

3 April 2008

Watershed Design
Level 1
167 Pittwater Road
MANLY NSW 2095

2008/0052 MOD1
MAV (PDS)

Dear Sir / Madam

**RE: 36 Tottenham Street, North Balgowlah
Modification of Development Consent No. 2008/0052 MOD 1**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on **27 March 2008** and determined as follows:

Approval to modify the original development consent be approved for the amendment of Condition No. 57 to align the Consent with the conditions imposed by the Rural Fire Service as follows:

Amendment of Condition No. 57 to read:

57. Bushfire Protection

Construction shall comply with AS3959-1999 level 2 'Construction of Buildings in bushfire prone areas' to Northern, Eastern and Western elevations.

Construction shall comply with AS3959-level 1 'Construction of Buildings in bushfire prone areas' to the southern elevation.

The entire property shall be managed as an "Inner Protection Area" as outlined within Section 4.2.2 in Planning for bushfire Protection 2001.

While the above remains in force, the following exclusions apply as per the recommendation from the Rural Fire Service dated 13 March 2008:

1. The RFS will allow the non screening of the proposed Bi-Fold doors in accordance with Development Control Services Practice Note 3/06 (Revised November 2007(Release 2)).
2. Given the original DA was submitted prior to 1st March 2008 the RFS will allow the use of Intumescent Paint in accordance with Fast Fact 1/06 in this instance.
3. The non screening of the main front entrance door and side entrance door is allowed given they will be self closing, tight fitting and fitted with draught excluders.
4. All other previous conditions apply.

Reason: Protection from bushfire and safety.

This letter should therefore be read in conjunction with Development Consent 2006/0969 dated 2 February 2007. 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 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 **Nancy Sample** 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

Ryan Cole
Team Leader, Development Assessment
Planning and Development Services



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
DA01 Issue C drawn by Water Shed	28/09/06
DA02 Issue E drawn by Water Shed	9/01/07
DA03 Issue E drawn by Water Shed	9/01/07
DA04 Issue C drawn by Water Shed	28/09/06
DA05 Issue E drawn by Water Shed	9/01/07
DA06 Issue C drawn by Water Shed	28/09/06
DA07 Issue C drawn by Water Shed	28/09/06
DA08 Issue C drawn by Water Shed	28/09/06
MD01 Issue C drawn by Water Shed	28/09/06
LP01 drawn by Maria Rigoli	September 06
26006-1 drawn by T. J. Taylor Consultants Pty Ltd.	September 06

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]**

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]**

4. Delete Deck

The portion of the proposed deck encroaching the front setback area located at the front elevation of the dwelling adjacent to the Guest/TV room, as identified in red on the approved plans, shall be deleted from the proposal. Amended plans showing compliance with the requirements of this condition shall be submitted to the satisfaction of Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure consistency with objectives of the Built Form Controls. **[Special Condition]**

5. Compliance with notations made in red on the face of the plans.

Amended plans to be provided and approved by the accredited certifier prior to the release of the Construction Certificate.

Reason: To ensure compliance with the conditions of this consent

6. Delete Palm Trees

The four palm trees adjacent the rear boundary are to be deleted from the plans.

Reason: Amenity and consistency with the Desired Future Character statement.

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

7. 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)

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

8. 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]**

9. Vehicle Crossings

Provision of one (1) vehicle crossing 3.5 metres wide in accordance with Warringah Council Drawing No A4-3330/2 Normal High and specifications. An

Application for Street Levels is to be made prior to the issue of the Construction Certificate. Vehicle crossings and associated works within the road reserve shall be constructed in **plain concrete** by an Authorised Vehicle Crossing Contractor, for details see Warringah Council's website <<http://www.warringah.nsw.gov.au>> or phone (02) 9942 2111. All redundant laybacks and crossings are to be restored to footpath/grass.

Prior to the pouring of concrete, the vehicle crossing/s are to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

Reason: *To facilitate suitable vehicular access to private property. [C32]*

10. Asbestos & Hazardous Material

- (2) 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.

Reason: *To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. [C53 (2)]*

11. 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]*

12. 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	
36 Tottenham Street, North Balgowlah (Property address)	
DEVELOPMENT APPLICATION NUMBER 2006/0969DA	
SECURITY BONDS	AMOUNT (\$)
Tree Damage Bond (within the site)	
Street Tree Bond (on Council Property)	
Builders Road/Kerb Security Bond	\$825.00
Engineering Construction Bond · General Works · Road Pavement	

· Stormwater · Kerb & Gutter, Footpath	
Others	
TOTAL BONDS	\$825.00
FEES	
Kerb Security Inspection Fee	\$200.00
Section 94 contribution	\$4980.00
Long Service Levy	\$1743.00
Others	
TOTAL FEES	\$6923.00
Progress Inspections if Council is the PCA, as applicable	\$275.00 per inspection

Reason: Compliance with the development consent. [C71]

13. Waste Collection Contract

Prior to the commencement of demolition work the owner must ensure that there is a contract with a licensed contractor for the removal of trade/demolition waste. No garbage or demolition/building waste is to be placed on the public way eg: Footpaths, roadways, plazas and reserves at any time.

Reason: To ensure that all waste materials are disposed of adequately.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

14. Silt & Sediment Control

Provision shall be made throughout the period of demolition / Excavation & Construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

Reason: To avoid siltation to adjoining properties and waterways. [D1]

15. 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]

16. 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]

17. 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]

18. 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.

Reason: Statutory requirement (Roads Act 1993) [D6]

19. 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]

20. 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]

21. Cigarette Butt Receptacle - Residential

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]

22. 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.

(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. [D17]*

23. Demolition Work Method Statement

(A) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Demolition Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy of the endorsed Statement sent to Council (if it is not the PCA). A copy of the PCA endorsed Statement must also be submitted to the WorkCover Authority.

The Statement must be in accordance with *AS2601 Demolition of Structures*, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-

- (a) Enclosing and making the site safe;
- (b) Induction training for on-site personnel;
- (c) Inspection and removal of asbestos, and contamination and other hazardous materials as applicable.
- (d) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition operations describing the procedures by which waste will be minimised, managed and recycled and including:-
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal;



If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.

(e) Dust Control:-

Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.

(f) Disconnection of Gas and Electrical Supply;

(g) Fire Fighting:-

Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.

(h) Access and egress:-

No demolition activity shall cause damage to or adversely affect the safe access and egress of this site.

(i) Waterproofing of any exposed surfaces of adjoining buildings, where applicable;

(j) Control of water pollution and leachate and cleaning of vehicles tyres:-

Proposals shall be in accordance with the *Protection of the Environment Operations Act 1997*.

(k) Working hours, in accordance with this Development Consent;

(l) Confinement of demolished materials in transit; and

(m) Proposed truck routes.

(B) All relevant requirements of the Demolition Work Method Statement must be implemented during the demolition and/or excavation period of the development.

(C) Demolition by induced collapse, the use of explosives or on-site burning is not permitted.

Note: The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of work.

Reason: To ensure that all waste materials are disposed of adequately.



24. Water and sediment control statement for demolition and excavation

The following environmental protection measures are required:-

- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Council.
- (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of run-off from the site onto the public way.
- (c) The statement is to be consistent with the principles and practices set out in the Landcom's Manual '*Managing Urban Stormwater: Soils and Construction (2004)*'.
- (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented for the duration of the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the *NSW Protection of the Environmental Operations Act 1997*, whereby it is an offence to pollute classified waters.

Reason: To ensure that all waste materials are disposed of adequately.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

25. Road Reserve works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others, to the satisfaction of the Principal Certifying Authority, and in accordance with Council's standard specifications for engineering works. Traffic movement in both directions on public roads, and vehicular access to private properties is to be

maintained at all times during the works. This Condition must be complied with during demolition and building work.

Reason: *Public Safety. [E4]*

26. 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, where applicable:

- (a) At the commencement of the work, and
- (b) After excavation for, and prior to the placement of any footings, and
- (c) 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 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]

27. 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]

28. 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]

29. 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]

30. Special Permits

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to S138 of the Roads Act. A minimum of forty-eight (48) hours notice is required for any permit:

(1) On-street mobile plant

Eg. cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the

hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

Reason: Proper management of public land. [E24 (1)]

(2) Hoardings

Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

Reason: Proper management of public land. [E24 (2)]

(3) Storage of building materials and building waste containers (skips) on Council's property

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

Reason: Proper management of public land. [E24 (3)]

(4) Kerbside restrictions, construction zones

The applicant's attention is drawn to the existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

Reason: Proper management of public land. [E24 (4)]

31. 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]*

32. 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]*

33. 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]*

34. Health and Safety

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

35. Aboriginal Heritage

If in undertaking excavations or works, any Aboriginal site or relic is, or is thought to have been found, all works are to cease immediately and the applicant is to contact Aboriginal Heritage Officer for Warringah Council, and the National Parks and Wildlife Service (NPWS). Any work to a site that is discovered to be the location of an Aboriginal relic, within the meaning of the National Parks and Wildlife Act, requires a permit from the Director of the NPWS.

Reason: *Aboriginal Heritage Protection. [E34]*

36. Prohibition on Use of Pavements

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

Reason: *To ensure public safety and amenity on public land. [E35]*

37. Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.

Reason: *To ensure public safety and amenity on public land. [E36]*

38. 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.

Reason: *To ensure the proper management of public land and funds. [E38]*

39. 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]*



40. Sediment and Erosion Control Signage

A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites. [E41]*

41. Demolition Works

All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with the:-

- (a) Approved Demolition Work Method Statement;
- (b) Australian Standard AS2601 Demolition of Structures;
- (c) Relevant Codes of Practice and guidelines of the WorkCover Authority (NSW);
- (d) Relevant provisions of the *Occupational Health and Safety Act 2000 and the Occupational Health and Safety Regulation 2001*; and
- (e) All other relevant Acts and Regulations.

Reason: *To ensure a satisfactory standard of demolition works.*

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

42. 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]*

43. 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
 - (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.

44. Lead

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.

Reason: Safety. [F4]

45. 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]

46. Demolition

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]

47. 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]

48. 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 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]

49. 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]

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

50. 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]



51. On-Site Stormwater Detention Compliance Certification

The on-site detention system and associated drainage works are to be in accordance with the drainage plan submitted by T. J. Taylor consultants (Drawing No 26006-1 dated September 2006). On completion of works a works as executed drawing and certification of the works by the design engineer is to be submitted to the Principal Certifying Authority. 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 above approved plans and Council's "On-site detention technical specification", the compliance certificate is to be submitted to the Principal Certifying Authority prior to occupation. Council can issue the Compliance Certificate if required subject to prescribed fee.

Reason: *To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded. [G27]*

52. Creation of Positive Covenant and Restriction as to User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as to user, the original completed request forms shall to be submitted to Warringah Council for authorisation. A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "NSW Land and Property Information Department" prior to occupation.

Reason: *To identify encumbrances on land. [G28]*

53. Restrictions as to User

Restrictions as to User shall be created over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction is to be prepared to Warringah Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with the "NSW Land and Property Information Department". Warringah Council shall be nominated as a party to release, vary or modify such restriction.

Reason: *To ensure no modification of the stormwater detention structure without Council's consent. [G29]*

54. Positive Covenant (Onsite Detention Structure)

Creation of a Positive Covenant of the Title of the land requiring the proprietor of the land to maintain the stormwater detention structures required by this Consent, in accordance with the standard requirements of Council. The Positive Covenant is to be prepared by the applicant using terms acceptable to, and which are available from Warringah Council. The positive covenant is to be endorsed by Council prior to its lodgement with the 'NSW Land and Property Information Department'.

Reason: *To ensure ongoing maintenance of the stormwater detention structure. [G32]*



55. Bushfire protection

Roofing shall have leafless guttering and valleys are to be screened to prevent the build up of flammable material.

Reason: *Protection from bushfire and safety. [G35]*

56. Asbestos Clearance Certificate

Upon completion of all demolition works, where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (such as an Occupational Hygienist or Environmental Consultant) must be submitted to the Principal Certifying Authority (and a copy forwarded to Council) for the building work certifying the following:

- The building is free of asbestos; or
- The building has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

(Note: Further details of licensed asbestos waste disposal facilities can be obtained from the Department of Environment and Conservation (NSW) website at www.dec.nsw.gov.au <<http://www.dec.nsw.gov.au>>)

Reason: *To ensure that building works involving asbestos based products are safe for occupation and will pose no health risks to occupants.*

57. Bushfire Protection

Construction shall comply with AS3959-1999 level 2 'Construction of Buildings in bushfire prone areas' to Northern, Eastern and Western elevations.

Construction shall comply with AS3959-level 1 'Construction of Buildings in bushfire prone areas' to the southern elevation.

The entire property shall be managed as an "Inner Protection Area" as outlined within Section 4.2.2 in Planning for bushfire Protection 2001.

While the above remains in force, the following exclusions apply as per the recommendation from the Rural Fire Service dated 13 March 2008:

1. The RFS will allow the non screening of the proposed Bi-Fold doors in accordance with Development Control Services Practice Note 3/06 (Revised November 2007(Release 2)).
2. Given the original DA was submitted prior to 1st March 2008 the RFS will allow the use of Intumescent Paint in accordance with Fast Fact 1/06 in this instance.
3. The non screening of the main front entrance door and side entrance door is allowed given they will be self closing, tight fitting and fitted with draught excluders.

4. All other previous conditions apply.

Reason: *Protection from bushfire and safety.*

58. Smoke Alarm

Smoke alarms are to be installed throughout the existing and new Class 1a building in accordance with Part 3.7.2 Smoke Alarms of the Building Code of Australia

Reason: *Safety*

CONSOLIDATED CONDITIONS

