



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA2007/0445

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Mark Anthony Gailey

Applicant Address: 15 Gladys Avenue FRENCHS FOREST NSW 2086

Land to be developed (Address): Lot 5, DP 580693, 13 Gladys Avenue FRENCHS FOREST NSW 2086

Proposed Development: Sub division of 1 lot into 2 lots

DETERMINATION

Made on (Date): 28 February 2008

Consent to operate from (Date): 28 February 2008

Consent to lapse on (Date): 28 February 2011

Details of Conditions

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 certifier's 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.

Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.

Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Stormwater Plan

The stormwater drainage works are to be generally in accordance with the drainage plan submitted by T J Taylor drawing number 15407-1 and 2 dated March, 07.

Reason: To ensure appropriate provision for stormwater disposal arising from the development. **(DACEBasp)**

2. Approved Plans And Supporting Documentation

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

Drawing Number	Dated	Prepared By
215	23/02/07	Bee and Lethbridge Pty Ltd
15407 – 1 and 2	March 07	T J Taylor

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. **(DACGBapasd)**

3. 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. **(DACGBbca)**

4. Submission of Engineering Plans

Prior to the issue of the Construction Certificate, engineering plans are to be submitted to Council or an Accredited Civil Certifier for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of a 3m wide concrete



driveway to proposed Lot 1 which is to be generally in accordance with the Development Application and Council's Minor Works Specification.

If Council is to issue the Construction Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: *To ensure compliance with Council's specification for engineering works.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

5. Bond for Construction, Excavation and Associated Works

A bond (determined from cost of works) of \$1000 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of any Construction Certificate. This bond is to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site

Reason: *To ensure adequate protection to Council infrastructure. (DACECbceaw)*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

6. 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.

Reason: *To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEDpliwp)*

7. 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). (DACEDrop)

8. 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. (DACGDebw)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

9. 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. (DACEEacwcp)

10. Protection of Trees

All trees which are not listed as exempt or noxious in Warringah that are not indicated for removal are to be protected.

Reason: Protection of existing environmental infrastructure and community assets. (DACLEpt)

11. Trees

(1) Tree roots of 50mm or greater in diameter encountered during excavation, shall only be cut following consultation with a qualified Arborist. Tree roots between 10mm and 50mm in diameter, severed during excavation, shall be cut cleanly by hand.

Reason: Protection of trees.

(2) The following guidelines are to be complied with at all times:

(a) The applicant shall ensure that at all times during the development period no activities, storage or disposal of materials shall take place beneath the canopy of any tree covered under Council's Tree Preservation Order unless specifically approved by Council.

(b) Trees marked for retention are not to be damaged or used to display signage, or as fence or cable supports for any reason.

(c) Siting of sheds, stockpiles and vehicle parking should be sited so that they are remote from trees.

(d) Site personnel are to be made aware of tree requirements and protective measures. Paving materials placed within the dripline of any tree



should be of a porous material.

Reason: Protection of trees.

(3) During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

Reason: Protection of trees.

Reason: Protection of trees. (DACLEt)

12. 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 at the time of determination:

- Australian Standard AS 4373.2007 - Pruning of Amenity Trees.

Reason: To ensure protection and longevity of existing trees. (DACLEtp)

13. 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. (DACEEssc)

13A. 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 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. (DACGDss)

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

14. Certification Civil Works

The Civil Engineer responsible for the supervision of the civil works shall certify to Council / Accredited Certifier that the completed works have been constructed in accordance with this consent and the approved Construction Certificate, prior to the issue of the Interim/Final Occupation Certificate. A “work as executed” (WAE) plan certified by a registered surveyor and overdrawn in red on a copy of the approved civil works plans are to be provided to Council. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures.

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACEFccw)

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE

15. Easement for Drainage

An easement for drainage (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision the accompanying 88B



instrument to ensure all drainage infrastructure is located within the appropriate easement(s).

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919. **(DACEHed)**

16. Easement for Services

An easement for services (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and the accompanying 88B instrument to ensure all utility services are located within the appropriate easement(s).

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919. **(DACEHefs)**

17. On-Site Stormwater Detention Compliance Certification

Prior to issue of a subdivision certificate the on-site stormwater detention (OSD) system must be certified by a consulting engineer and include a "works as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans. 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.

Reason: To ensure stormwater disposal is constructed to standard specifications AUSPEC 1. **(DACEHosdcc)**

18. Positive Covenant for On-site Stormwater Detention

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Warringah Council.

Warringah Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. **(DACEHpcosd)**

19. Provision of Services for Subdivision

The applicant is to ensure all services including, water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the linen plan prior to the issue of the Subdivision Certificate.



Reason: To ensure that utility services have been provided to the newly created lots.
(DACEHpss)

20. Right of Carriageway

A right of carriageway (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument to include all vehicular access and maneuvering areas.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919. **(DACEHrc)**

21. Restriction as to User for On-site Stormwater Detention

A restriction as to user (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument for the on-site stormwater detention system, restricting any alteration or additions to the system. The terms of such restriction are to be prepared to Council's standard requirements, which are available from Warringah Council.

Warringah Council shall be nominated as the party to release, vary or modify such restriction.

Reason: To ensure no modification to the on-site stormwater detention structure without Council's approval. **(DACEHruosd)**

22. Stormwater Drainage and Utility Services Plan

A plan of subdivision identifying the location of water, gas, telephone, electricity and stormwater drainage in relation to boundaries and/or relevant easements, prepared by a registered surveyor is to be submitted to Council prior to the issue of the Subdivision Certificate.

Reason: To ensure that services have been provided with appropriate easements as required by the Conveyancing Act 1919. **(DACEHsdusp)**

23. Survey Plan - Construction Identification

Prior to issue of the Subdivision Certificate a declaration by a registered surveyor shall be provided to Council as evidence that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. This shall be in the form of a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor.

Reason: To ensure accurate location of buildings, access and services.
(DACEHspci)

24. Sydney Water Compliance Certification



A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be build and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: *To ensure compliance with the statutory requirements of Sydney Water. (DACEHswcc)*
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25. Title Encumbrances

All easements, rights of carriageway, positive covenants and restrictions as to user as indicated on the plans and required by this consent are to be created on the title naming Warringah Council as the sole authority empowered to release or modify.

Reason: *To ensure proper management of land. (DACEHte)*

26. Subdivision Certificate Application

Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council. Nine copies of the final plan of subdivision are to be submitted. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: *Statutory requirement of the Conveyancing Act 1919. (DACGHsca)*

27. Right of Carriageway

A right of carriageway (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument over that portion of the existing vehicular access that passes through proposed Lot 2. that is not burdened by the existing right of carriageway .

Reason: *Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.*



28. 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.

Note: In issuing an Interim / Final Occupation Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act. **(DACGFocr)**



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

Signed _____ on behalf of the consent authority

Signature _____
Name Ryan Cole, Team Leader Development Assessments

Date 28 February 2008