

13 October 2006

D & I Zipparo  
7 Carpenter Crescent  
WARRIEWOOD NSW 2102

2003/391 MOD 1  
LP (PAS)

Dear Sir/Madam,

**RE: NO. 1 TASMAN STREET, DEE WHY  
MODIFICATION OF DEVELOPMENT CONSENT NO. 2003/391DA  
GARAGE ALTERATIONS AND DELETION OF SPLIT GROUND  
FLOOR LEVEL**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 10 October 2006 and determined as follows:

➤ **Condition 1 to be amended to read as follows:**

**1. Development in Accordance with Plans (S96 Amendments)**

The development being carried out in accordance with plans numbered

Drawing No.	Drawing Title	Revision No.	Revision Date	Prepared By
747.1a	Site Locality Plan	A	16 June 2003	Alan Linklater & Assoc.
747.2B	Floor Plans	B	22 July 2006	Alan Linklater & Assoc.
747.3B	New House	B	22 July 2006	Alan Linklater & Assoc.

In the Section 96 application received by Council on 25 July 2006, and endorsed with Council's approval stamp, except as amended by the following conditions.

**Reason:** *To ensure that the form of the development undertaken is in accordance with the determination of Council - Public Information. [A1 (2)]*

➤ Addition of **Condition Nos. 52, 53, 54 and 55** to read as follows:

**52. 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]*

### **53. Dilapidation Survey**

A photographic survey of adjoining property number 5 Tasman Street detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council / Accredited Certifier prior to the issue of a Construction Certificate. This survey is to be prepared by an appropriately qualified independent person agreed to in writing by both the applicant and the owner of the adjoining property.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the person agreed to by the parties to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.

If damage is identified by the person agreed to by the parties which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to occupation of the development.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council / Accredited Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible)

***Reason:*** Proper management of records. [C47]

### **54. Geo-technical Report**

A certificate prepared by an appropriately qualified Geo-technical Engineer shall be submitted with the documentation for the Construction Certificate certifying that the existing rock formations and substrate on the site are capable of withstanding:

- (a) The proposed loads to be imposed;
- (b) The extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;

- (c) Protection of adjoining properties;
- (d) The provision of appropriate subsoil drainage during and upon completion of construction works.

***Reason:*** *To ensure the structural integrity of the subject site and adjoining sites during the excavation process. [C65]*

## **55. Single Occupancy**

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

***Reason:*** *To ensure compliance with the terms of this consent. [I5]*

This letter should therefore be read in conjunction with Development Consent 2003/0391DA dated 11 September 2003 and Modification No.1 dated 10 October 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 **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](http://www.warringah.nsw.gov.au).

Yours faithfully,

Philip Hoffman  
Acting Manager, Development Assessments  
**Planning and Assessment Services**

**Consolidated Conditions of Modification No.1 Approved 10 October 2006,  
of Development Consent 2003/391DA Approved 11 September 2003**

1. ➤ **Condition 1 to be amended to read as follows:**

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***Reason:*** *To ensure that the form of the development undertaken is in accordance with the determination of Council - Public Information. [A1 (2)]*

2. At least 2 days prior to work commencing on site Council must be informed, in accordance with Section 81A of the Environmental Planning and Assessment Act 1979, of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence. (C168)
3. Compliance with Building Code of Australia
  - a. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
  - b. This clause does not apply to the extent to which an exemption is in force under the Environmental Planning and Assessment Regulation 2000. (C375)
4. Payment of the Long Service Leave Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. This payment is not required where the value of the works is less than \$25,000. (C3)
5. A Construction Certificate is required to be approved by either Council or an Accredited Certifier, prior to the commencement of any works on the site. (C165)
6. Compliance Certificates are required at the following stages of construction:-
  - a. Preliminary - immediately following the setting out of the development footprint prior to excavation and/or formation of footings or slabs with environmental protection measures and toilet facilities installed.
  - b. Building Envelope - completion of the envelope skeleton prior to fixing of internal linings (where applicable).
  - h. Final - prior to occupation/use, the satisfactory completion of the building works with respect to:-
    - (i) Compliance Certificates as nominated
    - (ii) Compliance Certificates (components) as nominated (C396)

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7. The fee(s) required for a Council Compliance Certificate is \$330 and it is to be paid prior to Council issuing the Construction Certificate. NOTE: Each Compliance Certificate fee is \$110. Where external accredited certifiers issue construction certificates and compliance certificates the above fee is not required. (C397)
8. The following component certificates are required to be submitted to Council where Council is the nominated principal certifying authority prior to occupation/use of the building, to ensure compliance with the Building Code of Australia and relevant Australia Standards:(C399)
  - a. Structural Engineer / Accredited Certifiers certificate which states the piers / footings / slabs/ columns/ beams/retaining walls are adequate and in accordance with the structural details and relevant Australian Standards.
  - b. Structural Engineer/Accredited Certifiers certificate which states structural steel/timber frame and connections have been completed in accordance with relevant Australian Standards.
  - c. Structural Engineer / Accredited Certifiers certificate covering the supervision of all structural work and adequacy of the building.
  - j. Electrical contractors certificate stating the smoke alarm system has been installed in accordance with AS 3786-1993 "Smoke Alarms".
  - k. Plumbing and Drainage contractors certificate indicating that sewer/waste water system has been installed and completed in accordance with the Sydney Water requirements.
  - l. Accredited waterproof installers certificate which certifies the waterproofing system has been applied in accordance with the manufactures recommendations and AS 3740-1994 "Waterproofing of Wet Areas in Residential Buildings".
  - n. Registered pest contractors certificate which states termite control measures have been installed in accordance with AS 3660.1-1995 "Termite Management : New Building Work".
  - o. Registered Surveyors, Identification Survey report indicating the location of the completed development on the site in relation to all boundaries.
  - p. Registered Surveyors identification report indicating the finished floor and ridge levels in relation to a nominated fixed datum point are in accordance with the levels on the approved plans.
  - q. Glazing installation contractor certificate stating all glazing has been selected and installed in accordance with AS 1288-1994 and the appropriate terrain category classification.
  - r. Drainage contractors Certificate certifying that the stormwater drainage system has been satisfactorily installed and completed.
  - y. Registered Surveyor's identification report, **to be submitted prior to commencement of construction of the building**, confirming the finished excavated site levels and boundaries of such excavations are in accordance with the levels and boundaries indicated on the approved plans.

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9. Excavations and Backfilling
  - a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
  - b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property. (C378)
  
10. Support for Neighbouring Buildings
  - a. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
    - (i) must preserve and protect the building from damage, and
    - (ii) if necessary, must underpin and support the building in an approved manner, and
    - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - b. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
  - c. In this clause, allotment of land includes a public road and any other public place. (C380)
  
11. Protection of Public Places
  - a. If the work involved in the erection or demolition of a building:
    - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
    - (ii) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
  - b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
  - d. Any such hoarding, fence or awning is to be removed when the work has been completed. (C381)
  
12. Residential Building Work
  - a. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
    - (i) in the case of work to be done by a licensee under that Act:
      - A. has been informed in writing of the licensee's name and contractor licence number, and

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- B. is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR
- (ii) in the case of work to be done by any other person:
  - A. has been informed in writing of the person's name and owner-builder permit number, or
  - B. has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (i) and (ii) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

NOTE. The amount referred to in paragraph (ii) B is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount was \$3,000. As those regulations are amended from time to time, so that amount may vary.

- b. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part. (C377)

**13. Toilet Facilities**

- a. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- b. Each toilet provided:
  - (i) must be a standard flushing toilet, and
  - (ii) must be connected:
    - A. to a public sewer, or
    - B. if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
    - C. if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by Council.
- c. The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- d. In this clause:
  - (i) accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in Clause 95B of the Regulation.
  - (ii) approved by the council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation



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1993.

(iii) public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

(iv) sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993. (C383)

14. Your attention is directed to the need to seek advice of your obligations from the Work Cover Authority. (C331)
15. Prior to finalising detailed designs of the proposed development, the applicant should check all existing public service utilities adjacent to the site and ensure that where necessary appropriate arrangements are made for the relocation and/or adjustment of any services at the applicant's expense. (C96)
16. Plant and demolition materials shall not be placed or stored within the public road reserve and shall be stored within the boundaries of the site during demolition works. Failure to comply with this condition may result in Council taking action to remove the offending items from the public reserve, and all costs incurred by Council will be deducted from any deposit moneys held in relation to the subject property. (C522)
17. All construction and restoration work on Council's road and footpath area are to be carried out in accordance with the approved drawings and Council's Standard Specifications. (C110)
18. All disturbed areas adjacent to the works on Council's road and footpath are to be restored to the satisfaction of the Principal Certifying Authority. (C111)
19. The total cost of all construction and restoration works on Council's road and footpath shall be borne by the developer/applicant. (C112)
20. No excavation or construction work to commence on site until all silt/sediment control measures are in place. (C317)
21. Access to vehicles except at the constructed entrance is to be denied by a physical barrier erected adjoining the road alignment. The certifier to ensure that this is provided prior to issue of the Construction Certificate. (C103)
22. The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property.

The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary. (C113)

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23. All demolition work shall be carried out in a safe and responsible manner, with minimal harm to the surrounding natural environment under the supervision of a licensed contractor, and within the boundaries of the private property. (C524)
24. All demolitions are to be carried out in accordance with the guidelines contained in the Australian Standard AS2601-1991 - "The Demolition of Structures". (C525)
25. The building not being adapted for multiple dwelling occupancy. (C291)
26. 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. (C305)
27. Termite control measures being installed in accordance with AS 3660.1-2000 "Termite Management: New Building Work." (C263)
28. A durable notice is to be permanently fixed to the building in a prominent location, such as the meter box or the like, indicating: The method of termite protection; date of installation; life expectancy of chemical barrier (if used); and installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity. (C264)
29. Stormwater being piped to Warringah Council's street drainage system. (C300)
30. Building waste containers or "skips" and the like are not to be placed within the public road reserve unless approval from Warringah Council has been obtained prior to issue of the Construction Certificate and appropriate fees paid. (C105)
31. Footpath and roadway being kept free of obstruction by building materials and plant. All concrete trucks, pumps and/or agitators being kept wholly within the building site. No concrete or slurry being discharged onto Council's street surfaces, nature strips, drains/gutters, reserves parks etc. (C321)
32. Provision of 1 vehicle crossing(s), 4.0m wide at kerb and 5.0m wide at boundary in accordance with Warringah Council Drawing No.A4-3330 to approved levels and specifications. An application for street levels is to be made prior to issue of the Construction Certificate. (C89)
33. All works on the site shall be undertaken to prevent erosion and transport of soil and sediment off the site and onto adjoining properties. Measures shall be taken in accordance with the requirements of Warringah Council's Specification for Erosion and Sediment Control. (C41)
34. The sediment and erosion control facilities are to be installed, and approved by the Principal Certifying Authority, prior to the commencement of any other works on

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the site. These facilities are to be maintained in working order during the construction works and up to the completion of the Maintenance Period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site. (C116)

35. Hours of construction being restricted to 7am to 5pm Monday to Friday, Saturday 7am to 1pm if audible at residential premises. No audible construction work to take place outside these hours. (C326)
36. Provision shall be made throughout the period of construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site. (C44)
37. Dust control measures shall be undertaken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment. (C529)
38. A person taking down, demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Work Cover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with. (C530)
39. For the protection of the health and safety of workers, adjoining property owners, the public and the environment, any person renovating or demolishing any building built before the 1970's should be aware that any surfaces may be coated with lead based paint. Lead dust is a hazardous substance. The requirements of the Environmental Protection Authority are to be followed in this regard. (C535)
40. Signs to be Erected on Building and Demolition Sites. (C382)
  - a. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
    - (i) stating that unauthorised entry to the work site is prohibited, and
    - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - b. Any such sign is to be removed when the work has been completed.
  - c. This clause does not apply to:
    - (i) building work carried out inside an existing building, or
    - (ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

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41. Adequate protection measures are to be employed to retain excavated areas during the construction process. (C37)
42. Footpath and roadway being kept free of obstruction by building materials and plant. All concrete trucks, pumps and/or agitators being kept wholly within the building site. No concrete or slurry being discharged onto Council's street surfaces, nature strips, drains/gutters, reserves parks etc. (C321)
43. Retaining Walls and 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. (C379)
44. Trade materials, product and plant to be kept within the confines of the building at all times. (C30)
45. Restoration and maintenance to approved levels and safe condition of the footway reserve/s adjoining the site to Warringah Council's standard specification for engineering works. (C85)
46. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition. (C88)
47. Street number being affixed to building prior to occupation. (C322)
48. Construction of approved kerb laybacks in accordance with the details shown on Warringah Council Plan A4-2276. (C90)
49. Reinstatement of redundant crossings and laybacks prior to issue of the final Compliance Certificate. (C91)
50. By granting this approval, Council does not in any way release the owner from his/her obligation to fully comply with any covenants and restrictions imposed on the title deeds which affect this property irrespective of the person empowered to release, vary or modify.
51. Approved plans must be submitted to a "Business Office" of the Sydney Water Corporation at least 14 days before commencement of work to ensure that the proposed structure meets the requirements of their act. Failure to comply with this requirement may leave the owner liable to a penalty and an order to demolish the offending structure

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