

19 November 2009

Russel Loel
PO Box 106
FRENCHS FOREST NSW 2086

Dear Sir

**RE: Lot 1039 Oxford Falls Road, Oxford Falls
Modification of Development Consent No. DA2006/0339 – Mod2009/0177 to
Modify Landscaping, Car Parking, Building Openings and Ancillary
Structures**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 5 November 2009 and determined as follows:

i) Modify condition 1 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 this consent:

Architectural Plans		
Plan No. (revision)	Designer	Date
0405012-1 (A)	AW Design Drafting Services	July 2007
0405012-2 (A)	AW Design Drafting Services	August 2007
0405012-3(B)	AW Design Drafting Services	July 2007
0405012-5	AW Design Drafting Services	August 2007
0405012-6	AW Design Drafting Services	August 2007
Plan A	Numbered and Dated by Council	5/5/07
Engineering Plans		
Plan No. (revision)	Designer	Date
0209-H2	Unnamed	Stamped by Council 25/10/06
06P107-C01 (C)	Hughes Trueman Consulting Engineers	09.10.06

As modified in accordance with the following plans:

Architectural Plans		
Site Plan - Sheet 1	<i>A.W Design Drafting</i>	24 June 2009
Elevations Plan - Sheet 2	<i>A.W Design Drafting</i>	24 June 2009
Floor Plan – Sheet 3	<i>A.W Design Drafting</i>	24 June 2009
Details Plan – Sheet 4	<i>A.W Design Drafting</i>	24 June 2009

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.

ii) **Modify condition 2 to read as follows:**

2. Approved Landscaping Plan

Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan detailed hereunder except where amended by other conditions of this consent:

Landscape Plans		
Plan No. (revision)	Designer	Date
LP01, Issue A	Selena Hannan Landscape Design	24 June 2009

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

iii) **Modify condition 3 to read as follows:**

3. Approved Supporting Documentation

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

Supporting Documentation		
Report	Prepared By	Dated
Vegetation Management Plan	Ariane Weiss & Stella Blay	July 2006
Recommendations detailed under Section 6 of the Flora and Fauna Impact Assessment Report	GIS Environmental Consultants	March 2005
Arboricultural Appraisal	Plateau Tree Services	11 June 2009
Details under Section 4 of the Waste Water Management Strategy numbered P0501094JR01_V4	Martens Consulting Engineers	March 2009

In the event of any inconsistency, the more onerous requirement shall prevail to the extent of that inconsistency.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

iv) **Delete condition 43 – Submission of engineering plans for drainage works:**

43. [Deleted]



- v) **Delete condition 44 – Bond for Engineering Construction Works – Stormwater:**

44. [Deleted]

- vi) **Insert condition 47a to read as follows:**

47a. On-site Stormwater Detention Certification

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification", the concept drawing by Martens & Associates Pty Ltd, drawing number P0902393JD01_V2 dated 19 October 2009, and letter prepared by Martens & Associates Pty Ltd, dated 19 October 2009 must be submitted to the Certifying Authority for construction assessment and approval. Stormwater is to be discharged to the existing headwall located in Spicer Road.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

- vii) **Insert condition 48a to read as follows:**

48a. Modified Construction Certificate

A modified construction certificate is required to be issued prior to any further works being carried out or recommended in relation to the works yet to be completed resulting from the Section 96 modification.

***Reason:** Approval requirements for building works.*

- viii) **Insert condition 48b to read as follows:**

48b. Building Certificate

A Building Certificate is to be applied for and determined by Warringah Council for all unauthorized works which are identified as being retained under this Section 96 modification, prior to any construction Certificate being issued.

***Reason:** Compliance requirements for building works.*

- ix) **Insert condition 61a and 61b to read as follows:**

61a. Staff Facilities Building

The staff facilities building is to be upgraded so as to comply with Parts C, D and E of the Building Code of Australia.

***Reason:** Building Code of Australia compliance.*

61b. Reflection Pool

The water feature labelled "Reflection Pool" located in the driveway is to be deleted.

***Reason:** Child safety.*



x) Modify condition 72 to read as follows:

72. Protection of Trees

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

- All vegetation on Landscape Plan LP01A by *Selena Hannan Landscape Design* dated 24 June 2009 annotated for retention.

Reason: *Protection of existing environmental infrastructure and community assets*

xi) Insert condition 72a to read as follows:

72a. Tree Pruning

Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified Arborist and be in accordance with the relevant Australian Standards.

Note: The following Australian Standard applied:

Australian Standard AS 4373.2007 - Pruning of Amenity Trees.

Reason: *To ensure protection and longevity of existing trees.*

xii) Delete condition 91 – On Site stormwater Detention:

91. [Deleted]

xiii) Insert condition 109a to read as follows:

109a. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a “work as executed” (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: *To ensure stormwater disposal is constructed to Council's satisfaction.*

xiv) Delete condition 117 - Works as Executed Drawings and Video - Stormwater:

117. [Deleted]



This letter should therefore be read in conjunction with Development Consent DA No. 2006/0339 dated 27 November 2007. Please find attached a consolidated set of conditions.

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 96(6) of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court.

Should you require any further information on this matter, please contact **Alex Keller** 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 E-Services System at www.warringah.nsw.gov.au.

Yours faithfully

Alex Keller
**Acting Team Leader Development Assessment
Planning and Development Services**

