction Certificate

Reason: *To ensure the protection and longevity of existing significant trees. [C41]*

9. Asbestos & Hazardous Material

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.

Reason: *To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. [C53 (2)]*

10. 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	
55 Keldie Street Forestville (Property address)	
DEVELOPMENT APPLICATION NUMBER 2006/0787	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$825-00
TOTAL BONDS	\$825-00
FEES	
Kerb Security Inspection Fee	\$200.00
Section 94A contribution	\$2876-00
Long Service Levy	\$1006-00
TOTAL FEES	\$4082-00
Progress Inspections if Council is appointed the PCA	\$1375-00

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



11. BASIX Certification

Prior to the issue of the Construction Certificate, certification is to be provided by the architect/design consultant to the Council / Accredited Certifier stating that the plans and specifications for the development meet the commitments of the BASIX Certificate lodged with the Development Application.

Reason: To ensure the development complies with the requirements of the SEPP (Building sustainability index: BASIX 2004). [C81]

12. S94A Contribution

The payment of \$2876.00 as a 94A levy prior to the approval/release of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan 2006. It is current at the time of issue of this Consent. 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. (see schedule)

The basis for the contributions is as follows:

Contribution based on total development cost of \$ 287,600.00

Contribution - all parts Warringah (except Dee Why)	Levy Rate	Contribution for DA Consent (\$)	Council Receipting Code
S94A Levy	0.95%	\$2,732	6923
S94A Planning and Administration	0.05%	\$144	6924
TOTAL	1%	\$2,876	

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. [C82]

13. Structural Design Certificate

That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to issue of the construction certificate.

Reason: To ensure the safety and structural adequacy of the approved development and compliance with the appropriate Australian Standards. [C83]

14. PRIVACY / OVERLOOKING

Provide a privacy screen constructed of suitable materials to the western end of the ground floor verandah to a minimum height of 1800mm and modify both Bedroom 1 and Bedroom 2 windows to have a minimum bottom sill height of 1500mm above the floor level as



notated in RED on the plans.

Amended plans are to be provided to the Council/Accredited Certifier and approved **prior to the issue of the Construction Certificate.**

Reason: *To ensure residential amenity is maintained to premises in the immediate vicinity.*

15. Front Fence

The proposed front fence shall be constructed so as to integrate into the existing streetscape and street setback and the railing / infill panels shall be of an open nature to allow adequate opportunity for casual surveillance to the street front .

Amended plans are to be provided to the Council/Accredited Certifier and approved **prior to the issue of the Construction Certificate.**

Reason: *To ensure compliance with relevant standards are met..*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

16. Silt & Sediment Control

Provision shall be made throughout the period of demolition / Excavation & 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]*

17. 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]*

18. 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 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]*

19. 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]

20. 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]

21. Structural adequacy and Excavation work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Before excavation, the responsible person must notify their intention to the adjoining owner/s and shall at the same time furnish to such owner/s particulars of the work proposed to be carried out.

Reason: Safety. [D9]

22. 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. Protection methods shall be provided to the Principal 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. [D10]

23. Temporary Fences and Tree Protection



All protected trees on-site shall be tagged with luminous tape or the like for purposes of identification prior to excavation or construction, and no materials or builder's waste are to be stored in the vicinity of the tree / trees.

Appropriate fencing or barricades, not less than the distance shown in the schedule hereunder, shall be installed to the satisfaction of the Principal Certifying Authority prior to demolition or commencement of any building works and maintained for the duration of the works:

SCHEDULE

Description of Tree	Distance
Trees Numbered T8,T9,T10,T11,T12,T13 as identified in Tree Impact Assessment prepared by Ecodesign date 2006	5 metres (as conditions allow)
Tree Numbered T7 as identified in Tree Impact Assessment prepared by Ecodesign dated May 2006	2 metres

Reason: To protect the trees to be retained on the site during construction works. [D11]

24. 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. [D13]

25. Inspection Fees

Where Council is acting as the Principal Certifying Authority and where an inspection of building, civil or landscape work is required by these conditions, inspection fees and component certification fees must be paid to Council before Council will undertake any inspections. These fees may be paid at the time of submission of the required Notice of Commencement of works. This condition applies regardless of whether a Certification fee is also payable.

Note: The submission of a Notice of Commencement of works form to Council at least two (2) days prior commencing works is a statutory requirement.

Reason: Statutory requirement and information. [D14]

26. 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]*

27. Water And Sediment Control Statement For Demolition And Excavation

The following environmental protection measures are required:-

- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Council.
- (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of run-off from the site onto the public way.
- (c) The statement is to be consistent with the principles and practices set out in the Landcom's Manual '*Managing Urban Stormwater: Soils and Construction (2004)*'.
- (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented for the duration of the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

The applicant must also comply with the *NSW Protection of the Environmental Operations Act 1997*, whereby it is an offence to pollute classified waters. **[D20]**

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

28. Road Reserve works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others, to the satisfaction of the Principal Certifying Authority, and in accordance with Council's standard specifications for engineering works. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works. This Condition must be complied with during demolition and building work.

Reason: *Public Safety. [E4]*

29. No Changes To Openings

The windows / doors / fenestration shall not be enlarged or relocated on any elevation of the development. 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]*

30. 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]*

31. Progress Inspections (Class 1 and 10 Buildings)

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

- (a) At the commencement of the work, and after excavation for, and prior to the placement of any footings, and prior to pouring any in-situ reinforced concrete building element, and
- (b) Prior to covering of the framework for any floor, wall roof or other building element, and
- (c) Prior to covering over waterproofing in any wet areas, and
- (d) Prior to covering over stormwater drainage connections, absorption pits and other drainage works, and
- (e) 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 telephone to Council on 9942 2111 and requesting an 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 occupation of the development in order to resolve issues.

Reason: Prescribed mandatory inspections under legislation. [E7]

32. 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]

33. Replacement of Builder- (Class 1, 2, 3 and 4 buildings)

If the builder is replaced while residential building work is being carried out, the Principal Certifying Authority (PCA) must give Warringah Council written notice of the name, licence number, and insurer of head contractor (or name and permit number of the owner-builder) within two (2) days of their appointment/replacement.

Reason: Statutory requirement. [E12]

Progress Survey - Minor Development

In order to ensure compliance with approved plans, a Survey Certificate, to Australian Height Datum, shall be prepared by a Registered Surveyor as follows:

- (a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries;
- (b) At the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials;
- (c) At completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.

Reason: To ensure compliance with approved plans. [E14]

34. 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]

35. 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]



36. Protection of Trees

The following tree/trees are required to be retained as part of the development consent:

Trees numbered T1, T6, T7, T8, T9, T10, T11, T12, T13 and T19 as identified in Tree Impact Assessment prepared by Ecodesign dated May 2006

Reason: *Protection of existing environmental infrastructure and community assets. [E22]*

37. Noxious Plants

All lantana, privet, rubber trees, parateria, and other declared noxious plants on the site, shall be eradicated before the commencement of landscape works.

Reason: *To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality-landscaping outcome. [E25]*

38. 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).

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E26]*

39. 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]*

40. 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.

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]*

41. 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]*

42. 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]*

43. Trees

- (1) 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. [E37 (2)]*

- (2) Underground services should use common trenches as far away from tree roots as possible. If the services need to be run within the protection zone, all utility pipes are to be laid using appropriate directional boring techniques. Directional Boring shall be carried out at least 600mm beneath natural ground to avoid damage to tree/trees root system. Entry and exit points are to be located outside the protected area. No tree roots are to be severed, or damaged during this work. Should problems arise, work is to cease until those problems are resolved and confirmed in writing by Council's Tree Management Officer and Assigned DA Officer.



Reason: Protection of trees. [E37 (3)]

- (3) All overhead utility services are to be located outside the canopies of existing trees.

Reason: Protection of trees. [E37 (4)]

- (4) 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. [E37 (5)]

- (5) 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. [E37 (6)]

44. 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]*

45. 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]*

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

46. 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]*

47. Home Building Act

- (1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act) 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. [F2]*

Note: Evidence of insurance required PRIOR to commencement of work.

48. Excavation / Backfilling

- (1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: *To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. [F5]*

49. Support for Neighbouring Buildings

- (1) 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:
 - (a) must preserve and protect the building from damage;
 - (b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent; and
 - (c) must, at least 7 days before excavating below the level of the base of the 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.



- (2) 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.

- (3) In this clause, allotment of land includes a public road and any other public place.

Reason: *To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage. [F7]*

50. 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. [F9]*

51. Toilets

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



approved by the Council.

- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

- (4) In this clause:

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

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

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

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

Reason: *To ensure adequate facilities are provided for workers on the site. [F10]*

52. 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.

Advisory note: The rate of the Long Service Levy at the time of consent is 0.35% of the building construction works. At the time of consent, payment is not required where the value of the works is less than \$25,000. For works that are \$25000 or over, a fee is required at the prescribed rate. 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 and is based on the building construction works identified in the Construction Certificate.

Reason: *Prescribed - Statutory. [F12]*

53. Retaining Walls & Drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage in accordance with the provisions of AS3500.3.2.



Reason: To ensure appropriate measures are in place to address site conditions and provide appropriate site drainage. [F13]

54. Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to issue of the Construction Certificate to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au <<http://www.sydneywater.com.au>> for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.

Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. [F15]

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

55. 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.

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

56. Termite Control

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

Reason: Termite control. [G6 (1)]

- (2) 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.



Reason: Termite control. [G6 (2)]

57. Street Number

Street number being affixed to building prior to occupation.

Reason: Proper identification of buildings. [G7]

58. Reinstatement of Kerb

All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the applicant, and works shall be completed prior to the issue of an Occupation Certificate.

Reason: To facilitate vehicular access to private sites, without disruption to pedestrian and vehicular traffic, and the preservation of on street parking spaces. [G9]

59. 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 Mitchell Howes consultants (Drawing No 2478 SW01C and SW02B dated 9/03/07). On completion of works a 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 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]

60. 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 to 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]

61. 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]*

62. BASIX Compliance Certification

Prior to the issue of the Occupation Certificate, a compliance certificate is to be prepared by an Accredited Certifier and submitted to the Principal Certifying Authority stating that all the selected BASIX commitments as detailed in the BASIX Certificate, lodged with the Development Application, and the approved plans/specifications have been completed.

Reason: *To ensure the development complies with the requirements of the SEPP (Building sustainability index: BASIX 2004). [G31]*

63. 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]*

64. Smoke Alarms

Smoke alarms are to be installed throughout the new and existing portions of the Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

Reason: *Compliance with BCA and safety of occupancies. [G40]*



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 Stephen Kaposi – Acting Team Leader, Development Assessment

Date 20 March 2007