

## DEFERRED COMMENCEMENT CONDITIONS

### 1. Proposed Road Widening and Median Turning Centre Lane

A detailed design plan for the proposed widening of the carriageway and provision of 3 lanes on Evans Street is to be submitted for Council's consideration and approval via the Warringah Traffic Committee. The following is to be addressed in the design:

1. The provision of a painted median turning centre lane is to separate the left turn into the entry driveway from the west bound traffic to overcome the shortage in stopping sight distance.
2. The painted median turning centre lane is to be extended to the crest in Evans Street to ensure the visibility of the turning lane to west bound traffic.
3. The width of the proposed carriageway in Evans Street and 3 lanes is to accommodate buses and trucks servicing the area.
4. The road widening on northern side is to accommodate a 10m wide carriageway and provide for a 3m wide nature strip. Narrowing the width of the nature strip may be considered by Council provided it does not result in a width less than the current nature strip width if the road users' safety and landscaping are satisfactorily addressed. Any road widening requires the dedication of the club land as public road.
5. The proposed reconstruction of the north-eastern kerb return at the intersection of Evans Street and Carrington Parade needs to provide adequate grades for vehicular and pedestrian traffic.
6. The width of the east bound lane between Evans St and the entry driveway is to allow east bound traffic to pass traffic turning left onto the entry driveway.
7. The width of the carriageway next to the loading dock driveway is to allow access for large rigid trucks.
8. All costs of the road works and traffic improvements detailed above are to be borne by the applicant.
9. A traffic control signage plan to effect the proposed 3 lanes and proposed refuge islands is to be submitted for Council's consideration and approval via the Warringah Traffic Committee.

### 2. Proposed Refuge Islands

A detailed design plan for the proposed refuge islands in Evans Street at either end of the club and Lumsdaine Drive is to be submitted for Council's consideration and approval via the Warringah Traffic Committee. The following is to be addressed within the design:

1. The pedestrian refuge island on Evans Street at Carrington Parade is to be as close as possible to the stop lines at this intersection to achieve adequate pedestrian visibility and grades.

2. The existing Jersey Safety Barrier along the south side of the intersection of Carrington Parade and Evans Street is to be adjusted to provide access to the pedestrian refuge. The gap for pedestrians in the safety barrier is to be a maximum of 1.5m. The Jersey barrier will need to be extended and a structural engineering report is to be undertaken to assess requirements to maintain the structural integrity of the Jersey barrier.
3. The refuge island at the eastern end of Evans Street near the Club's pedestrian access is to line up with the pathway on the opposite side of the club.
4. The flush paving treatment at the pedestrian refuge islands does not comply with the RMS Technical Direction TDT 2001/04 Use of Traffic Calming Devices as Pedestrian Crossings, and is to be removed.
5. The design of both refuge islands on Evans Street and Lumsdaine Drive is to comply with the RMS Technical Direction TDT 2011/01a Pedestrian Refuges.
6. Street lighting is to be provided at all proposed refuge islands in compliance with Australian Standards.
7. All costs of the road works and traffic improvements detailed above are to be borne by the applicant.
8. A traffic control signage plan to effect the proposed 3 lanes and proposed refuge islands is to be submitted for Council's consideration and approval via the Warringah Traffic Committee.

Reason: To ensure the safety of the general public and the occupants of the development.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

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

#### a) Approved Plans

| Architectural Plans - Endorsed with Council's stamp |            |                      |
|---|------------|----------------------|
| Drawing No.   | Dated      | Prepared By          |
| DA002 - A   | 01/08/2014 | Architectus + Chrofi |

|           |            |                      |
|-----------|------------|----------------------|
| DA100 - A | 01/08/2014 | Architectus + Chrofi |
| DA101 - A | 01/08/2014 | Architectus + Chrofi |
| DA102 - A | 01/08/2014 | Architectus + Chrofi |
| DA103 - A | 01/08/2014 | Architectus + Chrofi |
| DA104 - A | 01/08/2014 | Architectus + Chrofi |
| DA105 - A | 01/08/2014 | Architectus + Chrofi |
| DA106 - A | 01/08/2014 | Architectus + Chrofi |
| DA107 - A | 01/08/2014 | Architectus + Chrofi |
| DA108 - A | 01/08/2014 | Architectus + Chrofi |
| DA109 - A | 01/08/2014 | Architectus + Chrofi |
| DA111 - A | 01/08/2014 | Architectus + Chrofi |
| DA112 - A | 01/08/2014 | Architectus + Chrofi |
| DA113 - A | 01/08/2014 | Architectus + Chrofi |
| DA114 - A | 01/08/2014 | Architectus + Chrofi |
| DA115 - A | 01/08/2014 | Architectus + Chrofi |
| DA116 - A | 01/08/2014 | Architectus + Chrofi |
| DA117 - A | 01/08/2014 | Architectus + Chrofi |
| DA120 - A | 01/08/2014 | Architectus + Chrofi |
| DA121 - A | 01/08/2014 | Architectus + Chrofi |
| DA122 - A | 01/08/2014 | Architectus + Chrofi |
| DA123 - A | 01/08/2014 | Architectus + Chrofi |
| DA124 - A | 01/08/2014 | Architectus + Chrofi |
| DA125 - A | 01/08/2014 | Architectus + Chrofi |
| DA126 - A | 01/08/2014 | Architectus + Chrofi |
| DA130 - A | 01/08/2014 | Architectus + Chrofi |
| DA131 - A | 01/08/2014 | Architectus + Chrofi |
| DA132 - A | 01/08/2014 | Architectus + Chrofi |
| DA138 - A | 01/08/2014 | Architectus + Chrofi |
| DA139 - A | 01/08/2014 | Architectus + Chrofi |
| DA150 - A | 01/08/2014 | Architectus + Chrofi |

| Engineering Plans - Endorsed with Council's stamp |            |             |
|---|------------|-------------|
| Drawing No.                                       | Dated      | Prepared By |
| NA89913027-105 - Revision 5                       | 30/11/2012 | Cardno      |
| NA89913027-106 - Revision 3                       | 30/11/2012 | Cardno      |

| Reports / Documentation – All recommendations and requirements contained within: |       |             |
|--|-------|-------------|
| Report   | Dated | Prepared By |

|   |                        |  |
|---|------------------------|--|
| Noise Impact Assessment   | 01/08/2014             | Acoustic Logic                         |
| Harbord Diggers Development Application Traffic and Parking Report              | 01/08/2014             | GTA Consultants                        |
| Management Plan Harbord Diggers   | Not dated              | Harbord Diggers Mounties Group         |
| BCA Review of Architectural Documentation for Harbord Diggers Redevelopment     | 01/08/2014             | Steve Watson & Partners                |
| Access Review   | 30/07/2014             | Morris-Goding Accessibility Consulting |
| Waste Management Plan Construction and Demolition                               | 31/07/2014             | Waste Audit and Consultancy Services   |
| Waste Management Plan Ongoing Operations  | 31/07/2014             | Waste Audit and Consultancy Services   |
| Review of Flora and Fauna Assessment for the Harbord Diggers Club Redevelopment | Reissued November 2014 | Eco Logical Australia Pty Ltd          |
| Geotechnical and Hydrogeological Investigation                                  | 30/07/2014             | JK Geotechnics                         |
| Harbord Diggers - Seniors Living by Watermark                                   | 07/2014                | Watermark                              |
| Arboricultural Impact Assessment  | 08/2014                | Tree Wise Men Australia Pty Ltd        |
| Stormwater Management Report  | July 2014              | Cardno                                 |
| CPTED Assessment  | August 2014            | Urbis                                  |
| Arboricultural Impact Assessment  | August 2014            | Tree Wise Men - Australia Pty Ltd      |
| Specialist Lighting Concept Report  | 22 July 2014           | Wood & Grieve Engineers                |
| Heritage Assessment Report  | January 2012           | Urbis                                  |
| Building Services Infrastructure Report   | 29 July 2014           | Wood & Grieve Engineers                |

- b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- d) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
- e) The development is to be undertaken generally in accordance with the following:

| Landscape Plans - Endorsed with Council's stamp |            |                      |
|---|------------|----------------------|
| Drawing No.                                     | Dated      | Prepared By          |
| L-01 - A  | 01/08/2014 | Architectus + Chrofi |
| L-02 - A  | 01/08/2014 | Architectus + Chrofi |
| L-03 - A  | 01/08/2014 | Architectus + Chrofi |

|          |            |                      |
|----------|------------|----------------------|
| L-04 - A | 01/08/2014 | Architectus + Chrofi |
| L-05 - A | 01/08/2014 | Architectus + Chrofi |
| L-06 - A | 01/08/2014 | Architectus + Chrofi |
| L-09 - A | 01/08/2014 | Architectus + Chrofi |
| L-10 - A | 01/08/2014 | Architectus + Chrofi |
| L-11 - A | 01/08/2014 | Architectus + Chrofi |
| L-12 - A | 01/08/2014 | Architectus + Chrofi |
| L-13 - A | 01/08/2014 | Architectus + Chrofi |
| L-14 - A | 01/08/2014 | Architectus + Chrofi |
| L-15 - A | 01/08/2014 | Architectus + Chrofi |

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

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

The development must be carried out in compliance with the following:

| Other Department, Authority or Service | eServices Reference                             | Dated          |
|--|---|----------------|
| Ausgrid                                | Referral Response - Ausgrid                     | 8 August 2014  |
| NSW Road & Maritime Services           | Referral Response - Roads and Maritime Services | 22 August 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)

## 3. No Approval for any Signage

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2011 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

## 4. Facilities Associated with Harbord Diggers Club

The Café, Aquatic Centre and Gymnasium are to be used only in conjunction with the operations of the Harbord Diggers Club.

Reason: To ensure compliance with the permissibility of the development under the Warringah Local Environmental Plan 2011.

## **5. Prescribed Conditions**

- a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- b) 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.

- c) 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.

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.

- (d) 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 (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.
- v. 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)

## **6. General Requirements**

- a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - a. 7.00 am to 5.00 pm inclusive Monday to Friday,
  - b. 8.00 am to 1.00 pm inclusive on Saturday,
  - c. No work on Sundays and Public Holidays.
- b) Demolition and excavation works are restricted to:
  - a. 8.00 am to 5.00 pm Monday to Friday only.

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

- c) 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.
- d) 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.

- e) 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.
- f) 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.
- g) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- i) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- j) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB (A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )
- k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.
- l) 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.

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

## **7. Occupation of Seniors Housing or Housing for Persons with a Disability**

A Positive Covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- a) seniors or people who have a disability;
- b) people who live within the same household with seniors or people who have a disability;
- c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.
- d) (Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and / or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Final Occupation Certificate for the Senior Living Units.

Reason: Statutory requirements. (DACPLB11)

## **8. Unit Numbering for Multi Tenancy Commercial or Industrial and Multi Dwelling Residential Developments**

A request for unit/tenancy numbering is required to be completed and returned to Council. The request can be found at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) and is to provide an address for all lots contained in the plan.

Reason: Correct address information for emergency services. (DACPLB65)

## **9. Amenity**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997(DACHPBOC5)

## **10. Dilapidation Survey**

A photographic survey of the properties located immediately opposite the site along Evans Street, The Drive, and Carrington Parade detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council and the Certifying Authority (where Council does not issue the Construction Certificate) prior to the issue of a Construction Certificate. This survey is to be prepared by an appropriately qualified independent person agreed to in writing by both the applicant and the owner of the adjoining property.

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

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

Reason: Proper management of records.

## **11. Progress Survey**

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- b) Prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- c) Prior to placement of concrete at each floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- d) Prior to roofing or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary;
- e) At completion, works showing the relationship of the building to the boundary

and showing the maximum height of the overall works and the height of the principal roof elements of each building.

- f) The landscaping on the roof of all new buildings is not to exceed the height of the parapet of each building.

Progress certifications in response to points (a) through to (f) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

Reason: To ensure compliance with approved plans

## FEES / CHARGES / CONTRIBUTIONS

### 12. 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<br>Contribution based on a total development cost of \$ 160,251,841 |           |              |
|---|-----------|--------------|
| Contributions   | Levy Rate | Payable      |
| Total Section 94A Levy  | 0.95%     | \$ 1,522,392 |
| Section 94A Planning and Administration   | 0.05%     | \$ 80,126    |
| Total   | 1%        | \$ 1,602,518 |

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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

### 13. Bonds

#### a. Security Bond

A bond (determined from cost of works) of \$10,000.00 and an inspection fee in accordance with Council's 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 (footpath)

A Bond of \$110,000.00 as security against any damage or failure to complete the construction of kerb & gutter, footpath and associated pram ramps reconstruction works as part of this consent.

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

A Bond of \$60,000.00 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/refuge island)**

A Bond of \$400,000.00 as security against any damage or failure to complete the construction of any vehicular crossings, pavement, kerb & gutter, refuge island and any footpath works required as part of these works.

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

A Bond of \$30,000.00 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 \$10,000.00 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 \$50,000.00 for the construction of Road, footpath and drainage works. 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.

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 THE ISSUE OF THE  
CONSTRUCTION CERTIFICATE**

**14. Construction Management Program**

A Construction Management Program shall be prepared which includes the following:

- (a) An indicative staging plan.

- (b) The proposed method of access to and egress from the site for demolition, excavation and construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed (unless permission is granted under a separate permit).
- (c) The proposed method of loading and unloading, demolition, excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site; and
- (d) The location and operation of any on site crane.

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

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community. (DACPLC13)

## **15. Adaptive Re-Use**

A Structural Engineer is to certify that the elements of the existing Club building which are nominated to be retained for adaptive re-use in the proposed development, as detailed in the Structural Engineers report titled "Adaptive Re-use of Existing Buildings – Proposed Construction Methodology", dated 31 July 2014, have been integrated into the plans.

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

Reason: To ensure compliance with the approved plans and to ensure the proposal retains its integrity as an adaptive re-use of the existing club building.

## **16. 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)

## **17. Stormwater Disposal**

Plans indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments, shall be submitted prior to the issue of the Construction Certificate. The plans must indicate the provision of a rainwater tank storage volume of minimum 200kL. All roof area must be collected and connected to the rainwater tank. The overflow pipe from the rainwater tank must be discharged by gravity to proposed drainage system in Lumsdaine Drive. Stormwater from the entire development must be collected and conveyed from the site to the 300 mm diameter RCP located in Lumsdaine Drive. The existing 300 mm pipe must be removed and reconstructed to minimum stormwater flow capacity of a 20 Year ARI system. The pit depth shall be no more than 2.5 meters in Lumsdaine Drive. This would require the proposed internal drainage system to be redesigned accordingly. Basement areas and subsoil drainage can be pumped to the internal gravity drainage system.

Driveways located in Evans Street are to be designed to ensure that a crest to the basement level is established at least 300 mm above the 1 in 100 year flows established for the Evans Street drainage system.

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 and compliance with the BASIX requirements, arising from the development.  
(DACENC07)

## **18. 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 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 for the design and construction of the following:-

- a. All existing damaged, cracked and redundant kerb and gutter are to be reconstructed.
- b. Layby bays proposed in Evans Street and Lumsdaine Drive are not permitted and should be deleted.
- c. The width for the vehicular crossing for the loading dock shall be designed for a Heavy rigid vehicle in accordance with AS2890.2, entry to basement car park shall be 6.0 metres wide and exit from the basement car park shall be 7.0 metres wide.
- d. A 1.5 metres wide new concrete footpath in Evans Street, The Drive, Carrington Parade, Lumsdaine Drive and associated bike paths.
- e. Construction of concrete footpath where to be extended to the existing footpath.
- f. Construction of road widening and median turning centre lane in accordance with civil plans approved by the activation of the deferred commencement conditions.

- g. Construction of refuge Islands in Evans Street at either ends of the club and Lumsdaine Drive in accordance with civil plans approved by the activation of the deferred commencement conditions.
- h. Provision of street lighting to comply with Australian street lighting standards.
- i. Submission of Traffic management and Traffic control plans.

The Fee Associated with the assessment and approval of the plans is to be in accordance with Council Fees and Charges.

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)

## **19. Sub-Soil Seepage**

All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being discharged to Lumsdaine Drive 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:

- d. Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 Plumbing and drainage - Stormwater drainage
- e. 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)

## **20. 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)

## **21. 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)

## **22. Protection of Council Boardwalk**

The Concept Stormwater Plan is to be amended to ensure protection of the coastal boardwalk around South Curl Curl Headland. The outlet of the stormwater line should be located as to have no impact on the boardwalk structure at the detailed design stage. The Detailed Design for this outlet must be approved in writing by Council's Parks Reserves and Foreshores Infrastructure Maintenance Coordinator prior to the release of the Construction Certificate.

Reason: To ensure protection of Council Assets.(DACHPCPCC1)

## **23. Garbage and Recycling Facilities**

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. All internal walls of the garbage 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.

Reason: To prevent pollution of the environment and to protect the amenity of the area (DACHPCPCC2)

## **24. 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 EIS Environmental Site Assessment Report.
- 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 (i) and (ii) above are to be implemented from the commencement of works as follows:
    - i) Fortnightly during excavation works
    - ii) Monthly during building works
  - C. To ensure water quality is maintained runoff must be drained to an adequately bunded 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.
- e) 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:

- i. Protection of the Environment Operations Act 1997; and
  - ii. Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- f) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover 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:

- I. Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- II. 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. (DACHPCPCC6)

## **25. Compliance with Standards**

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

Details demonstrating compliance with the relevant Australian Standard 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)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- 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' (Note: if approval is granted) \*\*
- 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\*\*

\*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 [http://www.humanrights.gov.au/disability\\_rights/buildings/good.htm](http://www.humanrights.gov.au/disability_rights/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. (DACPLC02)

## **26. External Colours and Materials (Mixed & Apartment Buildings)**

- a) External Glazing - The reflectivity index of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20% (expressed as a per centum of the reflected light falling upon any surface).
- b) External Roofing - The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.
- c) Anti-Graffiti Coating - The finishes of the walls adjoining Evans Street and Carrington Parade must be finished in heavy duty long life, ultra violet resistant coating with a high resistance to solvents and chemicals as an anti-graffiti coating easily cleaned by solvent wipe.

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

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC04)

## **27. Surrender of Consent**

The applicant shall surrender to Council Development Consent No: DA2013/0412 in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

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

Reason: To prevent inconsistencies between consents applying to the site (ref s80A (5) EPAA & cl97 EPA Reg). (DACPLC10)

## **28. Sewer / Water Quickcheck**

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

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- f. Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- g. Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- h. Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

## **29. Geotechnical Report**

A Geotechnical Report and certificate shall be prepared by an appropriately qualified Geo-technical Engineer certifying that the existing rock formations and substrate on the site are capable of withstanding:

- a) the proposed loads to be imposed;
- b) the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- c) protection of adjoining properties;
- d) the provision of appropriate subsoil drainage during and upon completion of construction works.

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

Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process. (DACPLC14)

### **30. Requirements for Seniors Housing or Housing for Persons with a Disability**

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with all the standards specified in Schedule 3 - *“Standards concerning accessibility and useability for hostels and self-contained dwellings”*.

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

Reason: To ensure public safety and equitable access for seniors or people with a disability. (DACPLC16)

#### **30A. Stormwater Quality Management**

The Stormwater Management Report prepared by Cardno dated July 2014 must be updated to detail the proposed size, type and location of all water quality treatment devices.

The adequacy of the stormwater treatment measures shall be determined through the provision of a MUSIC Model. Modelling shall be undertaken in accordance with draft NSW Water Sensitive Urban Design Guidelines prepared by the Sydney Metropolitan CMA.

Details demonstrating compliance prepared by a suitably qualified engineer shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To comply with the stormwater quality requirements of the Warringah Development Control Plan 2011 and State Environmental Planning Policy No. 71 – Coastal Protection.

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

### **31. 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)

### **32. Bushland Protection Fencing**

Prior to the commencement of any onsite building works or commencement of vegetation clearance/modification, the boundary between the natural bushland zone and the development site construction area is to be surveyed and marked clearly on the ground with sediment fencing as described in the Erosion & Sediment Control Plan (Drawing Number NA89913027) installed to delineate this boundary.

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

Reason: To ensure that the vegetation in the restricted development area is protected during and after construction. (DACNED01)

### **33. Stormwater Outlet Location**

The Stormwater line shown in plans "Stormwater Concept Stormwater Details" (Drawing Number NA89913027-103), that drains the development site, via Lumsdaine Drive towards the ocean, requires amendments to address the following points:

1. Stormwater line must be extended so the pipe is located under the existing boardwalk with headwall located east of the track, dispersing onto the rock shelf.
2. Any modification to the track required, for example, lifting of the track, must be completed by the applicant at their expense.
3. Any traffic control, including pedestrian control and notification must be completed by the applicant.
4. Councils NEU section is to be consulted on the exact location of the headwall and stormwater line.
5. A geotechnical report is to be submitted considering the above stormwater works.
6. Details demonstrating compliance is to be submitted to the Principal Certifying Authority.

Reason: Bushland Protection. (DACNED02)

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

### **34. Flora and Fauna Impact Assessment - Mitigation Measures Implemented**

The Mitigation Measures listed in Review of Flora and Fauna Assessment for Harbord Diggers Club Redevelopment (ELA 2014) are to be implemented.

An Ecologist will provide certification that conditions relating to the Mitigation Measures are carried out. The Ecologist will ensure that all conditions relating to the biodiversity management of the property are fully implemented. The Project Ecologist is to be a vegetation management specialist and to have at least 4 years' experience in the management of native bushland in the Sydney region and have at least a TAFE Certificate III in Bush Regeneration or Conservation and Land Management - Natural Area Restoration, unless otherwise agreed by Council.

Reason: To ensure bushland management. (DACNEC07)

### **35. 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 various stages as follows:

- (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.
- (\*\*To be tested by a recognised N.A.T.A. approved laboratory).

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)

### **36. 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)

### **37. Footpath Construction**

The applicant shall construct a 1.5 metre wide footpath along the entire frontage of the development which may include a bicycle shared path of 2.5 metre wide. 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.
- 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)

### **38. 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)

### **39. 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

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)

### **40. Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.



Reason: Public Safety. (DACENE11)

#### **41. Compliance with the Contamination Management Plan**

The requirements of the Contamination Management Plan required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of any interim / final occupation certificate.

Reason: Protection of the environment, SEPP 55 compliance. (DACHPEDW1)

#### **42. Weeds**

No noxious or environmental weeds, as listed on Warringah Councils website are to be imported on to the site.

Any noxious weeds or environmental weeds on the site are to be managed continuously, in accordance with the Noxious Weeds Act 1993

Details prepared in writing demonstrating compliance is to be submitted to the Principal Certifying Authority.

Reason: To ensure bushland and riparian management. (DACNEE02)

#### **43. Environment Protection Induction**

The requirements of the Mitigation Measures listed in Review of Flora and Fauna Assessment for Harbord Diggers Club Redevelopment (ELA 2014) must be followed in full to ensure that construction impacts on the environment are minimised. A copy of the Mitigation Measures must be kept in the site office. It must be read and applied by the project manager and site foreperson and all necessary details passed onto staff.

Site-induction personnel will be able to:

- a) Be familiar with the names and contact details of relevant people and authorities in the event of any environmental or site management emergency that may arise.
- b) Be familiar with the presence of the Restricted Development Area (RDA) precinct and its environmental significance even though the RDA will be fenced prior to construction commencing.
- c) Be familiar with the location of trees with hollows and the importance of tree hollows to a variety of wildlife species and the protection and significance of tree hollows.
- d) Be familiar and aware of the presence of weed locations, spoil mounds and the potential of weed infections and weed seed propagules accidentally being introduced to the site.
- e) Identify threatened species of fauna that may venture into the subject site.
- f) Be familiar with animal welfare issues and procedures should human-wildlife interactions take place during the construction phase.

- g) Have an understanding of flora and fauna management issues.
- h) Be aware of where the location of environmental equipment is stored and have the ability to utilise environmental protection equipment in an emergency.

Details prepared in writing demonstrating compliance is to be submitted to the Principal Certifying Authority.

Reason: Protection of Bushland. (DACNEE03)

#### **44. Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

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

#### **45. Work as Executed plans for Road Works**

A suitably qualified Civil Engineer shall certify that the completed road works, refuge island and footpath works have been constructed in accordance with this consent and the approved Construction Certificate plans. Works as Executed data certified by a registered surveyor shall be submitted to Council prior to the issue of the Occupation Certificate.

Reason: To ensure compliance of drainage works with Council's specification for engineering works (DACENFPO1)

#### **46. Sydney Water Approval**

Prior to occupation certificate (Interim or Final), submit to the Principal Certifying Authority written evidence from Sydney Water regarding evidence of a trade waste agreement.

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

Reason: Statutory requirement of Sydney Water (DACHPF05)

#### **47. Pool Safety**

- a) Compliance with the Public Health Regulation 2012 "Requirements for Public Swimming Pools and Spa Pools"
- b) Registration of pool/spa with Council
- c) Provision of a Child Resistant safety barrier, compliant with The Swimming Pools Act 1992 and Swimming Pools Regulation 2008

Reason: To ensure Public Health and Safety(DACHPFPOC1)

#### **48. Legionella control**

Cooling towers, warm water systems, water cooling systems must be registered with the Council and the systems are to be maintained and certified in accordance with the provisions of the *Public Health Act, 2010*. Details of registration are to be provided to the Council prior to issue of the Occupation Certificate.

Reason: To comply with the provisions of the Public Health Act 201 (DACHPFPOC2)

#### **49. Kitchen Design, construction and fit out of food premises certification**

Prior to the issuing of the relevant interim / final occupation certificate, certification is to be provided from a person who is eligible as a 'Member' of Environmental Health Australia (EHA) that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

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

Reason: To ensure that the kitchen complies with the design requirements.  
(DACHPFPOC3)

#### **50. Mechanical Ventilation certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

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

Reason: To ensure that the mechanical ventilation system complies with the design requirements. (DACHPFPOC4)

#### **51. Sound restrictions of tools and equipment (car wash bays)**

All tools and appliances used for the washing and cleaning of cars shall be acoustically treated and remain within the car wash area such that the noise emanating from them shall not exceed 5dBA when measured at any residential boundary during any 15-minute period.

Reason: To ensure noise from the car wash does not impact on the surrounding amenity.(DACHPFPOC4)

## **52. Compliance with Contamination Management Plan**

Prior to the issue of any interim / final occupation certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the Contamination Management Plan have been complied with throughout excavation, demolition and development work stages. The certification shall also include:

- a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
- c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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

Reason: Protection of the environment, SEPP 55 compliance. (DACHPFPOC5)

## **53. Asbestos & Hazardous Material**

In relation to the demolition of the existing building (or part of a building) on the site:

- a) A report prepared by an appropriately qualified person (such as an occupational hygienist or environmental consultant) is to be submitted to the Principal Certifying Authority [prior to the commencement of works / with the Construction Certificate application], detailing whether any asbestos or hazardous materials exist on the site that are affected by the proposed building works (e.g. lead in paints and ceiling dust or asbestos).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with Australian Standard AS2601 – The Demolition of Structures and the following conditions, including dust control and WorkCover requirements.

- b) Should any hazardous materials be identified as per item (a), a Hazardous Substances Management Plan (HSMP) shall be submitted to the Principal

Certifying Authority at least seven (7) working days prior to work commencing. The HSMP must satisfy the requirements of Work Health and Safety Regulation and Australian Standard AS2601 – The Demolition of Structures. The report shall contain details regarding:

- i. The type of hazardous material
  - ii. The level or measurement of the hazardous material in comparison to National Guidelines;
  - iii. Proposed methods of containment; and
  - iv. Proposed methods of disposal;
  - v. Details of signage to be provided on the site to comply with the provisions of the Work Health and Safety Regulation, to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-containing material in a place at which construction work is being carried out.
- c) Where unacceptably high levels of lead are found in a premises to be demolished, item (b) is to be followed, and if directed by the appropriately qualified person, the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition and the results submitted to the Principal Certifying Authority. This will determine whether remediation of the site is necessary.
- d) The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Details demonstrating compliance with these requirements are to be approved by the Principal Certifying Authority [prior to the commencement of works and submitted with the Construction Certificate application].

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily (DACHPFPOC5)

#### **54. Adaptive Re-Use**

A Structural Engineer must certify that those elements of the existing Club building, which were nominated to be retained for adaptive re-used in the proposed development in the Structural Engineers report titled “Adaptive Re-use of Existing Buildings – Proposed Construction Methodology”, dated 31 July 2014 have been adaptively re-used in the development.

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

Reason: To ensure compliance with the approved development and to ensure the proposal retains its integrity as an adaptive re-use of the existing club building.

#### **55. Washing of Vehicles**

Washing of vehicles/boats is to be conducted in a car washbay, which is roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a Trade Waste Agreement from Sydney Water. Alternative water management and disposal options may be possible where water is recycled, minimised or re-used on the site. Any such option is to comply with:

Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section Small Business (Car Washing Waste)

Environment Protection Authority's Environment Protection Manual for Authorised Officers – Technical Section Water (Bunding and Spill Management).

Reason: To ensure that wastewater is disposed of in a manner that is not harmful to the environment. (DACHPFPOC6)

## 56. 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                           | Pot Size                           |
|------------------------|---|------------------------------------|------------------------------------|
| All trees              | As indicated on the approved landscape plan prepared by JMD | As indicated on the Landscape Plan | As indicated on the Landscape Plan |

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)

## 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/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

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. Certification of Drainage Works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' shall be submitted to the Council for approval prior to the issue of the Occupation Certificate. Council's guidelines for drainage works are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084731guidelineforpreparingworksasexecuteddataforcouncilstormwaterassets2.pdf>

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

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACNEF12)

## **59. 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)

## **60. 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)

## **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. Intercom**

An intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking.

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)

## **63. Undergrounding of Telecommunications Services**

Arrangements are to be made for the provision of underground telecommunications services to the building.

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

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACPLF06)

## **64. 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)

## **65. Sydney Water**

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 any interim / final Occupation Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLF08)

## **66. Occupation of Seniors Housing or Housing for Persons with a Disability**

A Positive Covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- a) seniors or people who have a disability;

- b) people who live within the same household with seniors or people who have a disability;
- c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and/or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

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

Reason: Statutory requirements. (DACPLF11)

#### **67. Certification of completion of requirements for Seniors Housing or Housing for Persons with a Disability**

Details demonstrating that all stipulated requirements of this development consent for Seniors Housing or Housing for Persons with a Disability have been completed.

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 statutory requirements have been completed, public safety, and equitable access for seniors of people with a disability. (DACPLF12)

#### **68. Electrical Substations**

The applicant shall dedicate the land where required for an electricity sub-station as a public road, if requested by the energy authority. The substation must be located within the development site. The dedication is to be detailed on the plans 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)

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

### **69. Requirement to notify about new contamination evidence**

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

Reason: To protect human health and the environment. (DACHPGOG5)

### **70. Duty to Notify of pollution incidents**

Pollution incidents causing or threatening harm to the environment must be reported to Council, the DEC or the appropriate regulatory authority as soon as practicable.

Reason: Statutory requirement under Protection of the Environment Operations Act 1997 (DACHPGOG5)

### **71. Storage of Liquid**

Adequate holding facilities shall be constructed for the storage of new and waste oils and other bulk liquids in accordance with AS 1940-2004 The Storage and Handling of Flammable and Combustible Liquids before commencement of use.

Reason: To ensure waste liquids are correctly contained (DACHPGOG6)

### **72. Allocation of Spaces**

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

- 135 spaces - Senior Housing
- 20 spaces - Senior Housing visitors
- 527 spaces - Registered Club including the associated facilities
- 23 spaces – Child Care Centre

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.

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)

### **73. 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)

#### **74. Hours of Operation**

The hours of operation of the Child Care Centre are to be restricted to 7am – 7pm Monday to Fridays (inclusive).

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained. (DACPLG08)

#### **75. Commercial Waste Collection (DACPLG18)**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.(DACPLG18)

#### **76. Loading Within Site**

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

#### **77. Delivery Hours**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

#### **78. Commercial Waste Collection**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 9pm and 7am on any day.

Reason: To ensure the acoustic amenity of surrounding properties. (DACPLG24)

#### **79. Restriction of Landscaping on the Roofs**

The landscaping on the roof of all new buildings is not to exceed the height of the parapet of each building.

Reason: To maintain views of the adjoining properties.