

2 February 2006

S2F Pty Ltd
201 Darling Street
BALMAIN NSW 2041

2005/0260 MOD 1
CAG (PAS)

Dear Sir / Madam,

**RE: NO. 100 SOUTH CREEK ROAD CROMER
MODIFICATION OF DEVELOPMENT CONSENT NO. 2005/0260 MOD 1**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 2 February 2006 and determined as follows:

➤ **Condition No. 1** modified to read as follows:

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing No.	Drawing Title	Revision No.	Revision Date	Prepared By
P18 50 302	Mechanical Services	B	18 August 2005	Austral Air conditioning Services
P18 50 301	Mechanical Services	B	18 August 2005	Austral Air conditioning Services
A101	Proposed Conditions	D	5 September 2005	S2F Consultants
A002	Proposed Conditions	C	5 September 2005	S2F Consultants

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)]*

- Additional of **Condition No. 29** to read as follows:

29. Required Plantings

In accordance with the landscaping and tree planting indicated on plans numbered P 00 10 012, titled “Proposed conditions” dated 5 September 2005, Drawn by S2F Consulting, must be planted and maintained to the satisfaction of the principle certifying authority.

Reason: *Visual screening of the proposed ducting.*

This letter should therefore be read in conjunction with Development Consent 2005/0260 dated 16 May 2005. 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 **Mitchell Drake** 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,

Rebecca Fisher
Team leader
Development Assessment

**Consolidated Conditions of Modification No. 1 Approved 2 February 2006
of Development Consent 2005/0260 Approved 16 May 2005**

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
P 00 10 002, S2F Pty Ltd, Revision 2	31 Mar 05
P 18 10 001, S2F Pty Ltd, Revision 1	22 Mar 05
P 18 10 002, S2F Pty Ltd, Revision 4	31 Mar 05
P 18 10 005, S2F Pty Ltd, Revision 3	31 Mar 05
P 22 10 013, S2F Pty Ltd, Revision 1	23 Mar 05
P 18 10 006, S2F Pty Ltd, Revision 1	23 Mar 05
P 22 10 015, S2F Pty Ltd, Revision 2	31 Mar 05

and as modified-

Drawing No.	Drawing Title	Revision No.	Revision Date	Prepared By
P18 50 302	Mechanical Services	B	18 August 2005	Austral Air conditioning Services
P18 50 301	Mechanical Services	B	18 August 2005	Austral Air conditioning Services
A101	Proposed Conditions	D	5 September 2005	S2F Consultants
A002	Proposed Conditions	C	5 September 2005	S2F Consultants

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. [A1 (1)]

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance. [A2]

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3. Demolition of Extra Fabric

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

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

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

4. Fire Safety Measures

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

Reason: Fire Safety [C1]

5. Design for Access & Mobility

Access/egress/services and facilities including external and interior access are required in accordance with the provisions of AS 1428.1 (2001) - Design for Access and Mobility.

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

- (a) AS 1428.1 (2001) - Design for Access and Mobility
- (b) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998)
- (c) Disability Discrimination Act (1992)

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

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

6. Bond for Construction, Excavation and Associated Works

Payment to Warringah Council of a \$200.00 bond as security against damage to Council's roads caused by the transport and disposal of materials and equipment to and from the site. This amount to be paid prior to the issue of the Construction Certificate and to be verified by the accredited certifier.

Reason: To ensure appropriate security for road damage. [C21]

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7. Protection of Footpaths and Roadways

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

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

8. Access for People with Disabilities

Ramps and access for people with disabilities are to be provided to the ground floor of the entire building. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the provisions of the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

***Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards. [C36]*

9. Parking for People with Disabilities

A total of one (1) car-parking space for use by persons with a disability shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

***Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation. [C37]*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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	
100 South Creek Road Cromer	
DEVELOPMENT APPLICATION NUMBER 2005/0260	
SECURITY BONDS	AMOUNT (\$)
Tree Damage Bond (within the site)	
Street Tree Bond (on Council Property)	
Builders Road/Kerb Security Bond	
Kerb Security Inspection Fee	\$200.00

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Engineering Construction Bond • General Works • Road Pavement • Stormwater • Kerb & Gutter, Footpath	
Others	
TOTAL BONDS	\$200.00
FEES	
Section 94 contribution	
Long Service Levy	\$2481.00
Others	
TOTAL FEES	\$2681.00

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

11. 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]*

12. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with section 81A of 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]*

13. 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]*

14. 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]*

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15. 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]

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

16. 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]

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

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

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

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- (3) Where Warringah Council is acting as the Principal Certifying Authority for the project, notice is to be given by telephoning Council on 9942 2111 and requesting the relevant inspection. Failure to advise Council at the stages of construction identified above may result in fines being imposed.
- (4) Failure to advise the Principal Certifying Authority of the need for MANDATORY INSPECTIONS at the critical stages of construction detailed above may result in fines being imposed, works being required to be demolished, or delays experienced in obtaining final certification and occupation of the development in order to resolve issues.

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

18. 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]*

19. 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]*

20. Construction Hours

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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]*

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21. Out of Hours Work Permits

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

(Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.)

***Reason:** To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E27]*

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

22. 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]*

23. 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]*

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24. Long Service Levy

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. This payment is not required where the value of the works is less than \$25,000.

The Long Service Levy is calculated on 0.2% of the building and construction work.

Reason: Prescribed - Statutory. [F12]

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

25. Annual Fire Safety Statement for the building

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

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

26. Noise Impact of Plant

All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system, shall be sound insulated and/or isolated so that the noise emitted does not exceed 5 dB(A) above the background level in any octave band from 63.0 HZ centre frequencies inclusive, and not more than 5 dB(A) above the background level (LA90) during the day when measured at the nearest affected residence. For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with EPA guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1 - 1989.

A report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Certifying Authority demonstrating compliance with this condition prior to the occupation of the completed works.

Reason: To ensure that noise generated from the development does not result in offensive noise to any other party. [G12]

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

27. Noise Impact On Surrounding Area

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

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

28. Loading and Unloading

Loading and unloading shall not take place outside approved loading areas.

***Reason:** Safety. [I51]*

29. Required Plantings

In accordance with the landscaping and tree planting indicated on plans numbered P 00 10 012, titled "Proposed conditions" dated 5 September 2005, Drawn by S2F Consulting, must be planted and maintained to the satisfaction of the principle certifying authority.

***Reason:** Visual screening of the proposed ducting.*