



## DRAFT NOTICE OF DETERMINATION

**Application Number:** DA2013/1519

### APPLICATION DETAILS

**Applicant Name and Address:** Dee Why Properties Pty Ltd  
10/56 Buffalo Road  
Gladesville NSW 2111

**Land to be developed (Address):** Lots 8 & 9, 23-25 Section E DP 8270 & Lot 1 DP 776401,  
Nos. 18-22 Sturdee Parade and  
Nos. 23-29 Pacific Parade, Dee Why.

**Proposed Development:** Staged Development Application (**DA**) under Section 83 of the Environmental Planning and Assessment Act seeking:

1. a concept approval for two residential flat buildings (one fronting Sturdee Parade and one fronting Pacific Parade) to be constructed in separate Stages on the site; and
2. consent for the re-subdivision of the land into two parcels (one with frontage to Sturdee Parade and one with frontage to Pacific Parade) and construction of the Stage 1 residential flat building fronting Sturdee Parade as well as demolition of existing structures and tree removal over the entire site.

### DETERMINATION – APPROVED

**Consent Authority:** Sydney East Region Joint Planning Panel

**Made on (Date):**

### Details of Conditions

*The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.*

### NOTE:

*If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.*



**CONCEPT PLAN CONDITIONS OF CONSENT**  
**In accordance with Section 83B (3) (a) of the *Environmental Planning and Assessment Act 1979***

**1. Approved Plans and Supporting Documentation**

The concept plan development consent is granted only for the following:

- a) The above and below ground building envelopes, but no building works, in accordance with the following Stage 1 and 2 plans and as amended by the condition at the end of the table:

Drawing Title	Drawing No	Rev	Dated	Prepared By
Cover Sheet	DA 0.01	A	19/11/2013	Marchese Partners International Pty Ltd
Site Analysis	DA 0.02	A	19/11/2013	Marchese Partners International Pty Ltd
Demolition Plan	DA 0.03	A	19/11/2013	Marchese Partners International Pty Ltd
Landscape and Open Space Plan	DA 0.04	A	19/11/2013	Marchese Partners International Pty Ltd
Site Plan	DA 1.01	A	19/11/2013	Marchese Partners International Pty Ltd
Level B1 Plan	DA 1.02	D	05/05/2014	Marchese Partners International Pty Ltd
Level B2 Plan	DA 1.03	E	05/05/2014	Marchese Partners International Pty Ltd
Level B3 Plan	DA 1.04	A	19/11/2013	Marchese Partners International Pty Ltd
Ground Floor Plan	DA 1.05	A	19/11/2013	Marchese Partners International Pty Ltd
Level 1 & 2 Plan	DA 1.06	A	19/11/2013	Marchese Partners International Pty Ltd
Level 3 Plan	DA 1.07	A	19/11/2013	Marchese Partners International Pty Ltd
Level 4 Plan	DA 1.08	A	19/11/2013	Marchese Partners International Pty Ltd
Level 5 Plan	DA 1.09	A	19/11/2013	Marchese Partners International Pty Ltd
Level 6 Plan	DA 1.10	A	19/11/2013	Marchese Partners International Pty Ltd
Level 7 Plan	DA 1.12	A	19/11/2013	Marchese Partners International Pty Ltd
Roof Plan	DA 1.13	A	19/11/2013	Marchese Partners International Pty Ltd
Pre & Post Adaptable Units	DA 2.01	A	19/11/2013	Marchese Partners International Pty Ltd
North and South Elevations	DA 2.02	A	19/11/2013	Marchese Partners International Pty Ltd
East and West Elevations	DA 3.01	A	19/11/2013	Marchese Partners International Pty Ltd
Section Through Car Park Ramp	DA 3.02	A	19/11/2013	Marchese Partners International Pty Ltd
Section Through Communal Open Space	DA 3.03	A	19/11/2013	Marchese Partners International Pty Ltd
Pacific Parade Ramp	DA 3.04	A	19/11/2013	Marchese Partners International Pty Ltd



Drawing Title	Drawing No	Rev	Dated	Prepared By
Detail				
Shadow Diagrams 01-06	DA 4.04-06	B	05/05/2014	Marchese Partners International Pty Ltd
Exterior Material Finishes	DA 5.01	A	19/11/2013	Marchese Partners International Pty Ltd
Ground Setback Analysis	DA 6.01	B	05/05/2014	Marchese Partners International Pty Ltd
Level 1 & 2 Setback Analysis	DA 6.02	B	05/05/2014	Marchese Partners International Pty Ltd
Level 3 & 4 Setback Analysis	DA 6.03	B	05/05/2014	Marchese Partners International Pty Ltd

- b) Plans DA 1.12, 2.01, 2.02, 3.01, 3.02, 5.01 in the table above shall be amended by the:
- i. Deletion of Level 7 of the proposed Stage 2 (Pacific Parade) building; and
  - ii. Compliance of the lift overrun with the 21 metres maximum height limit (when measured from the existing ground level).

The requirement above will not be varied as part of the Stage 2 development application.

Stages 1 and 2 of the development, as amended by this concept approval, are to be generally undertaken in accordance with the following:

Engineering Plans			
Drawing Title	Drawing No.	Dated	Prepared By
Stormwater Services Cover Sheet & Legend	SW-000 Issue B	29/11/2013	Insync Services Pty Ltd
Site Stormwater Services Plan	SW-001 Issue B	29/11/2013	Insync Services Pty Ltd
In-ground Basement 3 Stormwater Services Plan	SW-002 Issue B	29/11/2013	Insync Services Pty Ltd
Basement 3 Stormwater Services Plans	SW-003 Issue B	29/11/2013	Insync Services Pty Ltd
Basement 2 Stormwater Services Plans	SW-004 Issue B	29/11/2013	Insync Services Pty Ltd
Basement 1 Stormwater Services Plans	SW-005 Issue B	29/11/2013	Insync Services Pty Ltd
Ground Level Stormwater Services Plan	SW-006 Issue B	29/11/2013	Insync Services Pty Ltd
Level 1 Stormwater Services Plans	SW-007 Issue B	29/11/2013	Insync Services Pty Ltd
Level 2 Stormwater Services Plans	SW-008 Issue B	29/11/2013	Insync Services Pty Ltd
Level 3 Stormwater Services Plans	SW-009 Issue B	29/11/2013	Insync Services Pty Ltd
Level 4 Stormwater Services Plans	SW-010 Issue B	29/11/2013	Insync Services Pty Ltd
Level 5 Stormwater Services Plans	SW-011 Issue B	29/11/2013	Insync Services Pty Ltd
Level 6 Stormwater Services Plans	SW-012 Issue B	29/11/2013	Insync Services Pty Ltd
Level 7 Stormwater Services Plans	SW-013 Issue B	29/11/2013	Insync Services Pty Ltd



<b>Engineering Plans</b>			
<b>Drawing Title</b>	<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Roof Level Stormwater Services Plan	SW-014 Issue B	29/11/2013	Insync Services Pty Ltd
Site Stormwater Catchment Plan	SW-015 Issue B	29/11/2013	Insync Services Pty Ltd
Sturdee Parade Site Sediment and Erosion Control Plan	SW-016 Issue B	29/11/2013	Insync Services Pty Ltd
Pacific Parade Site Sediment and Stage 1 of the Control Plan	SW-017 Issue B	29/11/2013	Insync Services Pty Ltd

<b>Landscape Plans</b>			
<b>Drawing Title</b>	<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Title Page and Drawing Schedule	LAN_D_000 Issue F	12/12/2013	360 Degrees Landscape Architects
Site Plan	LAN_D_100 Issue E	12/12/2013	360 Degrees Landscape Architects
Stage 1 Landscape Plan	LAN_D_101 Issue F	12/12/2013	360 Degrees Landscape Architects
Stage 2 Landscape Plan	LAN_D_102 Issue F	12/12/2013	360 Degrees Landscape Architects
Planting Schedule and Palette	LAN_D_103 Issue E	12/12/2013	360 Degrees Landscape Architects

<b>Subdivision Plans</b>			
<b>Drawing Title</b>	<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Untitled	01737-D1759 - Propcon	6/11/2013	Project Surveyors
Proposed Plan of Consolidation of Lots 8,9, Section E, DP 8270 and Lot 100 in DP X and Stratum Subdivision of Lot 102 in DP Y	01737-D1759 - Stratum	6/11/2013	Project Surveyors

<b>Reports / Documentation – All Recommendations and Requirements Contained Within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Statement of Environmental Effects	December 2013	Boston Blyth Fleming Pty Ltd
DA Acoustic Assessment	11/12/2013	Acoustic Logic Consultancy Pty Ltd
Waste Management Plan	13/11/2013	Elephants Foot Waste Compactors Pty Ltd
Hydraulic Services DA Report	02/12/2013	Insync Services Pty Ltd
Traffic and Parking Assessment Report	17/12/2013	Varga Traffic Planning Pty Ltd
Arboricultural Impact Assessment	25/11/2013	Footprint Green Pty Ltd
Geotechnical Investigation Report	02/12/2013	JK Geotechnics
Access Report	26/11/2013	Accessibility Solutions (NSW) Pty Ltd



Reports / Documentation – All Recommendations and Requirements Contained Within:		
Building Code of Australia Assessment Report	10/12/2013	City Plan Services Pty Ltd
Overland Flow / Flood Study	December 2012	CPM Engineering

Reason: To ensure that the Stage 2 Development is carried out in accordance with the determination of JRPP and approved plans. (DACPLB01)

## 2. Limitations of this consent

This consent grants approval for the concept of the development in accordance with Section 83B (3) (b) of the Environmental Planning and Assessment Act 1979, and Stage 1 of the development being the development comprising demolition and removal of all existing buildings and most vegetation (including some trees on the footpath), re-subdivision of the land into 2 parcels (one with frontage to Sturdee Parade and one with frontage to Pacific Parade) with easements for drainage and garbage truck access, and the construction of the residential flat building fronting Sturdee Parade and does not authorise or approve of any other works.

A subsequent Stage 2 Development Application for a residential flat building fronting Pacific Parade will require the submission of a detailed development application for final approval under the provisions of Section 78A of the *Environmental Planning and Assessment Act, 1979*.

Reason: To communicate the limitations of this consent.

## 3. Building Envelopes

The above and below ground building envelopes shown on approved drawings in Condition 1 are only approved on the basis that the final building design, including lift overruns, plant, equipment, services, vents, communication devices, architectural features and the like will be entirely within the approved envelopes.

Reason: To ensure compliance with the approved concept plans and satisfactory amenity.

## 4. Compliance with Other Department, Authority or Service Requirements

Stage 1 and 2 of the development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference	Dated
Ausgrid	Response Energy Aust Referral	7 <sup>th</sup> January 2014

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

## 5. Flood Protection

In order to protect occupants from flood inundation the following is required:

### a) Minimum Floor Level

The finished floor level of the ground floor apartments must be set at or above the Flood Planning Level of 21.25m AHD.

### b) Flood Protection

All new building works and services shall be designed to withstand the hydraulic forces of the floodwaters up to the flood planning level of 21.25m AHD. Buoyancy (particularly in relation to cars in the ground floor car park), flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed. Structural details for the construction for all elements including the building, air-conditioning units and waste and recycling bins are to be prepared by a suitably qualified Engineer.



- c) **Habitable Rooms**  
No approval is granted by this development consent for habitable rooms (as defined by the New South Wales Floodplain Development Manual) to be located under the flood planning level of 21.25m AHD.
- d) **Hazardous Chemicals**  
Hazardous Chemicals are not to be stored in areas under the flood planning level of 21.25m AHD.
- e) **Basement Car Park**  
The basement car park entry ramp must be set with a crest at the Flood Planning Level of 21.25m AHD.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect the building from flooding in accordance with Council and NSW Government policy. (DACNEC09)

#### 6. Policy Controls - Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of <b>\$54,949,434.50</b>		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$517,697
Section 94A Planning and Administration	0.05%	\$27,247
Total	1%	\$544.944

The amount will be adjusted at the time of lodgement of the Stage 2 Development Application (if necessary) and according to the quarterly CPI (Sydney - All Groups Index).

**At the time of a Stage 2 Development Application**, a quantity surveyors report must be submitted for the development application for Stage 2 to enable Section 94A contributions to be assessed for all components within this Stage.

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

### STAGE 1 DEVELOPMENT CONSENT REQUIREMENTS

Stage 1 of the development comprising demolition of existing structures, tree removal, subdivision and construction of a residential flat building fronting Sturdee Parade, is granted consent subject to the following conditions:

#### GENERAL REQUIREMENTS

#### 7. Approved Plans and Supporting Documentation

Stage 1 of the development must be carried out in compliance (except as amended by any other condition of consent) with the following:



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Cover Sheet	DA 0.01	A	19/11/2013	Marchese Partners International Pty Ltd
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Sturdee Parade Ramp Detail	DA 3.04	A	19/11/2013	Marchese Partners International Pty Ltd
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Level 7 Stormwater Services Plans	SW-013 Issue B	29/11/2013	Insync Services Pty Ltd
Site Stormwater Catchment Plan	SW-015 Issue B	29/11/2013	Insync Services Pty Ltd
Sturdee Parade Site Sediment and Erosion Control Plan	SW-016 Issue B	29/11/2013	Insync Services Pty Ltd

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Arboricultural Impact Assessment	25/11/2013	Footprint Green Pty Ltd
Geotechnical Investigation Report	02/12/2013	JK Geotechnics
Access Report	26/11/2013	Accessibility Solutions (NSW) Pty Ltd
Building Code of Australia Assessment Report	10/12/2013	City Plan Services Pty Ltd
Overland Flow / Flood Study	December 2012	CPM Engineering

Reason: To ensure that the Stage 1 Development is carried out in accordance with the determination of the JRPP and approved plans and supporting documentation.

#### **8. Prescribed Conditions**

- a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- c) 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:
  - i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - ii) 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
  - iii) 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.
- d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - ii) in the case of work to be done by an owner-builder:



- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

**Note:** If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - i) protect and support the adjoining premises from possible damage from the excavation, and
  - ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

## 9. General Requirements

- a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- o 7:00am to 5.00 pm inclusive Monday to Friday,
- o 8:00 am to 1:00pm on Saturday,
- o No work on Sundays and Public Holidays.

Demolition (including tree removal) and excavation works are restricted to:

- o 8:00 am to 5:00pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.



- e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council approval.
- h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- i) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.
- j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- k) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- l) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10).

## **10. Waste Management Details**

The following waste management details must be complied with:

- a) The bin room for the Sturdee Parade building must accommodate 12 x 660L garbage, 9 x 660L paper recycling and 6 x 660L bottle recycling bins.



- b) The width of the door on the garbage rooms must be a minimum of 1.9m wide. The door must not be lockable and be able to be latched in an open position.
- c) The pathway between the garbage rooms and the garbage collection/loading areas must be concrete and free of obstructions.

Reason: To ensure the efficient and sustainable treatment of waste.

#### **11. Clothes Drying Facilities**

All Ground Floor Units provided with landscaped private open space areas shall be provided with adequate open air clothes drying facilities, which are suitably screened from communal open space areas, public places and streets.

Reason: To ensure site facilities are reasonably provided for dwellings within the development.

#### **12. Bonds**

##### **a) Security Bond**

A bond (determined from cost of works) of \$10,000.00 and an inspection fee in accordance with Councils Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

##### **b) Construction, Excavation and Associated Works Bond (Road)**

A Bond of \$33,000.00 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.

##### **c) Construction, Excavation and Associated Works Bond (Drainage)**

A Bond of \$40,000.00 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

##### **d) Construction, Excavation and Associated Works Bond (Crossing/Kerb)**

A Bond of \$25,000.00 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

##### **e) Construction, Excavation and Associated Works Bond (Pollution)**

A Bond of \$10,000.00 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

##### **f) Construction, Excavation and Associated Works Bond (Failure to Remove Waste)**

A bond of \$5,000.00 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

##### **g) Construction, Excavation and Associated Works Bond (Maintenance for Civil Works)**

The developer/applicant must lodge with Council a Maintenance Bond of \$ 10,000.00 for the construction of kerb & gutter, pavement, drainage and footpath. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans to the satisfaction of Council.

(Note: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate or Subdivision Certificate.)

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)



All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

## **CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

### **13. The payment of the Warringah Section 94A Development Contribution Plan**

The payment of the monetary contribution nominated in Condition 6 above is to be paid in full prior to the issue of the Construction Certificate.

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

### **14. Issue of a Construction Certificate**

No construction works (including excavation) shall be undertaken prior to the issue of the Construction Certificate.

Reason: To ensure all relevant documentation and securities are in place before construction commences.

### **15. Amendment of Plans**

The approved plans are to be amended as follows:

- (a) Each dwelling within the development must have a minimum area for storage (not including built-in storage) of 6m<sup>3</sup> for one bedroom units and 8m<sup>3</sup> for two bedroom units.
- (b) Separate courtyard entries are to be provided to each of the Stage 1 ground floor apartments, except for those with a wintergarden.
- (c) All glass louvers associated with the wintergardens of Units Nos. 1.01-1.08 on Levels 1 & 2 and Units Nos. 3.05-3.08 on Level 3 must not be opaque. Details to be included on amended plans.
- (d) The approved Landscape Plans, Drawing Nos. LAN\_D\_100, Revision E and LAN\_D\_101 and LAN\_D\_102, Revision F dated 12 December 2013 are to be amended to incorporate planting up to 1 metre in height along the Sturdee Parade frontage of the site as follows:
  1. Planting to be located in the road reserve between the property boundary and the footpath.
  2. Planting to be incorporated along the length of the site frontages, with the exception of areas required for vehicular or pedestrian access.
  3. Details are to be provided to the nominated Certifying Authority for approval prior to issue of a construction certificate.

Reason: To improve the streetscape appearance to Sturdee Parade.

### **16. Adaptable Units**

Amended plans detailing the compliance of the proposed residential flat building with the requirements of AS1428 – Design for Access and Mobility and AS4299 – Adaptable Housing in respect to the provision and design of dwellings for adaptable housing.

Reason: To ensure satisfactory provisions are made for disabled and less mobile persons.

### **17. Trees and / or Landscaping**

In order to protect and enhance onsite vegetation and trees the following applies to the development site:



a) **Trees approved for Removal**

This consent includes approval to remove all trees nominated on the tree removal plan (AIATR 2.01 – Proposed Development Tree Retention and Report) in the Aboricultural Impact Assessment prepared by Footprint Green Pty Ltd dated 25 November 2013.

b) **Tree Protection and Pruning**

- i) No tree roots greater than 50mm diameter are to be cut unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites.
- iv) All tree protection measures are to be in place prior to commencement of works
- v) Tree pruning within the subject site is approved to enable construction in accordance with the approved plans.
- vi) Tree pruning is not to exceed 15% of any existing tree canopy
- vii) All tree pruning to be in accordance with AS4373-2007 Pruning of amenity trees.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

**18. Contaminated Land Requirements**

Prior to the issue of any Construction Certificate a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of the Certifying Authority.

The plan shall detail:

- a) How all the requirements and / or recommendations contained within the Contamination Reports Geotechnical Investigations, Reference No. 25498SM1rpt, prepared by JK Geotechnics dated 2 December 2013 are to be implemented;
- b) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;
- c) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (24 hours a day), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Warringah Council and the Principal Certifying Authority.
- d) A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:
  - A. During construction in order to monitor water and soil quality the following is to be implemented:
    - i) Water testing is to be completed in accordance with Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring
    - ii) Soil Testing in order to detect contaminants is occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.
  - B. The requirements of (A) and (B) above are to be implemented from the commencement of works as follows:
    - i) Fortnightly during excavation works



ii) Monthly during building works

- e) To ensure water quality is maintained runoff must be drained to an adequately banded central collection sump and treated, to meet NSW Department of Environment and Climate Change (formerly Environment Protection Authority) discharge criteria.

**Note:** Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transported for treatment/disposal to an appropriate waste treatment/processing facility.

- f) All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility.

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

**Note:** The following Acts and Guidelines applied at the time of determination:

- A. Protection of the Environment Operations Act 1997; and
  - B. Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- g) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.

**Note:** The following standards applied at the time of determination:

- A. Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- h) Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:
- a. 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the (\*) site at (\*), to the subject premises.
  - b. Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall suitable for the use on the land.
  - c. Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Principal Certifying Authority (prepared in accordance with the Department of Environment & Climate Change's guidelines).

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of the environment, SEPP 55 compliance. (DACHPCPC6)

**19. On-site Stormwater Detention Compliance Certification**

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the concept drawing prepared by INSYNC SERVICE. The concept stormwater management plans must be certified by a Civil Engineer who has membership to the Institute of Engineers Australia and is a NPER (National Professional Engineers Register)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.



Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

## **20. Pump-Out System Design for Stormwater Disposal**

The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with Council's Stormwater Drainage Policy. Engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site. (DACENC04)

## **21. Stormwater Disposal**

Engineering Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater management from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to Council pit located on the north side of Pacific Parade. A S138 Road Act approval for works on public Road will be required.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development. (DACENC06)

## **22. Submission of Engineering Plans**

Engineering plans are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The submission is to include four (4) copies of Civil Engineering plans for the reconstruction of kerb & gutter, road shoulder, 375 mm pipe & pit drainage and 1.5 meters concrete footpath which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

STAGE ONE (1) the following works are required:

- a. Reconstruction of kerb & gutter along the full frontage of the development in Sturdee Parade.
- b. Existing footpath shall be reconstructed to 1.5 m wide for the full frontage of the development site.
- c. Vehicular crossing profile to Council standards and to ensure a crest level for the driveway to basement and floor level be at or above 25.4 AHD.
- d. The entry to garbage service area must also comply with a crest level of 25.4 AHD.
- e. All driveway access to the development must comply with AS2890.1
- f. Construction of pipe drainage system from the out let to the stormwater management for the stage one development to Council pit located on the north side of Pacific Parade.
- g. Traffic management plans for the proposed road works.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure compliance with Council's specification for engineering works. (DACENC08)



### **23. Sub-Soil Seepage**

All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage pit and is to be carried out in accordance with relevant Australian Standards.

Note: At the time of determination the following (but not limited to) Standards applied:

- a. Australian/New Zealand Standard AS/NZS 3500.3 - 2003 Plumbing and drainage – Stormwater drainage
- b. Australian/New Zealand Standard AS/NZS 3500.3 - 2003 / Amdt 1 - 2006 Plumbing and drainage Stormwater drainage.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate drainage and stormwater management on site to protect amenity of residents. (DACENC10)

### **24. Vehicle Driveway Gradients**

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure suitable vehicular access to private property. (DACENC13)

### **25. Waterproofing/Tanking of Basement Level**

The basement area is to be permanently tanked or waterproofed. Details of the waterproofing/tanking are to be prepared by a suitably qualified Engineer.

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the Department of Water and Energy. The bore license must be obtained prior to commencement of dewatering works. All requirements of the Department of Water and Energy are to be complied with and a copy of the approval must be submitted to the Certifying Authority.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements. (DACENC14)

### **26. Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Safety. (DACENC19)



## **27. Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENCO5)

## **28. Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

**Note:** At the time of determination the following (but not limited to) Australian Standards applied:

- a) AS2601.2001 - Demolition of Structures\*\*
- b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- d) AS 4373 - 2007 'Pruning of amenity trees' \*\*
- e) AS 4970 - 2009 'Protection of trees on development sites'\*\*
- f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- i) AS 2890.5 - 1993 Parking facilities - On-street parking\*\*
- j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- l) AS 1428.1 – 2009\* Design for access and mobility - General requirements for access – New building work\*\*
- m) AS 1428.2 – 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*
- n) AS 1668 The use of mechanical ventilation

\*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [www.hreoc.gov.au/disability\\_rights/buildings/good.htm](http://www.hreoc.gov.au/disability_rights/buildings/good.htm).

[www.hreoc.gov.au/disability%20rights%20/buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm).

\*\*Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.

Details demonstrating compliance with the relevant Australian Standards are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

## **CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT**

## **29. Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must



be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **30. Survey Report – Finished Floor Level**

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the building certifying that:

- a) The building, retaining walls and the like have been correctly positioned on the site; and
- b) The finished floor level(s) are in accordance with the approved plans.

Reason: To ensure the building is set out to as approved.

### **31. Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled Waste Management Plan – Mixed Development Sturdee Parade Dee Why NSW and dated 13 November 2013.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided (DACWTE01)

### **32. Waste/Recycling Requirements (Materials)**

During demolition and/or construction the following materials are to be separated for recycling – timber – bricks – tiles – plasterboard – metal – concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible (DACWTE02)

### **33. Trees Condition**

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

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

Any mitigating measures and recommendations required by the Arborist are to be implemented.



The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

**34. Progress Certification (Road & Subdivision)**

Written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Certifying Authority for the following stages of works.

- a) Silt and sediment control facilities,
- b) Laying of stormwater pipes and construction of pits,
- c) Sub-grade trimmed and compacted,
- d) Base-course laid and compacted,
- e) Kerb and gutter construction,
- f) Pavement,
- g) Landscaping and vegetation,
- h) Clean-up of site, and of adjoining Council roadway and drainage system.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works (see [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)). (DACENE02)

**35. Stormwater Pipeline Construction**

Where connection to Council's nearest stormwater drainage system is required, being north side of Pacific Parade, the applicant shall construct the pipeline in accordance with Council's specification for engineering works (see [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)) and shall reconstruct all affected kerb and gutter, bitumen reinstatements, adjust all vehicular crossings for paths, grass verges and household stormwater connections to suit the kerb and gutter levels. All works shall be undertaken at the applicant's cost, and upon completion certified by an appropriately qualified and practicing Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of drainage works with Council's specification for engineering works (DACENE03)

**36. Vehicle Crossings and Driveway**

The provision of Normal vehicle crossings 6.5 metres wide for both stages in accordance with Warringah Council Drawing No A4-3330/1 and specifications. The crossing approval will form part of S 138 Road Act approval for each stage. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

**37. Civil Works Supervision**

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)



#### **38. Footpath Construction**

The Applicant shall construct 1.5 m concrete foot path along full frontage of the development with Sturdee Parade (Stage1). The works shall be in accordance with the following:

- a) All footpath works are to be constructed in accordance with Council's minor works policy, and
- b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of footpath works with Council's specification for engineering works. (DACENE07)

#### **39. Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

#### **40. Notification of Inspections**

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

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

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

Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

### **CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

#### **41. Reinstatement of Kerb**

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

#### **42. Environmental Reports Certification**



Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Warringah Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- a) Statement of Environmental Effects, dated December 2013, prepared by Boston Blyth Fleming Pty Ltd.
- b) Acoustic Assessment, dated 11 December 2013 prepared by Acoustic Logic Consultancy Pty Ltd.
- c) Access Report, dated 26 November 2013, prepared by Accessibility Solutions (NSW) Pty Ltd.
- d) Building Code of Australia Assessment Report, dated 10 December 2013, prepared by City Plan Services Pty Ltd.
- e) Geotechnical Investigation Report, dated 2 December 2013, prepared by JK Geotechnics.
- f) Arboricultural Impact Assessment, dated 25 November 2013, prepared by Footprint Green Pty Ltd.
- g) Overland Flow / Flood Study, dated December 2012, prepared by CPM Engineering.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To ensure compliance with standards. (DACHPF04)

#### **43. Fulfilment of BASIX Commitments**

The Applicant must demonstrate the fulfilment of BASIX commitments pertaining to the development.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To confirm compliance with legislation

#### **44. Garbage and Recycling Facilities**

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To prevent pollution of the environment and to protect the amenity of the area (DACPLF03)

#### **45. Waste/Recycling Compliance Documentation**

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled. (DACWTF02)

#### **46. Positive Covenant for Waste Services**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities (DACWTF03)



#### 47. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (Department of Lands standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

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

Reason: To create encumbrances on the land. (DACWTF04)

#### 48. Required Planting

The tree/s listed in the following schedule shall be planted in accordance with the following schedule:

No. of Trees Required	Species	Location	Minimum Pot Size
All trees	As indicated on Landscape Plans Drawing Nos. LAN-D-101 F, LAN-D- 103 E dated 12/12/2013	As indicated on the Landscape Plans	As indicated on the Landscape Plans
5	<i>Tristaniopsis laurina</i>	Within the Sturdee Parade road reserve between the western boundary of the site and the entry/driveway at the eastern end, generally in alignment with other street trees.	75 litre
2	<i>Lophostemon conferta</i>	Within the Pacific Parade road reserve, generally in alignment with other street trees.	75 litre

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To maintain environmental amenity. (DACLAF01)

#### 49. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land. (DACENF01)

#### 50. Registration of Encumbrances for On-site Stormwater Detention

A copy of the certificate of title for each stage, demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF02)



**51. Restriction as to User for On-site Stormwater Detention**

A restriction as to user for each stage shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

**52. Certification of Drainage Works and Works As Executed Data**

The Civil Engineer responsible for the supervision of the civil drainage works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate. Works as Executed data certified by a registered surveyor prepared in accordance with Council's requirements is to be provided to Council. Full details of the information to be submitted to Council, as part of the Works as Executed Data, are outlined in Council's 'Guideline for preparing Works as Executed data for Council stormwater assets' which is available from Council's Natural Environment Unit. The Works as Executed data is to be verified by the Principal Certifying Authority prior to submission of any documentation.

The Works as Executed Data is to include but not be limited to the following:

- a. Works As Executed (WAE) plan
- b. a Spreadsheet Schedule of all stormwater asset attributes and
- c. a CCTV Report of the completed pipeline

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENF06)

**53. On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) systems for each stage, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

**54. Positive Covenant for the Maintenance of Stormwater Pump-out Facilities**

A Positive Covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the property title to ensure the on-going maintenance of the stormwater pump-out facilities on the property being developed for each stage.

Warringah Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Warringah Council's delegate shall sign these documents prior to the submission to the Land & Property Information Department.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. (DACENF11)



**55. Positive Covenant for On-site Stormwater Detention**

A positive covenant for each stage shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

**56. Creation of Positive Covenant and Restriction as a User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user for each stage, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF14)

**57. Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at

[http://www.warringah.nsw.gov.au/plan\\_dev/NaturalEnvironmentGuidelines.aspx](http://www.warringah.nsw.gov.au/plan_dev/NaturalEnvironmentGuidelines.aspx)

The post construction dilapidation report must be submitted to the Council for review and the Certifying Authority prior to the issue of the Occupation Certificate. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure (DACNEF11)

**58. Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management. (DACPLF01)

**59. Consolidation and Subdivision of Lots**

Lot 1 DP 776401 shall be subdivided to excise that portion of this lot that has frontage to Sturdee Parade as per drawing 01737-D1759 by Project Surveyors dated 6th November 2013.

Consolidation of the excised portion of Lot 1 DP 776401 and Lots 23 – 25 DP 8207 to create proposed Lot 102 with a site area of 2731m<sup>2</sup> (with appropriate easements for drainage and access) as per drawing D1737 – D1759 prepared by Project Surveyors dated 6th November 2013.



Consolidation of Lots 8 & 9 DP 8207 and the excised portion of Lot 1 DP 776401 to create proposed Lot 103 with a site area of 2731m<sup>2</sup> (with stratum lot and appropriate easements for drainage and garbage truck access) as per drawing D1737-D1759 prepared by Project Surveys dated 6th November 2013.

The proposed subdivisions and consolidations are to be registered on a survey plan prepare and signed by a registered surveyor with the NSW Land & Property Information Service (NSW Dept of Lands).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure development is not constructed over property boundaries. (ACPLF02)

#### **60. Secure Entry and Intercom**

- a) The basement car park entry is to be secured by security gate/roller shutter.
- b) An audio visual intercom system must be provided at the lobby and to access the secure parking areas.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure convenient access is available for visitors to the building. (DACPLF05)

#### **61. Unit Numbering for Multi Unit Developments (Residential, Commercial and Industrial)**

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines (<http://auspost.com.au/media/documents/address-presentation-standard.pdf>).

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table attached to this consent.

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with any Interim/Final Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access. (DACPLF05)

#### **62. Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)



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

### 63. Allocation of Spaces

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated for Stage 1 as follows:

107	Residential
20	Residential - Visitors
2	Spaces for persons with a disability

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

Tandem / stacked parking spaces are not acceptable unless both spaces are allocated to the one unit.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

### 64. Bicycle Parking

Bicycle parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated for Stage 1 as follows:

49	Residential
8	Residential - Visitors

Each bicycle parking space allocated to a particular unit / tenancy shall be either numbered or signposted to indicate the unit / tenancy to which it is allocated.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure that adequate bicycle parking facilities to service the development are provided.

### 65. Visitor Car parking

Visitor car parking must be permanently available, freely accessible and clearly marked / signposted. The visitor car parking spaces area not to be allocated to individual units / tenancies.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure visitor car parking is available at all times and is clearly identified. (DACPLG02)

### 66. Vehicle Egress Signs

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to come to a complete stop before proceeding onto the public way.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure pedestrian safety. (DACPLG03)



**67. Visitors Sign**

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors. (DACPLG04)

**68. Parking Enclosure**

No parking spaces, or access thereto shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure that minimum dimensions for parking spaces are not reduced or that vehicle manoeuvring is compliant with relevant standards. (DACPLG05)

**69. Landscaped Open Space**

Landscaped open space within the front, side and rear setbacks shall not be fenced / divided to provide exclusive use for any individual occupancy.

Reason: Ensure common landscaped open space is maintained and compliant with WDCP. (DACPLG07)

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

**70. Survey Plan – Construction Identification**

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure accurate location of buildings, access and services (DACENH12)

**71. Sydney Water Compliance Certification**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACENH13)



## 72. Electrical Substations

The applicant shall dedicate the land required for an electricity sub-station as a public road, if requested by the energy authority. The substation must be located within the subject site. The dedication is to be detailed on the final plan of subdivision, to be submitted to Council with the application for a Subdivision Certificate.

Reason: To comply with statutory requirements of the energy authority. (DACENH19)

## 73. Subdivision Certificate Application

Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council **for** stage one (1). Nine copies of the final plan of subdivision are to be submitted. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919. (DACENH24)

## 74. Title Encumbrances

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

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure proper management of land. (DACENHS14)

## Right to Review by the Council

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 12 months from the date of determination.

## Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

*NOTE: A fee will apply for any request to review the determination.*

**Signed** \_\_\_\_\_ on behalf of the consent authority

CoSign Digital Signature

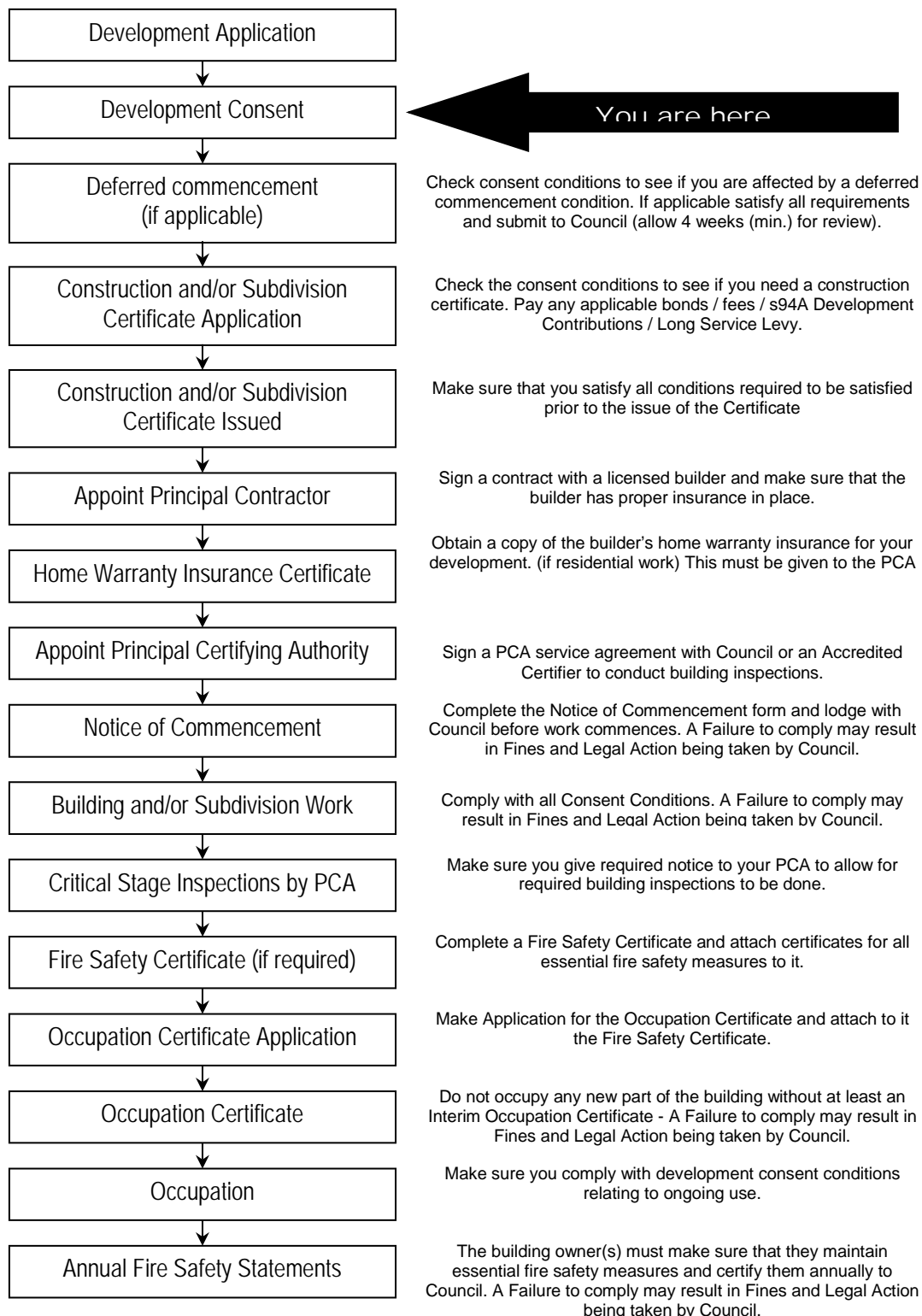
Signature \_\_\_\_\_

Name XXXXXXXXXXXXX, Group Manager, Development and Compliance

Date [INSERT DATE]

**NOTE:** Signed by Warringah Council in accordance with the EP&A Act 1979 and EP&A Reg 2000 as determined by the Joint Regional Planning Panel – Sydney East Region Joint Planning Panel on 17 July 2014

## Where are you in the development process?





### **General Advice**

The attached Notice of Determination includes conditions of consent which must be complied with.

*(Note: A failure to comply is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)*

### **Building Certification**

The Environmental Planning and Assessment Act 1979 provides that:

- Building work cannot occur unless a construction certificate has been issued;
- Occupation of building works cannot occur unless an occupation certificate has been issued
- Subdivision cannot be registered until a subdivision certificate has been issued
- Mandatory Inspection for building work must be completed

Please refer to process chart for more detail.

*(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)*

### **Certification Services**

Construction Certificates / Occupation Certificate / Subdivision Certificates / Strata Certificate, can be issued by Council or an accredited private certifier (Note Council must be the Principal Certifying Authority (PCA) for subdivisions).

Council is well placed to provide Certification Services. Council can issue Construction Certificates and act as your Principle Certifying Authority at competitive rates. Please visit our web site [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) or speak to our Customer Service Officers if you have any further questions about our Certification Services or if you wish to use Council as your certifier.

### **Charges Associated with the Development Consent**

All bonds, fees, (s94A) Development Contributions, Long Service Levy detailed within the Notice of Determination are required to be paid prior to the issuing of any Construction Certificate.

### **Acceptable Form of Security Bonds**

Council will accept bank guarantee (in a form acceptable to Council) in lieu of cash and is required prior to the issue of a construction certificate.

### **Modifications to the consent**

If you seek to make any changes to the development (which may include internal / external configuration of the building, variation to facades, site layout or any changes to the proposed operation or use), the modifications *will* require the submission and approval of an application to modify the development consent prior to the issuing of a Construction Certificate and prior to the works being carried out.

*(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)*

### **Other Matters not detailed within the Notice of Determination**

The Notice of Determination does not stipulate every requirement that must be completed to satisfy New South Wales and Commonwealth legislation.

You should check, as may be relevant, with other authorities including but not limited to:

- ☐ Workcover NSW for work safety and asbestos requirements
- ☐ Sydney Water – Quick Check Agent for the provision of water and sewer services
- ☐ Energy & Gas suppliers for utility services



- ☐ *Department of Fair Trading* for advice about builders and licensing
- ☐ *Building Professionals Board* for advice about private certifiers
- ☐ *NSW Roads and Traffic Authority* for works on state roads only
- ☐ *Human Rights and Equal Opportunity Commission* for access issues
- ☐ *NSW Land and Property Information Service* for Land Title matters
- ☐ *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;

#### **Model**

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

#### **Trade waste agreement**

A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

#### **Waste collection**

Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the *Protection of the Environment Operations Act 1997*. Records must be kept of all waste disposal from the site.

Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the approved Waste Management Plan.

#### **Aboriginal Heritage**

If in undertaking excavation or works and any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

#### **On-Site Sewage Management System**

This approval does not authorise the installation or operation of a new or modification of an existing on-site wastewater management system. An On-Site Sewage Management System must not be installed or operated unless an 'Approval to Install an On Site Sewage Management System' is obtained from Warringah Council.

#### **Cost of Works**

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

#### **Relocation of stormwater drainage**

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

#### **Tree preservation**

Where tree work has not been approved by this Development Consent the developer is notified that a general Tree Preservation Order applies to all trees in the Warringah Local Government Area. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, transplanting, injuring, or wilful destruction of such trees except without the prior written consent of Council.

#### **Storage bins on footpath and roadway**

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.



### **Protection of Public Places**

- (1) If the work involved in the erection or demolition of a building:
  - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place.

- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (5) No access across public reserves or parks is permitted.

**Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained.**

### **Road Opening Permit**

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

### **Special Permits**

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time.

#### ☐ *Permit for on-street mobile plant*

Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

#### ☐ *Hoarding Permit*

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

#### ☐ *Storage of building materials and building waste containers (skips) on Council's property*

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

#### ☐ *Kerbside restrictions, work zones*

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Other permits may include out of construction hours permits.



### **Licensing requirements for removal of bonded asbestos**

Anyone who removes, repairs or disturbs bonded asbestos must hold a bonded or a friable asbestos licence, or a demolition licence in accordance with Workcover requirements and the Occupational Health and Safety Act 2000.

### **Pool Access**

Access to pools are required to be restricted by a child resistant barrier in accordance with the regulations prescribed in all relevant Acts, Regulations and Australian Standards including:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

It is your responsibility as a land owner to ensure any fencing is maintained.

### **Dewatering**

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Department of Water and Energy. The bore license must be obtained prior to commencement of dewatering works.

### **Requirement to Notify about New Contamination Evidence**

Any new information revealed during works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to Council and the Principal Certifying Authority.

### **Flood Evacuation Plan**

If your site is on flood prone land you may wish to consider the preparation of a flood evacuation plan.

Generally a Flood Evacuation Plan would be prepared by suitably qualified Engineer (e.g. Hydraulic) with a number of years experience in flood management and who is eligible for Membership to the Australian Institute of Engineers.

Some matters that you may wish to consider (but not limited to) include:

- (i) a route of evacuation to higher ground and / or point of shelter
- (ii) depth of water for a Possible Maximum Flood event surrounding the building
- (iii) details of 'last chance' evacuation water levels / times for evacuation prior to floodwaters surrounding the building
- (iv) provide details of flood warning systems and protocols
- (v) details of how this information will be distributed and people educated for users of the site.

You may seek to discuss this with the State Emergency Service of NSW.

### **Utility Service Requirements**

Where development requires the installation of, or the relocation of utility services being (but not limited to) gas, water, electricity and telecommunications, the installation of, or the relocation of utility services shall be conducted in accordance with the requirements of the relevant service provider / authority (unless stipulated by any other condition of the consent or will result in damage to threatened or endangered species defined under the Threatened Species Conservation Act).

### **Plant & Equipment Kept Within Site**

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This does not prevent any requirement to comply with the Protection of the Environment Operations Act.

**Lighting**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 - 1997 Control of the obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

**OTHER MATTERS****Child Care Centres**

A license to operate a child care centre must be obtained from the NSW Department of Community Services prior to the commencement of the use of the child care centre.

**Disability Access**

This decision does not ensure compliance with the Commonwealth Disability Discrimination Act 1992. Applicants are strongly advised to investigate their requirements under that Act

**Food Premises**

Food premises are required to comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standards.

The proprietor of a food business must notify the NSW Food Authority of the details of the business. Notification may be done either online at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

**Wheel washing facility**

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council's roads. The wheel wash facility shall be constructed prior to any truck movements occurring. Water from the wheel wash facility must not cause pollution. Any direction of Council with regard to cleaning trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

**Monitoring State of Roadways**

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

**Storage of Dangerous Goods**

Prior to the storage of any "dangerous goods" on the premises, a copy of a license obtained from the Chemical Safety Branch of Work Cover Authority must be submitted to Council.

**Storage of Flammable and Combustible Liquids**

Flammable and combustible liquids must be stored in accordance with Australian Standard 1940 The Storage and Handling of Flammable and Combustible Liquids.

**Noise and Vibration**

The premises, including operation of vehicles, shall be conducted so as to avoid offensive noise or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

**Hairdressing/Beauty Treatment/ Skin penetration Requirements**

The premises must comply with the following requirements before the commencement of business:

- i. A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap and paper towel.
- ii. The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
- iii. The premises must be provided with washing, drainage, ventilation and lighting that are



- adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.
- iv. The floor coverings must be smooth and impervious.
  - v. All furniture, shelves and fittings must be constructed of, or covered with a material that is smooth, impervious to moisture and capable of being easily cleaned.
  - vi. Adequate lockers must be provided for the storage of employees clothing and personal effects.
  - vii. The premises must be provided with facilities that are adequate for the purpose of storing of hairdressing/beauty treatment/skin penetration appliance and utensils.
  - viii. The premises must be provided with a sink sullied with hot and cold water for washing equipment.

#### **Food Premises Construction Requirements**

The food premises must comply with the following specific construction requirements:

- i. Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);
- ii. Walls in food preparation and wash up areas must be finished with a smooth and impervious surface to a height of at least 2 metres.
- iii. Hand wash basins must be provided with warm water delivered through a common spout with taps that are hands free operation;
- iv. Coving with a radius of 25mm must be provided between all floor and wall joints in food handling areas;
- v. The open space between the top of the coolroom and the ceiling must be fully enclosed and kept insect and pest proof;
- vi. The coolroom must be able to be opened from the inside with out a key and fitted with an alarm that can only be operated from within the coolroom;
- vii. The doors to the toilet air lock and toilet compartment must be tight fitting and self closing;
- viii. The rear external door must be self closing or be provided with a fly screen that is self closing;
- ix. Where cooking or extensive heating processes or such other processes as may be specified are carried out in food preparation areas, an approved mechanical ventilation system shall be installed and operated in accordance with AS 1668 part 1 & 2.

#### **Legionella Control**

Cooling towers, warm water systems, water cooling systems must be registered with the Council. Details of registration are to be provided to the Council prior to operation.