

28 February 2007

Matthew Robert Broadfoot
106 Beaconsfield Parade
ALBERT PARK NSW 3206

2006/0165MOD1
GF (PAS)

Dear Sir,

**RE: 1180 PITTWATER ROAD, NARRABEEN
MODIFICATION OF DEVELOPMENT CONSENT NO. 2006/0165 TO
INCLUDE INTERNAL AND EXTERNAL ALTERATIONS**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 20 February 2007 and determined as follows:

- Condition No.1 to be replaced with:
 - (a) Development being generally in accordance with plans numbered DA100 to DA 103 dated 24/02/06 as amended 16/01/07 submitted 19/01/07.
 - (b) This approval should be read in conjunction with Development Consent No.2006 / 0165 dated 21 August 2006.
 - (c) 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.

This letter should therefore be read in conjunction with Development Consent 2006/0165 dated 21 August 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.

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.

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 **John Fielding** 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 20 February 2007,
of Development Consent 2006/0165 Approved 21 August 2006**

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

(a) Development being generally in accordance with plans numbered DA100 to DA 103 dated 24/02/06 as amended 16/01/07 submitted 19/01/07.

(b) This approval should be read in conjunction with Development Consent No.2006 / 0165 dated 21 August 2006.

(c) 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.

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. Compliance with notations in red on plans

Compliance with notations made in red on the face of the plans. Amended plans demonstrating compliance with these notations are to be submitted and approved by an accredited certifier prior to the issue of the Construction Certificate.

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

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

4. 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)

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

5. Structural Adequacy of Existing Building

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

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

6. Asbestos & Hazardous Material

- (1) In relation to the demolition of the existing building (or part of a building) on the site:

- (a) A report prepared by an appropriately qualified person (such as an occupational hygienist, environmental consultant or asbestos consultant) is to be submitted to the Council /Accredited Certifier with the Construction Certificate application, detailing whether any asbestos or hazardous materials exist on the site that are affected by the proposed building works (e.g. lead in paints and ceiling dust or asbestos).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with Australian Standard AS2601 - The Demolition of Structures and the following conditions, including dust control and WorkCover requirements.

- (b) Should any hazardous materials be identified as per item (a), a Hazardous Substances Management Plan (HSMP) shall be submitted to the Council /Accredited Certifier at least seven (7) working days prior to work commencing. The HSMP must satisfy the requirements of Chapters 6 & 8 of the Occupational Health and Safety Regulation 2001 and Australian Standard AS2601 - The Demolition of Structures. The report shall contain details regarding:
- (i) The type of hazardous material
 - (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
 - (iii) Proposed methods of containment; and
 - (iv) Proposed methods of disposal;
 - (v) Details of signage to be provided on the site to comply with the provisions of the Occupational Health and Safety Regulation

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2001, to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-containing material in a place at which construction work is being carried out.

- (c) Where unacceptably high levels of lead are found in a premises to be demolished, item (b) is to be followed, and if directed by the appropriately qualified person, the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition and the results submitted to the Council /Accredited Certifier. This will determine whether remediation of the site is necessary.
- (d) The demolition must be undertaken in accordance with Australian Standard AS2601 - The Demolition of Structures.
- (e) Any works involving asbestos based products in relation to removal, handling and disposing of material must be undertaken in accordance with the requirements of the National Occupational Health and Safety Commission (NOHSC) code of practice on asbestos, WorkCover Authority, the Work Safe Australia Asbestos Code of Practice and Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.
- (f) All work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted to comply with item (b) must comply with the requirements of Australian Standard AS4361.2 - Guide to lead paint management - Residential and commercial buildings. Particular attention must be given to the control of dust levels on the site.
- (g) All asbestos removal works must be undertaken by a person licensed under Chapter 10 of the Occupational Health and Safety Regulation 2001.

Details demonstrating compliance with these requirements are to be approved by the Council /Accredited Certifier and submitted with the Construction Certificate application].

Notes:

- (1) Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at www.lead.org.au < <<http://www.lead.org.au>>>)
- (2) Where can I find an “appropriately qualified person”? Check with employer and employee associations and other industry or professional associations such as ARCA (Asbestos Removal Contractors

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Association) and AIOH (Australian Institute of Occupational Hygienists).

- (3) Failure to comply with legislative requirements relating to the removal or handling of hazardous materials is likely to result in enforcement action, including fines or prosecution without prior warnings.)

***Reason:** To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. [C53 (1)]*

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 being submitted with the Construction Certificate.

***Reason:** To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. [C55]*

8. 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	
1180 Pittwater Road, Narrabeen	
DEVELOPMENT APPLICATION NUMBER 2006/0165	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$825.00
TOTAL BONDS	\$825.00
FEES	
Kerb Security Inspection Fee	\$200.00
Long Service Levy	\$788.00
Progress Inspection if Council is PCA	\$1375.00
TOTAL FEES	\$2363.00

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

9. Garage

The proposed garage is to be reduced in size as indicated in red on the approved plans. Amended plans demonstrating compliance with this condition must be submitted and approved by the accredited certifier prior to the issue of the Construction Certificate.

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Reason: To ensure compliance with this consent.

10. Sand removal during construction

The applicant/owner is to minimise the amount of sand removed from the property during construction. If sand is removed from the site during construction, it may be placed on the beach reserve in accordance with the direction of the Council's Environmental Officers.

Reason: To ensure that development have regard for coastal processes such as wave impact and coastal erosion, affecting the Collaroy/Narrabeen Beach.

Please note the following:

This property is on land located in an area where there is likely to be a risk of coastal erosion and wave impact during severe storms. The risk to the property may increase with time due to long-term beach recession caused by greenhouse induced sea level rise or natural coastal processes.

To reduce the potential impact to your property, the Council strongly recommends that effective precautions be taken to ensure adequate volumes of sand are maintained within the eastern (seaward) boundary of your property. The Council requires that only free-draining, clean, yellow sand be used to fill allotments.

11. Heat Appliance

The flue from the existing wood fired heater must comply with section 3.7.3 'Heating Appliances' of the Building Code of Australia. Details demonstrating compliance shall be submitted and approved by Council/PCA prior to the issue of the Construction Certificate.

Reason: Statutory Requirement.

12. Structural details

Structural details prepared and certified by a practicing Structural Engineering being furnished to Council or Accredited Certifier in connection with the upper storey addition prior to issue of a Construction Certificate.

Reason: To ensure safe construction.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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13. 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]

14. 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]

15. 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]

16. 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]

17. 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]

18. Cigarette Butt Receptacle - Residential

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A cigarette butt receptacle is to be provided on the site for the duration of demolition/construction process, for convenient use of site workers.

Reason: *To ensure adequate provision is made for builders' waste. [D16]*

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

19. 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
- (d) Prior to covering of the framework for any floor, wall roof or other building element, and
- (e) Prior to covering over waterproofing in any wet areas, and
- (f) Prior to covering over stormwater drainage connections, absorption pits and other drainage works, and
- (g) 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

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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]

20. 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]

21. Replacement of Builder- (Class 1, 2, 3, 4 and 10 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]

22. 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]

23. Dust Emission and Air Quality

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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]*

24. 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]*

25. 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]*

26. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to

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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]*

27. 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**

28. 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]*

29. 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

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- (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.

30. 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]*

31. Demolition

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

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

32. Site Sign

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

Reason: *Statutory requirement. [F9]*

33. 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

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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]*

34. 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 \$25,000 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]*

35. Smoke Alarms

Smoke alarms must be installed in Class 1a building in accordance with Part 3.7.2 Smoke Alarms of the Building Code of Australia.

***Reason:** Compliance with BCA and safety of occupancies.*

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

36. 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]*

37. Termite Control

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

***Reason:** Termite control. [G6 (1)]*