

DRAFT DETERMINATION
CONSENT NO: N0391/10
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicants Name and Address:
LIVPAC DEVELOPMENTS PTY LTD
PO BOX R215
ROYAL EXCHANGE 1225

Being the applicant in respect of Development Application No N0391/10

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No N0391/10 for:

The erection of a commercial office industrial development with ancillary preparatory site works, water management facilities, café landscaping, parking and signage in two (2) stages use of the building for office and the purposes of preparation and ancillary storage of audio-visual equipment.

At: 2 DAYDREAM STREET, WARRIEWOOD (Lot 16 DP 651226 and Part Lot 17 DP 5055), 96 MONA VALE ROAD, WARRIEWOOD (Lot 18 DP 659518)

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

DA01, DA02, DA03, DA04 & DA05 all dated 1 July 2010, DA06, DA07 & DA08 all dated June 2010 and all drawn by Leffler Simes Architects, Drawing 01A "Staging Plan" dated 10th December 2010 drawn by Leffler Simes Architects, Landscape Concept Plan dated 11/06/2010 and drawn by Selena Hannan Designs, Statement of Environmental Effects prepared and collated by Don Fox Planning dated July 2010 and including all reports attached as appendices

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent _____

Mark Ferguson
GENERAL MANAGER
Per:

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Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
3. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
4. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.
5. This Consent does not authorize the carrying out of work indicated as "Stage 3" on plan numbered DA01, dated 1/07/10 and drawn by Leffler Simes

Architects. A separate development application is required to be submitted and approved prior to this work being carried out

B. Matters to be incorporated into the development and maintained over the life of the development:

1. Storage of hazardous materials, electrical items, items of plant, equipment or stock and any other items which may be susceptible to water damage are to be located above the Flood Planning Level as determined in the Water Management Report. All new construction and services shall comply with the Pittwater 21 Development Control Plan Flood Hazard Controls.
2.
 - a. All structural elements below the Flood Planning level shall be of flood compatible materials.
 - b. All structures must be designed and constructed to achieve low risk of damage and instability due to flood hazard.
 - c. All electrical equipment, wiring, fuel lines or any service pipes and connections must be waterproofed to the Flood Planning level.
 - d. The storage of toxic or potentially polluting goods, materials or other products which may be hazardous or pollute floodwaters is not permitted below the Flood Planning level.
3. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer's Specifications and associated operational guidelines.
4. The Stormwater Harvesting and Reuse Scheme shall be maintained as appropriate in accordance with best practice to ensure optimum performance of the stormwater treatment system.
5. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
6. All existing trees as indicated in the Survey Plan and/or approved Landscape Plan and Arborist report shall be retained except where required to be removed as a result of this consent. A tree preservation Order permit (TPO) is required for the removal of any tree not required to be removed as a result of this consent.

For all other tree issues not related to a development application, application must be made to Council's Tree Management Officers. All existing native trees in the Mona Vale Road reserve are to be retained and protected. Locally native canopy trees are to be planted onsite to replace trees approved for removal.

Canopy tree species and quantities are to be as per the approved Landscape Plan or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping in the Native Plants for Your Garden link on Council's website www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

7. Any vegetation planted outside approved landscape zones is to be consistent with:
 - a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan
 - b. Species listed from the Endangered Ecological Community
 - c. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and *Native Plants for Your Garden* link available from Council's website www.pittwater.nsw.gov.au
8. Over the life of the development all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for noxious/environmental weed lists.
9. No environmental weeds are to be planted on the site. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for environmental weed lists.
10. Any new fencing is to be made passable to native wildlife. As a guideline, hole dimensions should be 150mm wide X 100mm long at ground level spaced at 6 metre intervals.
11. Street lighting facilities to Daydream Street along the development frontage are to be provided at the full cost of the developer and in accordance with the requirements of Energy Australia.
12. All services, including electrical and telecommunications, shall be provided underground in accordance with the draft Warriewood Valley Development Control Plan The location of any trenching shall have regard for future and proposed landscaping in the public domain.
13. Storage of hazardous materials, electrical items, items of plant, equipment or stock and any other items which may be susceptible to water damage are to be located above the Flood Planning Level as determined in the Water Management Report.

14. All new construction and services shall comply with the Pittwater 21 Development Control Plan Flood Hazard Controls.
15. The public footways and roadways adjacent to the site are to be maintained in a safe condition at all times during the construction phase. Pedestrian access is to be maintained at all times during the construction phase.
16. The adjustment of all public utilities and services is to be at the full cost of the developer.
17. All service vehicles for the life of the development must use Mona Vale Road, Ponderosa Parade, Jubilee Avenue and Daydream Street to access and leave the site.
18. The commitments reported in the Water Management Report that forms part of the consent, are to be maintained for the life of the development.
19. The water management facilities are to be maintained over the life of the development.
20. Water conservation devices with an AAA rating must be installed and maintained, including tap flow regulators, shower head roses and dual flush toilets. All new hot water systems are to have a minimum rating of 3.5 stars.
21. All garbage enclosures/stores shall be constructed and fitted out and maintained over the life of the development in accordance with the following:
 1. A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
 2. The area used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete, concrete blocks, structural fibrous cement or other similar homogeneous material) so as to prevent the formation of cavities which become possible harbourages for insects and vermin. Framing in timber is not permitted.
 3. The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
 4. The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
 5. Stormwaters shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
 6. The garbage and recycling enclosure shall be made vermin proof.
 7. Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.

8. Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Councils satisfaction.
22. All utility services including overhead power supply and communication cables located in Daydream Street & those to service the development within the site are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.
23. All external glazing is to have a maximum reflectivity index of 25%.
24. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application. No white or light coloured roofs are permitted.
25. Roofs to all structures are to be dark grey, brown and/or green tones only.
26. The operating hours for the development relating to delivery of goods, production and testing of equipment shall be confined to Monday – Friday 7am – 5pm, Saturday 7am – 1pm and no work on Sundays where it is the opinion of the Council that the use may interfere with the amenity of the neighbourhood as a result of emissions, including noise.
27. Recommendations contained in the NSW Police Force referral date 28 July 2010 (copy attached) shall be incorporated into the development.
28. At least five (5) nest boxes (refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/plants_and_animals/native_animals/hollow_bearing/nest_boxes for suggested models) are to be appropriately installed in trees not affected by development. This must be certified by a Bushland Management Consultant as being complete and adequate. A Bush Regeneration contract is to be entered into to ensure that ongoing restoration works required to occur post Occupation Certificate is adequately completed. The bush regeneration company is to certify that such a contract has been entered into.
29. A separate development application is to be submitted and approved for the fitout, occupation and use of the café in Stage 1.
30. The development is to be staged in accordance with the staging plans numbered DA01 and DA03 dated 6 July 2010 and drawn by Leffler Simes Architects.
31. All of the conditions of this consent, as relevant to each stage, are to be satisfied at each stage of the development.

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Engineering details showing the Stormwater Harvesting and Reuse Scheme are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified practicing Water/Environmental/Civil Engineer with corporate membership of the Institution of Engineers Australia (MIE Aust), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with Pittwater 21 DCP.
2. Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.
 - (a) Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
 - (b) A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).
 - (c) All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
 - (d) Councils Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.
3. An updated Arborist Report is to be provided with tree retention/removal recommendations that relate to the currently proposed development and not the previous proposal from 2007. Many of the recommendations will remain applicable however some native trees can now be retained in the current development and these are to be documented as such in an updated arborist report so that conditions can be designed which reference the approved arborist report and put into the consent.
4. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
5. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the Sydney Water Act, 1994. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website 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 built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

6. Prior to the issue of the Construction Certificate for **Stage 1** of the development as described in "Drawing 01A Staging Plan" dated 10 December 2010 a contribution of **\$1,916,399.70** is to be made pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, for the provision of public infrastructure in accordance with Warriewood Valley Section 94 Contributions Plan. The breakdown of the contribution for **Stage 1** is as follows:

Element	Contribution	Cashier Code
Traffic & Transport	\$924,333	SWTT
Multi-functional creek line corridors (works)	\$203,504.79	SWCW
Multi-functional creek line corridors (land)	\$354,731.73	SWCL
Pedestrians/Cycleways	\$38,488.62	SWPC
Bushfire Protection	-\$1,060.71	SWBF
Ponderosa Parade drainage	\$332,608.35	SWVP
Plan Management	\$63,794.13	SWPM

The Warriewood Valley Section 94 Contributions Plan may be inspected at Pittwater Council, 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate, unless otherwise agreed by Council.

The applicant has the opportunity to negotiate with Council for the direct provision of facilities nominated in the traffic and transport, multi-functional creek line corridors, public recreation and open space and pedestrian / cycleway elements, pursuant to the material public benefit, works in kind, and dedication of land provisions in the Warriewood Valley Section 94 Contributions Plan.

When payment is made, the contribution rates will be adjusted and will be the contribution rates extracted from the financial model in the Warriewood Valley Section 94 Contributions Plan (Amendment No. 16) applicable at the time of payment. The contribution rates are adjusted annually on 1 July each year and are applicable for a 12- month period.

7. Prior to the issue of the Construction Certificate for **Stage 2** of the development as described in "Drawing 01A Staging Plan" dated 10 December 2010 a contribution of **\$965,724.92** is to be made pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, for the provision of public infrastructure in accordance with Warriewood Valley Section 94 Contributions Plan. The breakdown of the contribution for **Stage 2** is as follows:

Element	Contribution	Cashier Code
Traffic & Transport	\$465,796	SWTT
Multi-functional creek line corridors (works)	\$102,551.48	SWCW
Multi-functional creek line corridors (land)	\$178,758.76	SWCL
Pedestrians/Cycleways	\$19,395.44	SWPC
Bushfire Protection	-\$534.52	SWBF
Ponderosa Parade drainage	\$167,610.20	SWVP
Plan Management	\$32,147.56	SWPM

The Warriewood Valley Section 94 Contributions Plan may be inspected at Pittwater Council, 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate, unless otherwise agreed by Council.

The applicant has the opportunity to negotiate with Council for the direct provision of facilities nominated in the traffic and transport, multi-functional creek line corridors, public recreation and open space and pedestrian / cycleway elements, pursuant to the material public benefit, works in kind, and dedication of land provisions in the Warriewood Valley Section 94 Contributions Plan.

When payment is made, the contribution rates will be adjusted and will be the contribution rates extracted from the financial model in the Warriewood Valley Section 94 Contributions Plan (Amendment No. 16) applicable at the time of payment. The contribution rates are adjusted annually on 1 July each year and are applicable for a 12- month period.

8. Engineering plans and specifications for all roads, drainage and other civil engineering works (as set out in condition C9) within an existing Public Road reserve (excluding Mona Vale Road) must be submitted and approved in writing by the Council prior to the issue of any Construction Certificate.

Payment of the Engineering Plan Assessment fee (in accordance with Council's adopted Fees and Charges) is required prior to Council releasing the approved engineering plans.

The installation of traffic facility signs and markings, including parking signs and speed restrictions will require the approval of Council and Council's Traffic Committee prior to commencement of installation.

9. The plans required by Condition C8 are to include and provide for the following matters: The works in relation to that part of the Daydream Street frontage of the development site and including the works in relation to the vehicular access to the Development:
- a) Kerb and Guttering for the full length of the roadway (vertical faced kerb only will be permitted) in the location shown on Council plan no 2002-79 (Daydream Street – Concept Plan of Cul-de-sac);
 - b) Road pavement construction, to the criteria set out in the Warriewood Valley Roads Masterplan, up to the road centre line or previously constructed pavement to appropriate standards (whichever is the lesser) in Daydream Street;
 - c) Footpath 1.2 metres wide for the full length of the kerb and gutter installation, including the turning circle adjoining to the existing footpath in Daydream Street;
 - d) Associated stormwater drainage to drain the road pavement;
 - e) All entrances to the development via access driveways (including layback crossings) constructed to Council's issued driveway profiles;
 - f) Street landscape to match up to existing landscaping for the full length of the Daydream Street frontage. Landscaping north of the turning circle from the boundary to adjacent pavement edge.
 - g) Street lighting facilities to the Daydream Street frontage in accordance with the requirements of Energy Australia; and
 - h) Undergrounding of all existing and new utility services for the full frontage of Daydream Street.

NOTE: - no works are required under this consent for the road reserve in Mona Vale Road.

10. The plans required under Conditions C8 & C9 must meet the objectives and requirements of:

- (i) The Warriewood Valley Roads Master Plan;
- (ii) Austroads;
- (iii) AUSSPEC; and
- (iv) Pittwater 21DCP,

and achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan (Public Domain), dated October 2007. The stability of all land and existing structures on adjacent properties is to be maintained during and after completion of construction works.

11. The engineering design and plans for road and drainage works must be certified as meeting the requirements of conditions C8, C9 & C10 by an experienced civil engineer who is NPER accredited by the Institution of Engineers (Australia).
12. Prior to the issue of a Construction Certificate, an updated Water Management Report is to be submitted to provide additional detailed designs, plans, specifications and the required information for all works needed to achieve full compliance with the Warriewood Valley Water Management Specification February 2001 (WMS 2001) and the Pittwater 21 Development Control Plan, based on:
 - a) Worley Parsons – Warriewood Valley Sector 7 (2 Daydream Street & 96 Mona Vale Road) Stormwater Management Report DA Stage (Amended Layout), 28 June 2010 - Prepared for Livpac Developments Pty Ltd.
 - b) Worley Parsons - Sector 7, Warriewood Valley Amended DA Water Management Report – Addendum #1 (dated 2 August 2010)
13. The updated Water Management Report is to address the following:
 - a) Flood Assessment
 - Undertake flood modelling of the behaviour of the probable maximum flood through the site for pre-development and post-development conditions demonstrating: -
 - The extent of the probable maximum flood through the site;
 - The determination of the Flood Hazard Classification of the site;
 - That there are no adverse impacts on neighbouring properties (i.e. upstream, adjacent and downstream) in all flood events;
 - The determination of arrangements for Flood Emergency Response for the site.
 - b) Flood Emergency Response

A detailed Flood Emergency Response Plan for the site is required to cater for a flood up to the level of the probable maximum flood. The Flood Emergency Plan may involve evacuation from the site or 'shelter-in-place' and shall be incorporated in to the site's overall disaster/emergency management plan.
 - c) Water Cycle Management

Groundwater sampling is to be undertaken in the vicinity of the bioretention systems to ensure that any elevated nutrient concentrations in the groundwater system are managed through the design and construction process.
 - d) Mosquito Risk Assessment

A detailed mosquito risk assessment is to be undertaken by an appropriately experienced and qualified specialist for all proposed water management works to ensure that the mosquito risk is minimised.

e) Staging of project

Staging of the works is to ensure that the objectives of the Warriewood Valley Water Management Specification are achieved for each stage prior to the release of any Occupation Certificate. Sufficient water quality and water quantity facilities must be provided to service each stage.

14. The detailed engineering design, construction plans and specifications for the water management system are to be in accordance with the updated Water Management Report in accordance with conditions C10 & C11.

The water management system is to include the design for: -

- (i) A stormwater drainage system, which drains collected roof, road and surface water from the site and is to cater for flows from upstream catchments. The system is to include combined piped and overland flow components, which convey the 1% AEP and Probable Maximum Flood events and comply with relevant Australian Standards and contemporary engineering best practice.
- (ii) The trunk drainage system including plans, longitudinal sections, cross sections, pit and pipe sizes and types and related civil engineering works. The detailed design is to include: -
 - f) Reinforced concrete rubber ring jointed pipes.
 - g) Lateral pipelines and associated drainage structures to connect flow from adjacent sites along the southern boundary.
 - h) Pit and headwall inlets to the drainage systems are to be hydraulically efficient, provide ease of access for maintenance, be easy to maintain and provide for public safety. These structures are to be fully located within the subject development site.
 - i) inlet structure at the upstream end of the site to ensure all flow up to the design capacity enters the new system;
 - j) 2 x 90 degree bends at the downstream end of the site to ensure hydraulic losses are not excessive
 - k) transition structure into the existing culvert under Daydream Street to ensure flooding is not made worse in all flood events up to the probable maximum flood

15. The Water Management Report, and all associated plans and detailed design are to be certified as being in accordance with the Warriewood Valley Water Management Specification (February 2001) and as meeting the requirements of conditions C10, C11, and C12. The certification is to be provided by a qualified practicing Civil Engineer with corporate membership

of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in urban stormwater (quantity & quality) and flood plain management. A copy of the revised and certified Water Management Report is to be submitted to the Council for its records.

16. Certification from an Accredited Access Adviser that design details and specifications comply with the Accessibility Control and the relevant Australian Standards, must be submitted to the Accredited Certifier or Council before the issue of the Construction Certificate.
17. A photographic survey of adjoining property, being the hall on the southern boundary of 10 Jubilee Ave, Warriewood, detailing the physical condition of the property, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to Council and the Certifying Authority (where Council does not issue the Construction Certificate) prior to the issue of any Construction Certificate.

A certificate prepared by an appropriately qualified and practicing structural engineer, at no cost to the Council, detailing the structural adequacy of adjoining hall at 10 Jubilee Ave, Warriewood, which is located adjacent to the southern boundary of the subject site and certifying their ability to withstand the proposed excavation and any measures required to be incorporated into the work to ensure that no damage will occur to adjoining properties during the course of the works, shall be submitted to the Certifying Authority for approval with the Construction Certificate.

18. Landscape Plan to be approved by certifier prior to release of construction certificate including the following elements/actions:
 - Generally to be in accordance with landscape plans as prepared by Selena Hannon Landscape Design, Dwg No Lc01, Issue B.

The landscape plan, to be prepared at 1:100 scale, is to incorporate:

Daydream Street Frontage

- Use of 15 x 400 litre super advanced trees to site frontage to provide core landscape character.
- Shrub planting to all landscape areas to be one shrub per 1.5m² with groundcover planting 4 per m².
- All walling to incorporate sandstone or sandstone fencing and capping. i,§ Three watering points to be provided to frontage.
- Installation of drip irrigation system (drawings to be prepared and independently certified by licensed plumber, hydraulic engineer or irrigation specialist).

Southern Boundary

- Planting to be made up of shrub planting at 1.5m centres and groundcovers 4 per m2. Where retaining walls finish, trees to be planted at 4m centres at 400 litre size. The outcome of this condition is to provide a visual buffer between the development and the adjoining building on 10 Jubilee Avenue.

Northern/Western Boundary

- Planting to bio retention basins to be 4 per m2 and to incorporate groves of native Eucalypts 6-10 at 5 litre sizes.
 - A two year bushland regeneration strategy to be prepared by qualified regeneration consultations and ultimately approved by Council's Natural Environment and Education officer.
 - Strategy to incorporate relevant OH&S safety strategies in relation to works in the vicinity of Mona Vale Road, a major arterial, high speed route.
 - To concentrate on weed litter removal, ground preparation and ultimate planting with native/rainforest species.
 - All works as undertaken to be maintained for a 24 month period.
 - Edge of retaining walls/ exact perimeters of bushland/road reserve edge to be clearly shown and surveyed on site prior to release of construction certificate.
 - All terraced planters to have planting density of 4 plants per m2.
 - All terraced plants to have drip irrigation system.
19. An Acoustic assessment be submitted from a qualified Acoustic engineer confirming that the development will comply with the POEO Act 1997, the criteria contained within DCP 21 Appendix 4 –Area 4 and the intent of the Industrial Noise Policy
20. Prior to issue of the Construction Certificate, details are to be submitted to the Principal Certifying Authority that include, but are not limited to, all of the recommended conditions in the Geotechnical Report prepared by Douglas Partners Pty Ltd, "Report on preliminary Geotechnical Investigation, 2 Daydream Street, Warriewood, Project 44849A, July 2007", and addendum by Douglas Partners Pty Ltd, "Supplementary Geotechnical Assessment Proposed Commercial Development 2 Daydream Street and 96 Mona Vale Road, Warriewood"
- Form 2 of the *Geotechnical Risk Management Policy for Pittwater* is to be completed and submitted with the above details before issue of the Construction Certificate.
21. All of the conditions of this consent required to be satisfied prior to the issue of a Construction Certificate, as relevant to each stage, are to be satisfied

prior to the issue of the Construction Certificate for that stage of the development.

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Prior to the release of the Construction Certificate, the applicant shall confirm the following in the Water Management Report:

- That there is no additional adverse flood impact on surrounding properties (including upstream, downstream and adjacent properties) or flooding processes for any event up to the 100 year ARI event, and suitable evacuation consideration is given to the Probable Maximum Flood event; and
- That there is no significant adverse flood impact due to a net decrease in floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event;

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. No works are to be undertaken in Council's Road Reserve without the written approval of the Council under Section 139 of the Roads Act, 1993.
2. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's road reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed on site.
3. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
4. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
5. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.
6. All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

7. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
8. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
9. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
10. No skip bins or materials are to be stored on Council's Road Reserve.
11. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 1. The builder's name, builder's telephone contact number both during work hours and after hours.
 2. That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 3. That a Road Opening Permit issued by Council has been obtained.
 4. That no skip bins or materials are to be stored on Council's Road Reserve.
 5. That the contact number for Pittwater Council for permits is 9970 1111.
12. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
 1. Quantity of material to be transported
 2. Proposed truck movements per day
 3. Proposed hours of operation
 4. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
13. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the updated arborist report by (to be provided prior to the issue of the Construction Certificate as conditioned), are required to be complied with before and throughout the development period, particularly with regard to the following:
 1. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building

materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;

2. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
 3. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree;
 4. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees; and
 5. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.
14. Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in the Arborist Report and/or Ecological Sustainability Plan or Bushland Management Plan. Protection measures are to be maintained for the duration of works. Protection fencing that is no longer required is to be removed once all works are completed.
 15. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
 16. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
 17. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
 18. A Construction Traffic Management Plan (CTMP) prepared by a suitably qualified traffic consultant for the contractor is required to be submitted for approval by Council prior to the commencement of any site works. The CTMP is to detail: -

- Quantity of material to be transported
 - Proposed truck movements per day
 - Proposed hours of operation
 - Traffic route to Mona Vale Road via Ponderosa Parade, Jubilee Avenue and Daydream Street
 - Proposed traffic routes, noting that 3 Tonne load limits apply to some roads in Warriewood Valley.
 - No direct access to Mona Vale Road or stopping of trucks on Mona Vale Road.
19. Prior to commencement of works, at least three photographs of the road reserve and footpath area adjoining the site, on front-on and one from each side of the property, are to be submitted to Pittwater Council with the notification of the commencement of works, showing the condition of the street trees and road reserve. The photographs must be dated, and accompanied by a statement that they are a true and accurate representation of the scene depicted.
 20. Vibration from works is to be undertaken in accordance with industry best practice, to ensure excessive levels of vibration do not occur to minimise adverse effects experienced on any adjoining land.
 21. The development shall be carried out in accordance with the conclusions and recommendations of the "Report on Phase 1 Contamination Assessment for 2 Daydream Street, Warriewood, prepared by Douglas Partners Pty Ltd, project 44849 dated June 2007"

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994, is to be forwarded to Council or the accredited certifier, prior to release of the Occupation Certificate.
2. All appropriate infrastructure is to be provided to service the development, including roads and access ways, drainage facilities, landscaping, water management facilities, and siltation and sedimentation control measures.
3. The following documents and evidence of payments are to be submitted to

Council in a single package to ensure the efficient release of the Occupation Certificate: -

1. Payment of the Section 94 Contribution.
2. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994.
3. Copies of the Subdivision Plans (original plus 9 copies).
4. The private certifier's Compliance Certificate. Each component of the works as outlined above is to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. In particular, the construction of the Water Management System is to be supervised and certified by person(s) with appropriate experience and expertise in Environmental Science, Hydrology and Hydraulics, and must be NPER registered members of the Institution of Engineers (Australia).
5. Where Material Public Benefits are involved, a Bank Guarantee for the difference between the value of the Material Public Benefit (MPB) and the value of the MPB works constructed for that stage.

The plans are to be in paper and electronic format (dwg or dxf file) and comprise at least the following: -

- Boundary layout;
 - Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
 - Signage (including type and wording), line marking;
 - Easements, survey numbers and marks, reduced levels and co-ordinates;
 - Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains;
 - Water quality devices;
 - Significant landscaping.
 - A security deposit to the value of 5% of the value of the works is to be made to Council to ensure rectification of any defects during the maintenance period. A maintenance period is to apply to all works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Occupation Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or as would be reasonable expected under the design conditions.
4. Certification is to be provided to Council, by an experienced civil engineer who is NPER accredited by the Institution of Engineers Australia, that all roads, drainage and other civil engineering works relating to Daydream Street and the development site have been carried out and completed in

accordance with the engineering plans and specifications required under conditions C8, C9 and C10 of this consent.

5. All roads, drainage and civil engineering works required under Conditions C8, C9 and C10 of this consent are to be completed prior to the issue of the Occupation Certificate.
6. A maintenance period is to apply to all civil engineering works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Occupation Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or would reasonably be expected under the design conditions.
7. Work-as-executed plans are to be provided certified by a Registered Surveyor for all structures or facilities which will be dedicated to Council, or which are located on Council land, or which are located within drainage easements or which will require ongoing maintenance by Council.
 1. The plans are to be submitted in both paper and electronic format [AutoCAD (R14) dwg or dxf file] and are to comprise at least the following:
 2. Boundary layout;
 3. Kerbing and guttering, road pavement, footpaths, traffic devices, retaining walls;
 4. Signage (including type and wording), line marking;
 5. Easements, survey numbers and marks, reduced levels and coordinates;
 6. Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains;
 7. Water quality devices; and
 8. Significant landscaping.
8. A Certificate by a qualified Engineer or Architect confirming that all access driveways in the public road reserve have been constructed in accordance with the approved plans is to be submitted to the Council and the accredited certifier (if any) prior to the issue of the Occupation certificate.
9. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained.
10. Certification is to be provided to Council, by an appropriately qualified professional as prescribed in this development consent, that works associated with the water management system have been carried out and completed in accordance with the Water Management Report required under conditions C8 of this consent. Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001).

11. A copy of the updated Water Management Report required under condition C12 of this consent must be submitted to Council. The Water Management Report must contain all reports, assessments and plans as required by the Warriewood Valley Water Management Specification (February 2001).
12. Notification to Council, certified by an appropriately qualified professional, will be required to change Council's Flood Hazard Classification of the properties, for the purpose of changing notations on the Section 149(2) Planning Certificates of the properties issued under the Environmental Planning and Assessment Act, 1979. Any change in Flood Hazard Classification and accompanying change in Section 149(2) Planning Certificate notations must be adopted by the elected Council and so should be submitted in sufficient time to complete this process.
13. Creation of an easement to drain water (in accordance with Pittwater 21 DCP Control B5.14) over the proposed trunk drainage system along the southern boundary in favour of Council.
14. Extinguish the existing 1.83 metre wide and variable width easement (Vide 9236981 DP438892) and create a new easement to drain water (minimum 2.5 metres wide) over the proposed trunk drainage system from Mona Vale Road to the junction of the proposed trunk drainage system along the southern boundary in favour of Council.
15. Creation of interallotment drainage easements over the proposed pipelines from the southern boundary to the proposed trunk drainage system along the southern boundary in favour of the adjacent upstream properties.
16. A positive covenant is to be created on the title of the lots over the overland flow corridor, restricting any alteration to the surface levels or placement of any obstruction unless approved by Council.
17. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
18. Street numbers are to be affixed to the building prior to occupation.
19. A Report prepared by registered landscape architect certifying that all works have been carried out in accordance with approved plans and conditions of consent.
20. A Report prepared by qualified bush regeneration consultant that all regeneration works have been carried out in accordance with adopted bushland regeneration plan.
21. Contractual evidence of a 24 month maintenance period of all constructed landscape works by a qualified horticulturist or landscape contractor.

22. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* is to be completed and submitted to the Principal Certifying Authority.
23. All of the conditions of this consent required to be satisfied prior to the issue of a Occupation Certificate, as relevant to each stage, are to be satisfied prior to the issue of the Occupation Certificate for that stage of the development.
- 24 A survey of the adjoining structure on 10 Jubilee Ave is to be undertaken by a registered surveyor as to whether it has moved as a result of works on the development site. The submission is to be prepared by an appropriately qualified person/s agreed to by both the applicant and the owner of the adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.)

F. Advice:

1. Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its fixtures and contents.
2. You are advised that best practice advice and Council policies on climate change are likely to change with time, as more definitive information becomes available from climate change scientists around the world. Consequently Council's Flood Hazard Classification on this property may change with time. Any change in Flood Hazard Classification must be adopted by the elected Council, owners notified in writing and be placed on public exhibition for a minimum of 28 days.
3. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-

spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.

4. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
5. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
6. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
7. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
8. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
9. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
10. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
11. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA)1992.
12. The Rural Fire Service Endorses the Report from the Australian Bushfire Protection Planners, Graham Swann.