

Notice of Determination of Development Application

Development Application No:	2004/1206DA
Development Application Details:	
Applicant Name:	Greg and Christine White
Applicant Address:	99 Cumberland Ave COLLARROY. NSW.
Land to be developed (Address):	Lot 50, DP 12724 No. 2 Stirgess Ave Curl Curl
Proposed Development:	First Floor plus Double Garage
Determination:	
Made on (Date):	12 November 2004 <i>See note 1</i>
Determination:	Consent 2004/1206DA granted subject to conditions described below
Consent to operate from (Date):	12 November 2004
Consent to lapse on (Date):	12 November 2009
Details of Conditions (including Section 94 conditions):	<i>See note 2</i>

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 certifiers 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.

GENERAL CONDITIONS

1. Development being generally in accordance with plans numbered 1 and 2, dated June 2004, submitted 22 September 2004 as modified by any conditions of this consent/approval. (C1)
Reason: To ensure that the form of development undertaken is in accordance with the determination of Council.
2. Compliance with Building Code of Australia
 - a. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
 - b. This clause does not apply to the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187 (6) or 188 (4). (C375)
Reason: Prescribed/Statutory

3. Payment of the Long Service Leave Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. This payment is not required where the value of the works is less than \$25,000. (C3)

Reason: Prescribed/Statutory

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

Reason: Legislative requirements

5. **Residential Building Work**

- a. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
- (i) in the case of work to be done by a licensee under that Act:
 - A. has been informed in writing of the licensee's name and contractor licence number, and
 - B. is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR
 - (ii) in the case of work to be done by any other person:
 - A. has been informed in writing of the person's name and owner-builder permit number, or
 - B. has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (i) and (ii) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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

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

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

6. Class 1

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

- c. Prior to any pouring of any in-situ reinforced concrete building element.
- d. Prior to covering of the framework for any floor, wall roof or other building

- element.
- e. Prior to covering waterproofing in any wet areas.
- f. Prior to covering stormwater drainage connections
- 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 the completion of building work.

Notes:

1. 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. 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. 3. Where Warringah Council is acting as the Principal Certifying Authority for the project, notice is to be given to Council by telephoning 9942 2111 and requesting the relevant inspection. Failure to advise Council at the stages of construction identified above may result in fines being imposed.
4. 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)

PRIOR TO RELEASE OF THE CONSTRUCTION CERTIFICATE

7. The fee(s) required for a Council Inspection / Compliance Certificate is \$800 and it is to be paid prior to Council issuing the Construction Certificate. **NOTE:** Each Inspection / Compliance Certificate fee is \$160. Where external accredited certifiers issue construction certificates and compliance certificates the above fee is not required. (C397)

Reason: Fees for inspection

8. **Stormwater Disposal**

Stormwater shall be conveyed from the site to Council's street drainage system. The completed works shall be certified as compliant with Australian Standard 3500.3.2, National Plumbing and Drainage Code upon completion. (C8)

Reason: *To ensure appropriate provision for disposal and stormwater management arising from the development.*

9. **Kerb Security Bond**

A bond of \$825 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) (C16)

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

10. **Property Alignment Levels**

The property alignment levels shall match the existing levels except where modified for the vehicular crossing. The applicant shall design and construct having regard for the aforementioned levels. No approval is granted for any change to existing property alignment levels to accommodate the development. (C27)

Reason: *To facilitate suitable vehicular access to private sites, without disruption to pedestrian and vehicular traffic and to ensure appropriate access and infrastructure protection that is integral with infrastructure on surrounding sites.*

11. **Vehicle crossings**

Provision of 1 vehicle crossings 4 meters wide in accordance with Warringah Council Drawing No A4-3330/5 EL and specifications. All redundant laybacks and crossings are to be restored to footpath/grass.

Prior to pouring of concrete the crossings are to be inspected by Council or an Accredited Certifier (Civil Works) and certification issued to the PCA stating the crossing levels and reinforcement is in accordance with the issued levels and specifications. (C29)

If Council is to undertake the inspection the inspection fee is to be paid 48 hours prior to pouring of concrete. (See Council's fees and charges)

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

PRIOR TO COMMENCEMENT OF WORKS

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

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

Reason: *Prescribed/regulatory*

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

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

Reason: *Public Information*

14. **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. (D8)

Reason: Statutory requirement (Roads Act 1993)

15. 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. (D19)

(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.

DURING WORKS

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

Reason: Stormwater control

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

Reason: Public health and amenity

18. 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. (E28)

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

19. 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. (E38)

Reason: To ensure the proper management of public land and funds.

PRIOR TO OCCUPATION

20. Occupation Certificate

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

Reason: Safety

21. Component Certificates

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

- 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".
- 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".
- r. Drainage contractors Certificate certifying that the stormwater drainage system has been satisfactorily installed and completed.

Reason: Required certification certificates to ensure completion of specified works

22. Reinstatement

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. (G9)

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

23. Calm Condition

Tree 1 *Banksia Intergrifolia* located towards the eastern boundary and **Tree 2** *Allocasuarina Distyla* opposite the front door can be removed. **Tree 3** *Melaleuca Quinquinervia* is to be retained.

Building Code of Australia - Classification

The building is Class 1a for the purposes of the Building Code of Australia.

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 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

* Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

Signed on behalf of the consent authority

Signature _____

Name S Ackerman

Date 12 November 2004

Note 1 *Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.*

Note 2 *Clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under Section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.*