

DETERMINATION

CONSENT NO: N0195/13

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)

**NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

LIZZA YOUNG
URBAN DEVELOPMENT PARTNERS
S406 LEVEL 4
220 GEORGE STREET
SYDNEY NSW 2000

Being the applicant in respect of Development Application No **N0195/13**

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 **N0195/13** for:

Alterations and additions to Warriewood Shopping Centre to provide a new discount department store and speciality shops and a new 3 level car park.

At: 12 JACKSONS ROAD, WARRIEWOOD (Lot 220 DP 1159968)

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

DA1001, DA2001, DA2002, DA2003, DA4001, DA4002, DA4003, DA4101, DA4102, DA7001 all Revision 2 dated 8/07/2013 and drawn by Woodhead Architects, Landscape Plans SS13-2589 101 & 501, Issue G drawn by Site Image Landscape Architects

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:

Conditions of Approval

PART 1

THE COMMENCEMENT OF THIS CONSENT IS DEFERRED UNTIL THE CONSENT AUTHORITY IS SATISFIED AS TO COMPLIANCE WITH THE FOLLOWING CONDITION:

1. Prior to the consent becoming operative, the applicant must provide details evidencing that any drainage infrastructure will not be adversely affected by the proposed development and will be protected during construction works. Details to be provided to Council include protective devices that will be utilised and construction methods that will be adopted as part of the construction works as well as details as to how ongoing maintenance will occur.

Upon receipt of evidence within 12 months from the date of this consent satisfying the above, the consent will become operative, subject to the conditions listed in Part 2 below.

The consent will lapse if evidence satisfying the above conditions is not received within the prescribed time period.

PART 2

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, and
 - 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.

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

1. 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.

2. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
3. The internal driveway is to be constructed to an all weather standard finish to be of dark or earthy tones, linemarked and signposted.
4. To satisfy the off-street vehicle parking requirements for the development, the minimum number of vehicle space requirements shall be as follows:
 - Total additional spaces (including relocated) = 1029 including
 - Bicycle Parking – 30 spaces
 - Disabled parking – 22 additional spaces.
 - Motorbike Spaces – 2 additional spaces

These spaces are to be provided and retained over the life of the development.

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. The Grey-headed Flying-fox as listed on Schedule 2 of the NSW Threatened Species Act 1995, or its habitat has been recorded on this property. Under the TSC Act it is an offence to harm Endangered Ecological Communities, Endangered Populations or Threatened Species. No site disturbance or other activities shall be carried out on the property which adversely impacts on threatened species or EECs.
7. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
 - a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
 - 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 available on the Pittwater Council website
http://www.pittwater.nsw.gov.au/environment/species_lists
8. No building materials or other materials are to be placed on Saltmarsh or other foreshore vegetation. Sediment is not to leave the site or enter areas of Saltmarsh or other foreshore vegetation, and the appropriate sediment fencing is to be installed.
9. Prior to the completion of works, 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 http://www.pittwater.nsw.gov.au/environment/noxious_weeds for noxious/environmental weed lists.

10. No environmental weeds are to be planted on the site. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
11. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
12. 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.
13. The garbage and recycling facilities provided at the premises shall comply with Section 8 of Pittwater Council's Code for the Construction & Fitout of Food Premises. The applicant shall also adhere to Sydney Water's requirements in relation to stormwater and wastewater management resulting from the garbage and recycling enclosure.

14. All garbage enclosures/stores shall be constructed and fitted out and maintained over the life of the development in accordance with the following:
 - a. A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
 - b. 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.
 - c. The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
 - d. 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.
 - e. Stormwaters shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
 - f. The garbage and recycling enclosure shall be made vermin proof.
 - g. 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.
 - h. Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Councils satisfaction.
15. All utility services including overhead power supply and communication cables located in the adjacent road verge & those to service the development 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.
16. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
17. All external glazing is to have a maximum reflectivity index of 25%.
18. New electrical connections are to be carried out using underground cabling.
19. Materials and colour are to be in accordance with the sample scheme approved by Council, Ref DA7001 dated 08/07/2013 and prepared by Woodhead Architects.
20. The minimum floor level for the ground floor carparking is the existing ground level. Vertical storey car parking shall be at the minimum level of 5.4m AHD .
21. Vehicle restraints are required for the ground level carparking area to prevent floating vehicles from leaving the site where there is greater than 300mm depth of flooding in a 1%AEP (1-in-100 year ARI) flood event. The vehicle restraints are required to be structurally sound under the likely hydraulic and impact forces up to the PMF level, and must not redirect and/or exclude floodwaters.
22. The post development flood storage commitments in the BMT WBM Flood Impact Assessment that forms part of the consent are to be maintained for the life of the development.

23. All new structural elements, new external finishes and new internal finishes located below the Flood Planning Level shall be constructed using flood-compatible techniques and materials.
24. All new electrical services, fixtures and fittings shall be located above 4.3m AHD.
25. All building structures are to be ensured structural integrity by an independent structural engineer for immersion and the impact of hydraulic forces of floodwaters and debris up to 5.4m AHD in particular the car park, where patrons will be sheltering.
26. Storage of hazardous materials, electrical items, items of plant, equipment or stock and other items which may be susceptible to water damage are to be located above 4.3m AHD.
27. Reliable pedestrian access routes are to be provided and maintained to allow flood free and safe evacuation to the designated flood refuge area above 5.4m AHD from the shopping centre building and from the carpark area.
28. The Flood Refuge Area must provide a minimum 2 square metres per person based on the number of likely employees and patrons/visitors for all commercial and retail development and must be suitable for occupation for the stated number of persons for the likely time of isolation, assuming no provision of external services, particularly electricity and water.
29. A Flood Emergency Response Plan is to be maintained to address the emergency response of the site for all floods up to a level of 5.4m AHD. The Flood Emergency Response Plan is to be implemented by the shopping centre operator and the practice of flood evacuation procedures are to be undertaken on an annual basis.
 - a. determining ground levels adjacent and around the development and at the evacuation centre for the 20% AEP (1-in-5 year ARI), 5% AEP (1-in-20 year ARI), 1% AEP (1-in-100 year ARI) and Probable Maximum Flood Level (with the consideration of the Sea Level Rise Scenario):
 - maximum depth of inundation;
 - length of time of inundation at zero depth and above;
 - length of time of inundation at 300mm and above;
 - likely rate of rise of floodwaters from zero to maximum depth of inundation.
 - b. An appraisal of the risk exposure posed to children, disabled persons, adults, vehicle occupants during movements to and from the site during a flood evacuation and flood isolation scenarios.
 - c. the evacuation time-line from the onset of rainfall to recovery and a return to the development including key trigger levels;
 - d. the method by which evacuation trigger levels will be determined (eg. by real-time rainfall, predicted rainfall, water level recorders, etc.);
 - e. the method by which occupants will respond to SES emergency management and evacuation messages and communicating such messages to visitors and staff;

- f. details of how on-going flood awareness and evacuation training will be carried out and assured in the long term. This would extend to staff and customers.
 - g. Evacuation practice procedures and routes to be maintained during the operation.
- 30. The layout of the proposed carparking areas associated with the subject development (including driveways, grades, turn paths, sight distances requirements aisle widths, aisle lengths and parking bays dimensions shall be in accordance with AS 2890.1-2004 & AS 2890-2002 for heavy vehicles. The circulation ramps shall be in accordance with AS- 2890.1-2004.
- 31. The internal aisle ways are to be marked with pavement arrows to direct traffic movements in and out of the site and guide traffic circulation through the carpark.
- 32. The minimum available headroom clearance is to be signposted at all entrances and clearance is to be a minimum of 2.2 metres (for cars and light vans, including all travel paths to and from parking spaces for people with disabilities) measured to the lowest projection of the rood (fire sprinkler, lighting, sign and ventilation), according to AS 2890.1 – 2004.
- 33. The proposed turning areas within the carparking are to be kept clear of any obstacles, including parked cars at all times.
- 34. All vehicles are to enter and exit the site in a forward manner.
- 35. The swept path of the longest vehicle entering and exiting the subject site as well as manoeuvrability through the site shall be in accordance with AUSTROADS.
- 36. The required sight lines to pedestrians and/or other vehicles in or around the entrances are not to be compromised by landscaping, signage, fencing or other materials.
- 37. The developer shall be responsible for all public utility adjustments/relocation works necessitated by the above work and as required by the various public utility authorities and/or their agents.
- 38. All works associated with the proposed development shall be at no cost to the RMS.
- 39. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection areas (IPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush fire Protection 2006" and the NSW Rural Fire Services' document 'Standards for asset protection zones'.
- 40. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006.'
- 41. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006.'

42. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
43. New construction of the northern and eastern faces of the proposed extension to the shopping centre shall comply with Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" BAL 40.
44. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA/N0195/13 and provided by Council – site plan, map and/or surveys. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine in any variations to the GTA will be required.
45. Prior to the commencement of any controlled activity (works) on waterfront land the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of the DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
46. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's Guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx - Outlet Structures.
47. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required provide a certificate of completion to the NSW Office of Water.
48. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
49. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
50. The consent holder must establish all erosion and sediment controls works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
51. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
52. The consent holder must establish a riparian corridor along Narrabeen Creek in accordance with a plan approved by the NSW Office of Water.
53. Any additional signage associated with the development shall be the subject of a separate Development Application.

54. The finished floor level for all new retail space and areas is to be set at a minimum of 3.8m AHD comprising the 100 year ARI plus 0.5 metre freeboard plus climate change (2050 scenario).
55. Flood protection measures are implemented to prevent inundation of water, up to a minimum level of 4.3m AHD.
56. A Climate Change Risk Assessment and Adaptation Plan for the continued use of the site beyond 2050 must be provided to Council (or the then local authority) for its records by 2040. [This condition is intended to allow the flood risk to life and property at the site to be better assessed and determined on the basis of then current climate change data and sea level rise projections]
57. Prior to Construction Certificate, the applicant is to provide details on the design and operation of the automatic flood barriers.
58. The Fire Doors are to be constructed of flood compatible materials up to 5.4m AHD.

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. Engineering details showing the stormwater quality treatment system 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 Engineer with corporate membership of the Institute 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 B5.10 of Pittwater 21 DCP.
3. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or 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 the related field, that the stormwater management system complies with the requirements of section

3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.

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 Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
6. 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 web site 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.
7. Certification from the Accredited Access Adviser that design details and specifications comply with the Accessibility Control and the DA Access Report prepared by Andrew Jamieson and dated 23 September 2013, must be submitted to the Accredited Certifier or Council before the issue of the Construction Certificate.
8. The arrangement of the proposed tree planting within the Jackson Road Streetscape strip shall be amended on the relevant drawing.

Landscape plan SS13-2589 nominates 8 x *Tristaniopsis laurina* 'luscious' as street tree planting. This nominated planting shall be deleted and replaced with the following selection and spacing:

- 11 street trees shall be planted along Jackson Road verge, all spaced at 5 metre centres apart, consisting of 3 x *Angophora costata* @ 15 metre centres, and 8 x *Tristaniopsis laurina* @ 5 metre centres.
- These shall be planted a minimum of 1.5m from edge of existing footpath.
- All shall be planted at 75 litre container size.

9. All trees installed shall be certified as compliant to Natspec's 'Specifying Trees: a guide to assessment of tree quality', and additionally independent certification obtained (by Arborist or Nursery) that the trees are compliant.
10. The abovementioned street trees shall be included as an Early Works contract, at the commencement of the project site works.
11. Prior to issue of the Construction Certificate, plans showing a roundabout designed to Council's requirements and the appropriate RMS standards for construction in Jacksons Road at the central entrance to the carpark for the development (the entrance directly to the west of the existing roundabout at the eastern entrance) shall be submitted to the Principal Certifying Authority. The roundabout shall be constructed and funded by the person authorised to act on this development consent.
12. Prior to issue of the Construction Certificate, plans showing a roundabout designed to Council's requirements and the appropriate RMS standards for construction in at the intersection of Jacksons Road and Garden Street shall be submitted to the Principal Certifying Authority. The roundabout shall be constructed and funded by the person authorised to act on this development consent.
13. The applicant must provide evidence to Council of the execution of a s88B instrument incorporating:
 - (a) an easement to drain water in Council's favour; and
 - (b) a positive covenant requiring ongoing maintenance of the 10 metre wide drainage infrastructure across the property by the land owner.

The terms of the easement /positive covenant are to be to the satisfaction of Council and in a similar form to the Easement to Drain Water and Positive Covenant in DP1151265. The costs associated with the s88B instrument, including the negotiation, execution and registration of this instrument must be borne by the Applicant.
14. That the requirements of the deferred commencement condition relating to the protection of the drainage infrastructure be finalised and certified by appropriate hydraulic and civil engineers.

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. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
2. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
3. 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.

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

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

4. 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.
5. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
6. 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 at the site.
7. No skip bins or materials are to be stored on Council's Road Reserve unless Council approval has been obtained.
8. 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:
 - The builder's name, builder's telephone contact number both during work hours and after hours.
 - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of 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 at the site.
 - That no skip bins or materials are to be stored on Council's Road Reserve unless Council approval has been obtained.
 - That the contact number for Pittwater Council for permits is 9970 1111.
9. All concrete construction for vehicle footpath crossings and associated works in the public road reserve must be undertaken by a Council authorised contractor.
10. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 *The Demolition of Structures*.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.

3. Asbestos handling and disposal where applicable.
4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

11. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
12. 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.
13. The street tree planting early works shall be protected from all ongoing site works by 1.8m chainwire construction fencing. The Contractor is responsible for the establishment of the trees during construction including fertilising, watering and general care. Replacement tree planting shall be the responsibility of the Contractor should any tree fail during any period of the works until handover.

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. Certification is to be provided to a Private Certifying Authority by an experienced Water/Environmental/Civil Engineer who is NPER accredited by the Institution of Engineers, Australia that the stormwater harvesting and reuse scheme has been completed in accordance with the engineering plans and specifications required under this consent.
2. Certification is to be provided to a Private Certifying Authority by an experienced Water Engineer who is NPER accredited by the Institution of Engineers, Australia that the stormwater treatment system has been completed in accordance with the engineering plans and specifications required under this consent.
3. Certification is to be provided to the Principal Certifying Authority by a qualified experienced 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 the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and

completed in accordance with the engineering plans and specifications required under this consent.

4. A Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application by a qualified practising 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 the related field confirming to the satisfaction of the Private Certifying Authority that the driveway has been constructed in accordance with the approved plans and relevant conditions of Development Consent.
5. 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 and provided to the Private Certifying Authority with the Occupation Certificate application.
6. 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.
7. The Project Landscape Architect shall certify that all the landscape works comply with the approved landscape plan. The Project Landscape Architect shall inspect the completed works and certify that all Conditions of Consent have been met, including the above design amendments.
8. Prior to the issue of the Occupation Certificate, the s88B instrument the subject of condition C13 must be registered on title to ensure clear recognition of the land owners' responsibility to maintain the on-site drainage infrastructure for the life of the development. Evidence of the registration of the easement/positive covenant must be provided to Council.
9. Certification to be provided by a suitably qualified hydraulic/civil engineer that the drainage infrastructure through the property has not been adversely affected by the construction and will be protected.

F. Matters to be satisfied prior to the issue of Subdivision Certificate:

Nil

G. Advice:

1. 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.
2. 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.

3. 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.
4. 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.
5. 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).
6. 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.
7. 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 6 months of the date of endorsement of this Consent.
8. 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.
9. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA)1992.

