



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2007/579

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Nevpot Pty Ltd

Applicant Address: 50 Edgecliffe Boulevard Collaroy Plateau NSW 2097

Land to be developed (Address): Lot 4 DP 1118329, at 43 Edgecliffe Boulevard Collaroy Plateau

Proposed Development: Dwelling house, pool and landscaping with ancillary works.

DETERMINATION

Made on (Date): 22 November 2007

Determination: Approved – subject to conditions

Consent to operate from (Date): 22 November 2007

Consent to lapse on (Date): 22 November 2010

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 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
Architectural plans DA1A to DA4A by <i>Barry Rush and Associates</i>	August 2007
Pool detail plan by <i>Barry Rush and Associates</i>	August 2007
Driveway Site plan DA7 by <i>Barry Rush and Associates</i>	13 Sept 2007
Sediment Control Plan 19206-6/A by <i>T.J Taylor Consultants</i>	June 2007
Stormwater management 19206-10 by <i>T.J Taylor Consultants</i>	June 2007
Landscaping plan LCP 01B by <i>John Raymond Landscapes</i>	August 2007

Document Number	Dated
Geotechnical Investigation Report by <i>Crozier</i>	June 2007
Schedule of materials and finishes by <i>Barry Rush</i>	August 2007

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. Approved Landscaping Plan

Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan numbered LCP 01B prepared by John Raymond Landscape Designs dated August 2007 subject to the following changes:

- All the ground level terrace areas between the house and pool and the western boundary is to be grassed and not hard paving.
- The screen planting between the pool (on the north side only) and the ROW carriageway is to be 2.0 metres wide. (The ROW is not to be reduced in width to achieve this).
- The nine (9) trees along the western boundary shown on the landscaping plan as "feature tree" and "small tree" shall be substituted for different native plantings



that have a maximum mature height of 5.0 metres.

Amended details are to be provided on the Landscaping plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To ensure appropriate landscaped area, privacy, and landscaping amenity at the final inspection stage of the development. [Special condition]*

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

3. 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;

in accordance with the recommendations within section 5 of the Geotechnical report by Crozier dated June 2007.

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

4. Deck area Level 1 (Upper floor)

The northern deck on level one is to be reduced in size to a maximum of 5.0 m (north-south) x 4.2 m (east-west) with the privacy screen to extend to 5.5 m (north-south) along the western edge. The deck area is also to remain roofed with the privacy screen from floor to ceiling height. The privacy screen is to be of solid fixed materials with no openings, and constructed of wood/steel, masonry and /or obscured glass. Details to be included on the Construction Certificate plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To minimise amenity and noise impacts on 41 Edgecliffe Boulevard.*

5. Kerb Security Bond

A bond of \$1000 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]**

6. Swimming Pool

The proposed swimming pool coping is to be located at a Reduced Level 84.7. Details demonstrating compliance are to be shown on the plans submitted with the Construction Certificate

Reason: To ensure the structure does not result in any adverse impacts on adjoining properties, due to excessive height above existing ground level. **[C66]**

7. Pool Access

Access to the pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992 and Swimming Pools Regulations, 1998:

- (a) The pool shall not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed; and
- (b) The barrier is to conform to the requirements of AS 1926 Fences and Gates for Private Swimming Pools.

Details demonstrating compliance with this requirement are to be approved by the Council / Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the safety of children and make applicant aware of the need to comply with applicable pool fencing legislation. **[C68]**

8. 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	
Lot 4 DP 1118329 at 43 Edgecliffe Boulevard	
DEVELOPMENT APPLICATION NUMBER 2007/0579	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$1000
Engineering Construction Bond - General Works	Nil
TOTAL BONDS	\$1000
FEES	
Kerb Security Inspection Fee	\$200.00
Section 94A contribution	\$6,573.00
Long Service Levy	\$2,300.00
Others	
TOTAL FEES	\$9073.00



Reason: Compliance with the development consent. [C71]

9. S94A Contribution

The payment of \$6,573 as a 94A levy prior to the approval/release of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan 2006. It is current at the time of issue of this Consent. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated. (see schedule)

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of \$		657,250.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
S94A Levy	0.95%	\$6244	6923
S94A Planning and Administration	0.05%	\$329	6924
Total	1.0%	\$6573	

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. [C82]

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. 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]

11. 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]

12. 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]*

13. 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]*

14. Trees

During the construction period the applicant is responsible for ensuring all protected trees (including trees that may be affected by works on the boundary) 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. [D12]*

15. 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]*

16. 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]

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

17. Notification of Inspections

If Council is the Principal Certifying Authority, Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level/basecourse level
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification as conditioned above. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: Appropriate notice for works to be carried out. [E1]

18. Kerb Construction

The applicant is to construct a 150mm high kerb along the edge of the existing driveway for the full length of the ROW carriageway frontage of Lot 4, except at the location of the vehicular entrance. The kerb is to be constructed in a manner that will ensure all surface water captured by the kerb will discharge into the grated pits provided in the driveway.

Reason: To reduce incidences of vehicles scraping walls/boundaries and ensure appropriate provision is made for the disposal of stormwater.

19. Height

The maximum RL of the proposed development shall be not higher than RL 95.2.

Reason: To ensure compliance with the terms of this development consent. [E3]

20. No Changes To Openings

The windows / doors / fenestration shall not be enlarged or relocated on any elevation of the development. The use of rooms served by windows shall not be altered from



that detailed on the approved plans.

Reason: *To ensure compliance with the terms of this development consent. [E5]*

21. Approved Materials

The colour, texture and substance of all external materials shall be generally in accordance with that detailed in the application.

Reason: *To ensure compliance with the terms of this development consent. [E6]*

22. 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 a 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]*

23. 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]*

24. Final Compliance Certificate

Within seven (7) days of completion of the building works and prior to occupation or the issue of an Interim/Final Occupation Certificate, a Certificate of Compliance under Section 109C (1) (a) of the Environmental Planning and Assessment Act 1979 must be provided by the Principal Certifying Authority. This Compliance Certificate must certify that the completed work complies with the relevant plans and specifications and with the following conditions of this development consent: 2007/0579

Reason: *To ensure compliance with the terms of this development consent. [E13]*

25. 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]*

26. 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]

27. No Work on Public Open Space

The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land. [E19]

28. 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]

29. 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]

30. 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]

31. 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]**

32. 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]**

33. 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]**

34. Survey Certificate

Where Council is the Principal Certifying Authority a survey certificate prepared by a registered Surveyor being submitted at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Reason: *To determine the height of buildings under construction comply with levels shown on approved plans.* **[E43]**

35. Driveway area

During construction of the dwelling (until completion of landscaping works) the concrete driveway area between 41 Edgecliffe Boulevarde and 45 Edgecliffe Boulevarde is to be and inspected daily by the applicant to ensure it is clear of any



building waste and other substances that may affect the convenient use of the ROW by neighbours.

Reason: *Construction management*

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

36. 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]*

37. 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.

38. 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]*

39. 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 the 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]*

40. 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]*

41. 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]*

42. Retaining Walls & Drainage

If the soil conditions require it:



Warringah Council

- (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 in accordance with the provisions of AS3500.3.2.

Reason: To ensure appropriate measures are in place to address site conditions and provide appropriate site drainage. **[F13]**

43. Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to issue of the Construction Certificate to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- ☐ Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- ☐ Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.

Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. **[F15]**

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

44. 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]**

45. Fire Safety Certificate

To ensure the safety of occupants of the building a "Fire Safety Certificate" which identifies the schedule of "Fire Safety Measures" that have been completed to satisfactory standard shall be provided to the Principal Certifying Authority prior to the issue of an "Occupation Certificate" as required in the "Environmental Planning and Assessment Act & Regulation.

Reason: To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants. **[G3]**

46. Termite Control

- (1) Termite control measures being installed in accordance with AS 3660.1-2000 "Termite Management: New Building Work."

Reason: Termite control. [G6 (1)]

- (2) 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.

Reason: Termite control. [G6 (2)]

47. Street Number

Street number being affixed to building prior to occupation.

Reason: Proper identification of buildings. [G7]

48. Swimming Pool Water to Sewer

The swimming pool including overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of wastewater shall be obtained and compliance with any conditions imposed in connection therewith.

Reason: Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system. [G17]

49. Pool Access

Access to the pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992 and Swimming Pools Regulation 1998;

- (a) The pool shall not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed; and
- (b) The barrier is to conform to the requirements of AS 1926 Fences and Gates for Private Swimming Pools.

Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act, to prevent young children from accidental death by drowning. [G18]

50. Pool Safety Requirements

The owner of the pool shall display a notice showing:

- (a) Appropriate instructions of artificial resuscitation methods.



Warringah Council

- (b) A warning stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL'.

Note: This notice shall be kept in a legible condition and at the poolside.

Reason: *To ensure an adequate level of safety for young pool users. [G19]*

51. Swimming Pools

The filtration motor, pump and moving parts shall be enclosed in a sound-proofed structure of masonry or similar materials, with the noise level of any filtration equipment or pumps to not exceed 5dBA above the ambient background noise level measured at the nearest property boundary.

Reason: *Noise control [G20]*

52. Pool Fencing (Gates)

In accordance with Australian Standards any gates in the fence shall open outwards away from the pool area and be self closing and fitted with a latch which shall be automatic and of a type which cannot be easily manipulated by small children. Latches must be on the inside of the gate and as near as possible to the top.

Reason: *To ensure compliance with the relevant standards. [G21]*

53. Mechanical Exhaust Ventilation

The mechanical exhaust system shall be installed in accordance with AS1668, and be operated in such a way so as to minimise/prevent the creation of odours, fumes and excessive noise which may adversely affect the amenity, or interfere unreasonably with the comfort or repose of occupants of the building and adjoining premises.

Certification, from an appropriately qualified and practising Mechanical Engineer, is to be submitted to the Principal Certifying Authority, detailing that the exhaust ventilation system has been installed in accordance with AS1668, prior to completion and the issue of any Occupation Certificate.

Reason: *To ensure compliance with acceptable standards for the construction and operation of mechanical plant. [G22]*

54. Regulated Systems- Air Handling

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- (a) The Building Code of Australia,
- (b) AS 1668 Part 1 & 2,
- (c) The Public Health Act,
- (d) Public Health (Microbial Control) Regulation,
- (e) Work Cover Authority,
- (f) AS 3666 Air Handling and water system of building microbial control:



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- ☐ Part 1 - Design installation and commissioning
- ☐ Part 2 - Operation and maintenance
- ☐ Part 3 - Performance based maintenance of cooling water systems

An application to register any regulated system installed must be made to Council prior to commissioning of the system and the issuing of any Occupation Certificate.

Reason: *To ensure public health is maintained, statutory requirements for record keeping. [G24]*

55. *Smoke Alarms*

Smoke alarms are to be installed throughout the new and existing portions of the Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

Reason: *Compliance with BCA and safety of occupancies. [G40]*

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

56. **Balcony and deck areas**

The balcony and deck areas within the secondary building envelope must not be fully enclosed and are to be retained as open decks.

Reason: *Requirement in accordance with the VPA*

57. **Native plant species**

A minimum of 70% endemic plant species shall be maintained for landscaping purposes

Reason: *Requirement in accordance with the VPA*

58. **External wall colours**

External wall colours shall be in earthy tones of medium to hues. Light or dark colour hues are not to be used for external wall surfaces that do not blend with the natural landscape or are inconsistent with the submitted DA colour schedule.

Reason: *Requirement in accordance with the VPA*

59. **Roofing Colours**

Roof colours shall be limited to medium to dark hues of a low reflectivity index consistent with the submitted DA colour schedule.

Reason: *Requirement in accordance with the VPA*

60. **Roof areas**



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Roof areas are not to be used as occupiable space for decks, viewing platforms and the like, or for the location of plant equipment including air conditioners, water tanks and the like. Any satellite dishes on the roof area, they are to be located at the western end and are to be no larger than one (1) metre in diameter.

Reason: *Requirement in accordance with the VPA*

61. Ancillary equipment

Air conditioners, plant equipment, water tanks and the like may only be provided at ground level and are not to be placed at the first storey level on the side walls or on the roof.

Reason: *Requirement in accordance with the VPA*

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 Amy Sutherland

Date 22 November 2007