

## 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
0002 – SITE PLAN – Rev A	21/12/2015	Crone Architects
0003 – SITE ANALYSIS PLAN – Rev C	16/09/2016	Crone Architects
0004 – GA BASEMENT LEVEL 3 – Rev G	19/04/2017	Crone Architects
0005 – GA BASEMENT LEVEL 2 – Rev I	19/04/2017	Crone Architects
0006 – GA BASEMENT LEVEL 1 – Rev J	19/04/2017	Crone Architects
0007 – GA GROUND LEVEL – Rev L	19/04/2017	Crone Architects
0008 – GA LEVEL 01 – Rev K	19/04/2017	Crone Architects
0009 – GA LEVEL 02 – Rev J	19/04/2017	Crone Architects
0010 – GA LEVEL 03 – Rev I	19/04/2017	Crone Architects
0011 – GA LEVEL 04 – Rev G	19/04/2017	Crone Architects
0012 – GA LEVEL 05 – Rev F	01/03/2017	Crone Architects
0013 – GA LEVEL 06 – Rev G	01/03/2017	Crone Architects
0014 – GA LEVEL 07 – Rev F	01/03/2017	Crone Architects
0015 – GA LEVEL 08 – Rev G	19/04/2017	Crone Architects
0016 – GA LEVEL 09 – Rev F	19/04/2017	Crone Architects
0017 – GA LEVEL 10 – Rev F	19/04/2017	Crone Architects
0018 – GA LEVEL 11 – Rev F	19/04/2017	Crone Architects
0019 – GA LEVEL 12 – Rev F	19/04/2017	Crone Architects
0020 – GA LEVEL 13 – Rev F	19/04/2017	Crone Architects
0021 – GA LEVEL 14 – Rev F	19/04/2017	Crone Architects
0022 – GA LEVEL 15 – Rev E	02/09/2016	Crone Architects
0023 – GA LEVEL 16 – Rev F	15/12/2016	Crone Architects

0024 – GA LEVEL 17 – Rev E	02/09/2016	Crone Architects
0025 – GA ROOF PLAN – Rev E	02/09/2016	Crone Architects
0026 – ELEVATIONS – Rev G	01/03/2017	Crone Architects
0027 – ELEVATIONS – Rev F	16/09/2016	Crone Architects
0028 – ELEVATIONS – Rev F	01/03/2017	Crone Architects
0029 – ELEVATIONS – Rev E	16/09/2016	Crone Architects
0030 – ELEVATIONS – Rev F	16/09/2016	Crone Architects
0031 – ELEVATIONS – Rev G	01/03/2017	Crone Architects
0032 – ELEVATIONS – Rev E	16/09/2016	Crone Architects
0033 – ELEVATIONS – Rev F	01/03/2017	Crone Architects
0034 – ELEVATIONS – Rev F	01/03/2017	Crone Architects
0035 – ELEVATIONS – Rev F	01/03/2017	Crone Architects
0036 – ELEVATIONS – Rev F	16/09/2016	Crone Architects
0037 – ELEVATIONS – Rev E	16/09/2016	Crone Architects
0038 – SECTION AA – Rev C	16/09/2016	Crone Architects
0039 – SECTION BB – Rev C	16/09/2016	Crone Architects
0040 – SECTION CC – Rev C	16/09/2016	Crone Architects
0041 – SECTION DD & EE – Rev C	16/09/2016	Crone Architects
0042 – SECTION FF – Rev C	16/09/2016	Crone Architects
0043 – SECTION GG – Rev C	16/09/2016	Crone Architects
0044 – SECTION HH – Rev C	16/09/2016	Crone Architects
0045 – SECTION JJ & KK – Rev C	16/09/2016	Crone Architects
0050 – GFA SHEET 00 – Rev D	12/01/2017	Crone Architects
0051 – GFA SHEET 01 – Rev E	15/12/2016	Crone Architects
0052 – GFA SHEET 02 – Rev E	15/12/2016	Crone Architects
0053 – GFA SHEET 03 – Rev C	16/09/2016	Crone Architects

0054 – GFA SHEET 04 – Rev C	16/09/2016	Crone Architects
0055 – GFA SHEET 05 – Rev H	16/01/2017	Crone Architects

<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>
Access Review	16 December	MGAC – Morris Goding Accessibility Consulting.
Arboricultural assessment Report	21 January 2015	Peter Richards Tree & Landscape Consultants
Crime Risk and security Report	8 January 2016	Meriton Property Services Pty Ltd & Karimbla Constructions Services ( NSW ) Pty Ltd
Waste Management	9 June 2016	Elephants Foot Recycling Solutions
Qualitative Wind Assessment	11 January 2016	SLR Global Environmental Solutions Australia Pty Ltd
Reflectivity Assessment	23 February 2016	SLR Global Environmental Solutions Australia Pty Ltd
Acoustic Report	13 January 2016	Acoustic Logic
Building Code of Australia Compliance Assessment Report	18 January 2016	AED Group
Flora and Fauna Assessment Part 1	19 October 2015	Niche Environment and Heritage
Flora and Fauna Assessment Part 2	16 November 2015	Niche Environment and Heritage
Dee Why Town Centre Response to Northern Beaches Council Comments Reference: 16.367I03v02	24 March 2017	Traffix

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Landscape Development Application – Issue E –	Dec 2016	Arcadia Landscape Architecture

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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 all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	eServices Reference	Dated
Ausgrid	Response Ausgrid Referral	18 February 2016
NSW Police Force	Response NSW Police Force Referral	18 February 2016
Department of Primary Industries Water	Response Department of Primary Industries Water Referral	4 March 2016
Roads & Maritime Services	Response Roads & Maritime Services Referral	18 August 2016
Roads & Maritime Services	Response Roads & Maritime Services Referral	18 October 2016
Water Regulation – Coastal (previously known as Department of Primary Industries Water)	Response Water NSW Referral	7 November 2016
Transport for NSW	Response Transport for NSW Referral	17 January 2017

(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 Planning 2011 (WLEP 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. 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 (PCA) for the work,
  - 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,
  - 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 PCA 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:
    - C. The name of the owner-builder, and
    - D. 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 PCA 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,
  - ii. Where necessary, underpin the adjoining premises to prevent any such damage,
  - iii. Must, at least seven 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)

## 5. General Requirements

- a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- i. 7am to 5pm inclusive Monday to Friday,
- ii. 8am to 1pm inclusive on Saturday,
- iii. No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- i. 8am to 5pm 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 four 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 one 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) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the BCA prior to the occupation of the new works.
- g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- h) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- j) 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*.
- k) 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.

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 seven days.

m) 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)

n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- i. Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following relevant legislative requirements and relevant Australian Standards (AS) (including but not limited) to:

A. *Swimming Pools Act 1992*,

B. *Swimming Pools Amendment Act 2009*,

C. *Swimming Pools Regulation 2008*,

D. AS 1926 Swimming Pool Safety,

E. AS 1926.1 Part 1: Safety barriers for swimming pools,

F. AS 1926.2 Part 2: Location of safety barriers for swimming pools.

- ii. A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- iii. Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- iv. Swimming pools and spas must be registered with the Division of Local Government.

o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- i. AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- ii. AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

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

## 6. Development to be within site boundaries

The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

Reason: To ensure the development is constructed within the development site. (DACPLBOC1)

# FEES / CHARGES / CONTRIBUTIONS

## 7. Policy Controls

Northern Beaches Council 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:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 133,008,504.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 1,263,580.79
Section 94A Planning and Administration	0.05%	\$ 66,504.25
Total	1%	\$ 1,330,085.04

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.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the PCA.

Reason: To provide for contributions in accordance with Northern Beaches Councils Development Contributions Plan.

## 8. Security Bond

A bond (determined from cost of works) of \$10,000 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.

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.



To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

Reason: To ensure adequate protection of Council's infrastructure.

## **9. Works Bonds**

a) Construction, Excavation and Associated Works Bond (Road and kerb and gutter works)

A Bond of \$1,000,000 as security against any damage or failure to complete half road construction works and kerb and gutter works including traffic control devices and line marking as specified, along the Oaks Avenue and Howard Avenue frontages as required as part of this consent.

b) Construction, Excavation and Associated Works Bond (Drainage)

A Bond of \$250,000 as security against any damage to Council's existing drainage systems adjoining the site.

c) Construction, Excavation and Associated Works Bond (Footpath Paving works and associated street furniture)

A Bond of \$1,000,000 as security against any damage or failure to complete the construction of any vehicular crossings, footpath paving/streetscape and associated works required as part of this consent. This bond is also to cover associated street furniture works, bus shelters, street lighting and street tree planting.

d) Construction, Excavation and Associated Works Bond (Pollution)

A Bond of \$100,000 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.

e) Construction, Excavation and Associated Works Bond (Damage to Council's Roads and Stormwater Drainage systems)

A bond of \$500,000 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.

f) Construction, Excavation and Associated Works Bond (Maintenance for civil works)

The developer/applicant must lodge with Council a Maintenance Bond of \$500,000. The maintenance bond is required to be submitted to Council after the all road and footpath construction works are completed and accepted in writing by Council. This maintenance bond can be exchanged upon agreement with Council for all the other engineering works bonds that are held. The Maintenance Bond will only be refunded on completion of the 12 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 road and footpath works inspection as determined by Council (minimum (20) twenty inspections).

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

The Bonds lodged to Council can be in the form of a unconditional Bank Guarantee with no expiration date.

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

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATES**

### **10. Design Quality Excellence**

In order to ensure that design quality excellence of the development is retained:

- a) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
- b) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project.

Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.

Reason: to ensure the design quality of the project is retained.

### **11. Compliance with Standards**

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

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) AS 2601.2001 - Demolition of Structures\*\*,
- b) AS 4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*,
- c) AS 4282:1997 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\*\*,
- n) AS 4674 Design, construction and fit out of food premises,
- o) AS1668 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 [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)

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)

## 12. Geotechnical Report

A Geotechnical Report and certificate shall be prepared by an appropriately qualified Geotechnical 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)

## 13. 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 NSW Department of Primary Industries - Water. The bore license must be obtained prior to commencement of dewatering works. All requirements of the NSW Department of Primary Industries - Water 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)

#### **14. Detailed Design of Stormwater Quality System**

A certificate from a Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3), stating that the stormwater quality management system has been designed in accordance with the Stormwater Drainage Plan prepared by Storm Consulting dated 19.05.16 drawing number 1793 CO1.

The certificate shall be submitted to the PCA prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment (DACENCPC1)

#### **15. Flood**

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

a) Stormwater and Flooding Management

- i. The finished floor level of all commercial premises, residential lobbies and all basement carpark stormwater entry points must be at or above the relevant Flood Planning Level. If this cannot be achieved for the units annotated on the stamped plans as Retail 1 and Retail 2 then these entry points are to be protected by mechanical/hydraulic flood barrier system to or above the Flood Planning Level.
- ii. Details of any flood barrier system are certified by a structural engineer as being able to withstand the hydrostatic and impact loads. The flood barrier system is to be approved by the PCA prior to the issue of the construction certificate.

b) Flood Protection

All new building works and services shall be designed to withstand the hydraulic forces of the floodwaters up to the relevant Flood Planning Level. Buoyancy, flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed. Structural details for the construction for all elements are to be prepared by a suitably qualified Engineer.

c) Basement Car Parking

The basement car park must have a ramp with a crest set at or above the relevant Flood Planning Level. All potential basement water access points, including fire stairs, shall be protected from flooding up to the relevant Flood Planning Level. A registered surveyors report is to be prepared certifying that the driveway crests are above the flood planning level. Details are to be provided to the PCA prior to the issue of any interim/ final Occupation Certificate.

d) Habitable Rooms

No approval is granted by this development consent for habitable rooms (as defined by the New South Wales Floodplain Development Manual) unless they are protected up to the relevant Flood Planning Level.

e) Hazardous Chemicals

Hazardous Chemicals are not to be stored in areas not protected up to the relevant Flood Planning Level.

f) Flood Impact

A report from a suitably qualified engineer is required to demonstrate that there will be no negative impact on flooding for neighbouring properties and public areas in all flood events up to and including the Probable Maximum Flood event. This would include demonstrating that there is no diversion of overland flows to new paths or increase/concentration of flows, including in the vicinity of the drainage easement to the east of the site.

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)

## **16. Pre-Construction Dilapidation Survey**

A pre-construction Dilapidation Survey of Council's Stormwater Assets (Including Oaks Avenue and Howard Avenue stormwater drainage and the adjoining box culvert) is to be prepared by a suitably qualified engineer in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACNEC20)

## **17. Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) which addresses construction vehicle access to and from the site during construction must be provided for Council's consideration. Where it is intended to operate traffic control the Construction Management Plan is to provide a Traffic Management Plan authorised by a suitably qualified individual in accordance with the RMS traffic control at worksites manual.

A CTMP shall be submitted to Council for approval prior to the issue of a Construction Certificate. The program shall detail:

- a) The proposed method of access to and egress from the site for 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,
- b) The proposed phases of construction works on the site, and the expected duration of each construction phase,
- c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
- d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
- e) The proposed method of loading and unloading 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,

- f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
- g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
- h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent,
- i) Proposed protection for Council and adjoining properties,
- j) The location and operation of any on site crane.

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.

## 18. Amendments to the Approved Plans

The following amendments are to be made to the approved plans:

- a) Landscape Planter on Level 02 - The non-trafficable raised landscape planter which is adjacent the western boundary of No.23 Howard Avenue on Level 2 of the development, in the communal open space area labelled "Landscaped Area" on the plans, is to be increased in width from 3m to 5m and suitable screening planting is to be provided,
- b) Terrace for Unit C-02-17 - The terrace area for Unit C-02-17 is to be reduced in size to accommodate the widening of the raised landscape planter referred to in (a) above,
- c) Terrace for Unit B-02-13 - The terrace area for Unit B-02-13 fronting the communal courtyard on Level 2 is to be deleted to accommodate the widening of the raised landscape planter referred to in (a) above,
- d) Facade Treatment for Service Room Walls and Doors - The Substation Rooms, Valve Room and Switch Room walls and doors fronting Oaks Avenue and Howard Avenue are to be provided with suitable architectural treatment (in the form of grills, louvres, public art or similar) to integrate these elements with the character of the building and the enhance their visual appeal, to the approval of Council.
- e) Supermarket Facades - The external facade of the Supermarket fronting the Town Square and Pedestrian Link is to be maintained as "see-through" glazed elements and not obscured with advertising, promotional material or signage that will diminish the openness of these facades,
- f) Pedestrian Refuge Islands - The pedestrian refuge islands in the footpath areas of Howard Avenue are to be deleted.
- g) Stepping of West Elevation and Treatments (Level 01-02)
  - The stepping of west elevation at Level 01-02 is to be in accordance with Plan No. CA3103 (rev G) dated 14.3.2017.
  - A clear glass balustrade is to be provided on the western boundary (within the site) to the minimum height required under the Building Code of Australia.

- The horizontal surfaces within the stepped wall are to be finished with stone pebbles.
- The vertical facades within the stepped wall are to be finished with natural sandstone or limestone facing.

- h) Art Wall - The provision of public art to the eastern elevation on the Ground Floor level facing Council's drainage reserve / pedestrian path. The design of the art work shall be in accordance with Council's Dee Why Town Centre Place Making and Public Art Specification and approved by Council's Public Art Consultant for Dee Why Town Centre.

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

Reason: To ensure development minimises unreasonable impacts in accordance with WLEP2011 and WDCP. (DACPLB02)

## 19. Additional Privacy Screens

Privacy screens are to be provided for the following Units:

- a) Unit B-02-14 - A 1.65m privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost eastern edge of the terrace located at the courtyard of Unit B-02-14. The privacy screen is to extend forward 500mm into the courtyard and shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the building.
- b) Unit C-02-17 - A 1.65m privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost east/northern edge of the terrace located at the courtyard of Unit C-02-17. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the building.

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

## 20. On-site Stormwater Detention Compliance Certification

The submission of drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and generally in accordance with the concept drawing by Storm Consulting, drawing numbers 1793 C01,P02,P03,D04 (Sheets 1-4) dated 19 May 2016 and also the "On Site Detention Analysis" report dated May 2016.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval 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)

## 21. 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)

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

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four copies of Civil Engineering plans for the design of road and footpath/streetscape construction works in Pittwater Road, Howard Avenue and Oaks Avenue which are to be generally in accordance with the Tract Streetscape Upgrade works plans approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or 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 compliance with Council's specification for engineering works. (DACENC08)

## **23. Vehicle Crossings Application Formwork Inspection**

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

Reason: To facilitate suitable vehicular access to private property. (DACENC12)

## **24. Soil & Water Management Program**

A Soil and Water Management Plan prepared in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and implemented on site until the works are completed.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACHPC02)

## **25. 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 conditions contained within the Site Audit Statement No LBJ14/05, prepared by Geosyntec Consultants for the Environmental Protection Agency (EPA) 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 Council and the PCA.

- d) A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:
  - i. During construction in order to monitor water and soil quality the following is to be implemented:
    - A. Water testing is to be completed in accordance with Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring,
    - B. Soil Testing in order to detect contaminants is occur weekly with two samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.
  - ii. The requirements of (A) and (B) above are to be implemented from the commencement of works as follows:
    - A. Fortnightly during excavation works,
    - B. Monthly during building works.
- e) 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.

- 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 three 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. EPAs 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 EPA and the provisions of all relevant Acts, Regulations and Guidelines.

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

- i. EPAs 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:
    - i. 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material to and from site.

- ii. Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall be suitable for the use on the land.
- iii. 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, State Environmental Planning Policy 55 - Remediation of Land compliance. (DACHPCPC6)

## **26. External Colours and Materials (Mixed Development)**

### 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 Pittwater Road, Oaks Avenue and Howard Avenue 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 Development Consent**

The applicant shall surrender Development Consent No: DA2007/1249 to Northern Beaches Council in accordance with the requirements of the EP&A 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) EPA&A Act 1979 & cl97 EPA & Regulations 2000). (DACPLC10)

## **28. Design Verification in Respect of State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development**

Prior to a Construction Certificate being issued with respect to this development, the PCA is to be provided with a written Design Verification Statement from the Project Architect. The Statement must include verification from the designer that the plans and specifications achieve or improve the design quality of the development to which this consent relates, having regard to the Design Quality Principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

Reason: Compliance with Clause 143A of the EPA Regulation 2000.

### **29. Lighting**

Lighting shall be provided to the building entrance, all common areas including underawning lighting, as well as the stairs and access to the outdoor courtyard, communal gardens and the bin storage rooms. Such lighting to be automatically controlled by time clocks, and where appropriate, sensors to provide an energy efficient and controlled environment for residents. Lighting, both internal and external, will be provided in accordance with AS. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

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

Reason: Compliance with Australian Standards.

### **30. Entry Ramp Grade**

The grade of the first 6m into the carpark behind the building boundary shall be 5%.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards.

### **31. Pedestrian sight distance at property boundary**

A pedestrian sight triangle of 2m by 2.5m, shall be kept clear of obstructions to visibility at all vehicular access to the property in accordance with AS 2890.1:2004.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of a Construction Certificate.

Reason: To maintain pedestrian safety and compliance with Australian Standards.

### **32. Waste and Recycling Requirements**

Details demonstrating compliance with WDCP – Part C9 Waste Management, including the required Warringah Waste Management Plan, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

The bin rooms are also to be consistent with the plans (Waste Management Plan prepared by Elephants Foot) submitted by the applicant and approved by relevant Waste Officers.

**Note:** If the proposal, when compliant with WDCP – Part C9 Waste Management, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided. (DACWTC01)

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

### **33. Erosion and Sediment Controls**

Erosion and sediment controls shall be installed and maintained in accordance with the Soil and Water Management Plan prepared by Storm Consulting dated 27.05.16 drawing number 1793 D02 and Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004).

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised.

Reasons: Protection of the environment.

#### **34. 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 \$10 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 Northern Beaches 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 THE BUILDING WORK**

#### **35. Town Plaza Soil Volume and Type**

- a) The design of the Town Plaza is to provide adequate soil volume and soil type for the establishment of proposed trees to sustain their height at maturity.
- b) Soil volume and type is to be provided accordance with the principles contained in Part 4 - Technical of Landcom's Street Tree Design Guidelines.
- c) To achieve the required soil volume, soil for tree growth is to be incorporated under paved areas utilizing techniques such as structural soils or vaulted soil repositories as required.
- d) The on-slab soil depth to the Terrace Lawn area shall provide for a minimum of 300mm soil. This depth excludes the depth required by drainage provisions.
- e) The on-slab soil depth to the Wave Timber Seating/Planter area shall provide for a minimum of 900mm soil for the proposed tree planting. This depth excludes the depth required by drainage provisions.
- f) The on-slab soil depth to support tree planting shall be a minimum of 900mm soil. This depth excludes the depth required by drainage provisions.
- g) All planters and on-slab planting areas shall be waterproofed to all internal sides, and shall drain to the stormwater system.
- h) All planters and on-slab planting areas shall be serviced by an automated sub-surface 'drip-line' irrigation system.

Details demonstrating compliance are to be submitted to the PCA.

Reason: Tree and vegetation establishment and maintenance. (DACLACPCC1)

#### **36. Progress Certification (Road, Footpath and Streetscape Works)**

Written certification is to be provided by a suitably qualified Engineer upon completion and/or

as and when requested by the Council for the following stages of the streetscape works including footpath paving and road reconstruction works in Howard Avenue and Oaks Avenue, footpath paving works in Pittwater Road.

- 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 PCA.

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)

### **37. Tree protection**

Tree protection:

- a) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- b) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- c) All tree protection to be in accordance with the Arboricultural Assessment Report dated 21st January 2015 prepared by Tree and Landscape Consultants and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- d) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees AS4970-2009 Protection of trees on development sites.
- e) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Details demonstrating compliance are to be submitted to the PCA.

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

### **38. Tree Protection Plan**

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

- a) A Tree Protection Plan prepared by a AQF Level 5 Arborist (or equivalent) showing the following:
  - i. Layout of the approved development,

- ii. Location of trees identified for retention,
  - iii. Extent of canopy spread,
  - iv. Location of tree protection fencing / barriers (fencing in accordance with AS2470 – 2009),
  - v. General tree protection measures.
- b) The Tree Protection Plan is to be submitted to the PCA for approval prior to issue of a Construction Certificate.
- c) Tree protection measures identified on the plan are to be in place prior to commencement of works.

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

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

### **39. Stormwater Pipeline Construction**

Where connection to Council's nearest stormwater drainage system is required, being Howard Avenue 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 PCA.

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

### **40. Surveyor's Report**

A Registered Surveyor's identification report indicating the finished ground floor levels and driveway entry levels to a nominated fixed datum point are in accordance with the levels indicated on the approved plans. A Surveyor's Report is to be provided for confirmation prior to pouring of the slab or construction of the floor platform.

Details demonstrating compliance are to be submitted to the PCA.

Reason: To ensure the height of buildings under construction comply with levels shown on approved plans. (DACENE04)

### **41. Vehicle Crossings**

The provision of two vehicle crossing (One Vehicle Crossing in Howard Avenue and one Vehicle Crossing in Oaks Avenue) are to be in accordance with Warringah Council Drawing No A4-3330/ Normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. 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 PCA.

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

#### **42. 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)

#### **43. Footpath/Streetscape Upgrade works**

The applicant shall reconstruct the footpaths in Pittwater Road, Howard Avenue and Oaks Avenue. 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 the Tract streetscape upgrade plans for the Dee Why Town Centre.

The works are also to include the construction of street furniture, bus shelters, street lighting, landscaping and signage.

- b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's policies and specifications.

Details demonstrating compliance are to be submitted to the PCA.

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

#### **44. Layback Construction**

Two laybacks (Oaks Avenue and Howard Avenue) are to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

#### **45. 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)

#### **46. 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 PCA.

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)

#### **47. Footpath Paving works Pittwater Road Frontage**

The pedestrian area beneath the colonnade fronting Pittwater Road is to be fully paved in accordance the Tract Streetscape upgrade plans. The works are to be designed and integrated with the specification and levels of the adjacent footpath area.

Reason: To ensure compliance with Councils specifications for footpath works. (DACENEDW2)

#### **48. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the PCA.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

#### **49. 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 Northern Beaches 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 PCA.

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**

#### **50. Dedication of Private Land**

The area of land on the Oaks Avenue frontage of the site measuring 6.095m x 30.485m, shall be dedicated to Council for use as part of the public pedestrian thoroughfare. Any control point/boom gate located within the newly defined boundary of the site.

Details demonstrating compliance must be submitted to the PCA.

Reason: To ensure adequate space for public thoroughfare.

#### **51. Height of Buildings**

The height of all buildings are not to exceed the building heights approved under this consent and specified on the WLEP 2011 Height Map for Site B and no consent is granted to additional or ancillary roof structures such as plant rooms, railings, stairwells or the like or for use of the roof top for recreational purposes.

Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with the above, to the satisfaction of the PCA.

Reason: To ensure compliance with the terms of this consent and WLEP 2011. (DACPLBOC2)

#### **52. 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 PCA prior to the issue of any interim/final occupation certificate.

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

### 53. Pool Safety

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

- a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:
  - i. Swimming Pools Act 1992;
  - ii. Swimming Pools Amendment Act 2009;
  - iii. Swimming Pools Regulation 2008;
  - iv. AS 1926 Swimming Pool Safety;
  - v. AS 1926.1 Part 1: Safety barriers for swimming pools;
  - vi. AS 1926.2 Part 2: Location of safety barriers for swimming pools.
- b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.
- c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water’s requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.

A warning sign stating ‘**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**’ has been installed.

- i. Signage showing resuscitation methods and emergency contact.
  - ii. All signage shall be located in a prominent position within the pool area.
- d) Swimming pools and spas must be registered with the *Division of Local Government*.

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

Reason: To protect human life (DACPLF09)

### 54. Loading Dock Management Plan

A Loading Dock Operational Management Plan shall be submitted to Council detailing the daily operation of the loading docks, including the following:

- a) Location of the loading bays, truck routes and size of vehicles that are permitted at the loading docks.
- b) Servicing arrangements, including hours of operation, frequency and types of deliveries and information regarding the transport of goods within the development.
- c) Management procedures including details of the loading dock manager, loading dock booking arrangements, induction, driver responsibilities, complaints management systems and monitoring.
- d) The procedure for vehicles with a greater height than 3.6m requiring use of the Howard Avenue loading dock, and internal circulation map for the transport of goods from this loading dock to the residential, retail and commercial tenancies (including the buildings fronting Oaks Avenue and Pittwater Road).

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

Reason: To ensure the safety of the development.

### **55. Howard Avenue Delivery Dock**

Vehicles servicing the site from the Howard Avenue Delivery Dock shall comply with the following requirements:

- a) All vehicular entries and exits shall be made in a forward direction.
- b) All deliveries to the premises shall be made to the loading bay provided.
- c) All vehicles awaiting loading or unloading shall be parked on-site and not on adjacent or nearby streets.
- d) No vehicle over 15m long shall access the driveway to the delivery dock off Howard Avenue.
- e) No other movements other than left-in and left-out are permitted at the access driveway to the loading dock fronting Howard Avenue. A suitable raised non-mountable median island shall be installed to physically restrict unpermitted movements into/out of the driveway. Relevant plans and engineering details of the median island shall be submitted to Council for approval prior to installation.

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

Reason: To manage traffic flow and deliveries to the development.

### **56. Oaks Avenue Delivery Dock**

Vehicles servicing the site from the Oaks Avenue Delivery Dock shall comply with the following requirements:

- a) All vehicular entries and exits shall be made in a forward direction.
- b) All deliveries to the premises shall be made to the loading bay provided.
- c) All vehicles awaiting loading or unloading shall be parked on-site and not on adjacent or nearby public roads.
- d) No vehicle over 8.8m long and 3.6m high shall access the access driveway. Appropriate regulatory and warning signs shall be installed to indicate the available to the loading dock entrance clearance prior to the loading entrance.

- e) That a review of the operation of the loading dock access driveway at Oaks Avenue be undertaken six months after the completion of the development. The review report shall be submitted to Council for consideration.

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

Reason: To manage traffic flow and deliveries to the development.

#### **57. 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 PCA prior to the issue of any interim/final Occupation Certificate.

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

#### **58. Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title 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 PCA prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF02)

#### **59. 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 PCA prior to the issue of any interim/final Occupation Certificate.

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

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

A restriction as to user 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 Northern Beaches Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the PCA 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)

#### **61. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

**Note:** The following Standards and Codes applied at the time of determination:

- a) AS/NZS 3500.3 - 2003 - Plumbing and drainage - Stormwater drainage,
- b) AS/NZS 3500.3 - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage,
- c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

## **62. On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a work-as-executed 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 PCA prior to the issue of any interim/final Occupation Certificate.

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

## **63. Certification of Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Northern Beaches Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. Landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted). Where any Council stormwater pipeline is located under part of the building there is to be a minimum vertical clearance of 5m between the finished ground level and overhead building structure.

A statement of compliance with the above requirements is to be prepared by a suitably qualified Civil Engineer and submitted to the Certifying Authority for approval prior to the issue of the Occupation Certificate.

Reason: Protection of Council's Infrastructure. (DACENF11)

## **64. 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.

Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Northern Beaches 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 PCA 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)

#### **65. Positive Covenant for On-site Stormwater Detention**

A positive covenant 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 Northern Beaches Council), at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

#### **66. 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, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Northern Beaches Council for authorisation.

A certified copy of the documents shall be provided to Northern Beaches 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)

#### **67. Stormwater Drainage Easement -Pittwater Road Frontage**

An easement for drainage 3m wide in favour of Council and 88B instrument (under the provisions of Section 88B of the *Conveyancing Act 1919*) is to be created over the 750mm Council pipe located within the site that runs adjacent to the Pittwater Road boundary and an accompanying 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s). The 88B instrument wording is to be obtained from Council.

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

Reason: Council's engineering standards and statutory requirements of the *Conveyancing Act 1919*. (DACENFPO1)

#### **68. Certification for the Installation of Stormwater Quality System**

A certificate from a Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3), stating that the stormwater quality management system has been installed in accordance with the Stormwater Drainage Plan prepared by Storm Consulting dated 19.05.16 drawing number 1793 CO1.

The certificate shall be submitted to the PCA prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment. (DACENFPO1)

#### **69. Stormwater Quality Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure proposed stormwater quality measures remain effective.

The Plan must contain the following:

- a) Inspection and maintenance schedule of all stormwater quality treatment devices,
- b) Record keeping and reporting requirements,
- c) Funding arrangements for the maintenance of all stormwater quality treatment devices,
- d) Waste management and disposal,
- e) Traffic control measures (if required),
- f) Relevant contact information,
- g) Renewal and replacement requirements of all stormwater quality treatment devices,
- h) Work Health and Safety requirements.

Details demonstrating compliance shall be submitted to the PCA prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment. (DACENFPO1)

#### **70. Positive Covenant for Stormwater Quality Devices**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater quality devices. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENFPO1)

#### **71. Works as Executed Drawings**

Works as Executed Drawings for all stormwater quality devices must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the PCA prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment. (DACENFPO1)

#### **72. Section 138 Roads Act Approval - Road and Streetscape Works**

- a) 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 copies of Civil Engineering plans for the design and construction of half road reconstruction works, kerb & gutter, footpath paving, street tree planting and garden beds, construction of bus shelters, street lights, street signage, pedestrian ramps and crossings, kerb

blisters and associated drainage works (Pittwater Road, Oaks Avenue and Howard Avenue frontages) which are to be in accordance with the streetscape upgrade plans prepared by Tract for the Dee Why Town centre and approved with the Development Application, Warringah Public Spaces Design Guidelines and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

Where kerb and gutter and road reconstruction works are required within the Pittwater Road frontage the Engineering Plans are to be approved by the Roads and Maritime Services and Transport for NSW.

The Engineering design plans are to include:

- i. Details of all public utility services which are to be located and detailed on the plan and cross sections. Utility services must be relocated at applicants expense if they are in conflict with the required engineering works.
  - ii. Removal of the indented car parking spaces in Oaks Avenue and reconstruction as road pavement.
  - iii. Full width construction of Pedestrian Crossings along the Oaks Avenue and Howard Avenue frontages.
- b) The Section 138 and 139 engineering plan approval fee is to be lodged with the assessment and approval of the plans in accordance with Council's Fees and Charges prior to the issue of the construction certificate.

Reason: To ensure compliance with Council's Streetscape upgrade plans and specification for engineering works. (DACENFPOC2)

### **73. 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 compliance 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 PCA.

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

### **74. Food Premises Waste**

A separate designated waste storage area is to be provided to accommodate all food premises. The waste storage area must be of an appropriate size to adequately contain all waste produced from food premises and be separated from the residential waste.

The construction, fit-out and finishes of the designated food premises waste storage area must comply with Standard 3.2.3 of the Australia and New Zealand Food Standards Code, the *Food Act 2003* and AS 4674 'Design, construction and fit out of food premises' and AS1668.2.

Reason: To ensure there is adequate storage and collection of waste from food premises and to minimise the risk of pest harbourage. (DACHPFPOC2)

## **75. Grease Trap**

A communal grease trap system must be appropriately designed and installed to adequately treat all trade waste water waste produced from food premises, and be separated from the residential and non-food retail and commercial waste.

The grease trap must have a piped connection to the boundary and must be designed so it does not impede right of way or any pedestrian access. Any grease traps must not be located in any kitchen, food preparation area or food store area.

Approval for the system must be granted by Sydney Water prior to its installation.

Reason: To ensure that provision for commercial trade waste provisions have been considered with the development. (DACHPFPOC3)

## **76. Use of the Town Plaza for Temporary Food Stalls**

Provision must be made for power and water connection, the collection and disposal of waste, connection to the sewer and warm running water, prior to any use of the Town Plaza in connection with temporary food uses, including but not limited to food stalls, markets and other events involving the sale or sampling of food or drink.

Reason: To ensure public safety and prevent amenity impacts from use of the Town Plaza for temporary food uses. (DACHPFPOC4)

## **77. Required Planting**

Trees shall be planted in accordance with the following schedule:

<b>No. of Trees Required</b>	<b>Species</b>	<b>Location</b>	<b>Pot Size</b>
All trees & palms	As indicated on Landscape Plans - Ground Level, drawing numbers 201 and 202, Rev. B dated 14.01.2016 prepared by Arcadia Landscape Architecture	As indicated on the Landscape Plans	As indicated on the Landscape Plans

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

Reason: To maintain environmental amenity. (DACLAF01)

## **78. Positive Covenant for the Flood Barrier System**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the flood barrier system 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 Northern Beaches Council), at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.



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

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

#### **79. Restriction as to User for the Flood Barrier System**

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

Details demonstrating compliance are to be submitted to the PCA 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)

#### **80. Registration of Encumbrances for the Flood Barrier System**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the flood barrier system is to be submitted.

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

Reason: To identify encumbrances on land. (DACENF02)

#### **81. Authorisation of Legal Documentation Required for the Flood Barrier System**

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 PCA prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on the land and compliance with the conditions of consent.

#### **82. Paving**

Paving shall be installed over the sewer easement on the eastern side of Block C (Building 1), between the eastern elevation of the building and Council's Triangle Park in accordance with Council's Dee Why Town Centre Streetscape specification.

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

Reason: to ensure consistency with Council's vision for Dee Why Town Centre Place Making and Public Art and integration of this space with the adjoining Council park. (DACHPCPCC1)

#### **83. 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 PCA prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management. (DACPLF01)

#### **84. 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 PCA 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)

#### **85. Unit Numbering for Multi Unit Developments (Residential and Commercial)**

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines (<http://auspost.com.au/media/documents/australia-post-addressing-standards-1999.pdf>).

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website

(<https://www.warringah.nsw.gov.au/sites/default/files/documents/pdf-forms/unit-numbering-multi-unit-developments-residential-commercial-and-industrial-form/unit-numbering-multi-unit-developments-residential-commercial-and-industrial-form.pdf>).

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)

#### **86. 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 PCA prior to the issue of any interim / final Occupation Certificate.

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

#### **87. 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 EP&A Regulation 2000. (DACPLF07)

#### **88. 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)

#### **89. 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 Northern Beaches Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches 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)

#### **90. 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)

#### **91. Access to Loading Facilities**

The applicant is to provide a signal system at the entry to the loading docks to indicate that a respective loading dock is in use.

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

Reason: To ensure that heavy vehicles are not required to reverse from the site and to avoid queuing along the driveways.

## **92. Speed Humps at Control Points**

Speed humps shall be provided at all control points within the property to reduce approach vehicle speeds. Details demonstrating compliance are to be submitted to the PCA prior to the issue of any interim / final Occupation Certificate.

Reason: To minimise conflicts at control points.

## **93. Loading Dock Operational Management Plan**

A Loading dock Operational Management Plan shall be submitted to Council detailing the operation of the loading docks including the trucks delivery times and methods of control to manage the sequencing of the loading dock.

Reason: To ensure that the loading dock operates with a minimum of disturbance to the surrounding area.

## **94. Parking Allocation for Child Care Centre**

Twenty four (24) car parking spaces are to be provided for the Child Care Centre and located close to the elevator with direct access to the child care centre facility. The car parking spaces shall be conspicuously signposted with operation times and days, with line marking to restrict its use for the Child Care Centre pick-up/drop-off activities during its operation times.

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

Reason: To ensure that parking spaces for the child care centre are allocated and available to users of the centre during the operating hours of the centre.

## **95. Residential Stacked Parking**

Stacked car parking spaces are to be assigned to the same residential unit (each stacked module to one apartment only).

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

Reason: To minimise conflicts regarding parking areas.

## **96. Disabled Car Parking Areas**

The development shall provide a total of eleven (11) disabled non-residential car parking spaces in compliance with AS2890.6.

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

Reason: To meet the Disability (Access to Premises – Buildings) Standards 2010.

## **97. Landscape Treatment**

Detailed engineering plans indicating the proposed landscaping treatment and other structures over the "Road Reserve Cut-Out" on the Howard Avenue frontage are to be developed in consultation with Council and is to be submitted to Council for approval prior to the issue of the Construction Certificate.

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

Reason: To ensure Council's interests as Road Authority are appropriately managed.

#### **98. Voluntary Planning Agreement (VPA)**

Compliance with the obligations and requirements of the "Planning Agreement" dated 12 December 2008 between Warringah Council, Multiplex Dee Why Pty Ltd and Brookfield Multiplex Developments Australia Pty Ltd made under section 93F of the Environmental Planning Assessment Act, 1979, the "Deed of Assignment and Consent to Assignment of Planning Agreement" made on or about 31 January 2014 between Warringah Council, Brookfield Dee Why Pty Ltd, Karimbla Properties (No.41) Pty Ltd, Brookfield Multiplex Developments Australia Pty Ltd and Meriton Properties Pty Ltd, and the "Deed of Amendment to Planning Agreement" dated 6 April 2016 between Karimbla Properties (No. 41) Pty Ltd, Warringah Council, and Meriton Properties Pty Ltd (together, the **VPA**) and as varied from time to time, including (but not limited to) delivering all Development Contributions as defined in the VPA in accordance with the terms and timeframes specified in the VPA.

Reason: To ensure the public benefits contained in the Planning Agreement are delivered in agreed timeframes.

#### **99. Design Quality Statement On Completion**

The Project Architect and Landscape Architect are to provide a Design Verification Statements which confirm that the completed development meets the design qualities of the approved development, including the architectural design, colours, materials and finishes and landscape treatment as contained in the consent and conditions.

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

Reason: To ensure the design quality of the project is consistent with the development consent.

#### **100. Section 138 Roads Act approval – Howard Avenue Traffic Median**

- a) 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 design and construction of a traffic median in Howard Avenue . The median is to enable only the left turn in and left turn out of the Howard Avenue driveways.

The median reconstruction works and associated street signage/line marking is to be generally in accordance with the streetscape upgrade plans prepared by Tract for the Dee Why Town centre , Council's specification for engineering works - AUS-SPEC #1 and RMS design guidelines. All design and construction are to be undertaken at no cost to Council.

- b) The Civil Engineering Design Plans for the Traffic Median construction are to be submitted to the Northern Beaches Local Traffic Committee for endorsement prior to the approval of the plans. The Engineering design plans are to include:
  - i. Vehicle swept paths demonstrating a 14.76m Woolworths Articulated Vehicle swept paths demonstrating the left in and left out movement from the loading dock without mounting the proposed Traffic Median.
  - ii. Details of the proposed Pedestrian Crossings adjacent to the site in Howard Avenue.

- c) An application for works to be approved in Council's Roadway ( Section 138 and 139 of the Roads Act 1993) is to be lodged to Council together with the approval fee ( in accordance with Council's Fees and Charges) prior to the issue of the construction certificate. The Traffic Median reconstruction works are to be completed prior to the issue of any interim/final occupation certificate.

Reason: To ensure compliance with Council's Streetscape upgrade plans and specification for engineering works. (DACENFPOC2)

#### **101. A Binding Agreements**

A binding agreement between the applicant, Council and/or Transport for NSW, is to be developed that ensures clearly defined responsibilities for streetscape maintenance (paving, lighting, furniture, transport information systems, etc.) within the Pittwater Road colonnade area. A similar agreement shall be established for the Oaks Avenue pedestrian footpath area (adjacent to the loading dock and parking entrance near 14-16 Oaks Avenue).

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

Reason: To ensure Council's interests as Road Authority are appropriately managed. (DACHPCPC1)

#### **102. Consolidation of Lots**

The following Lots are to be consolidated as one (1) allotment and registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land & Property Information Service (NSW Department of Lands):

- Lot 3 DP 307937,
- Lot 1 DP 307937,
- Lot A DP 416469,
- Lot 1 DP 504212,
- Lot 10 DP 231418,
- Lot 11 DP 231418,
- Lot A DP 339410,
- Lot 7 DP 8172,
- Lot 1 DP 209503,
- Lot 1 DP 212382,
- Lot 2 DP 212382,
- Lot 3 DP 212382,
- Lot A DP 371110,
- Lot B DP 371110.

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

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

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

#### **103. Maintenance period for Civil Works under the provisions of the *Roads Act 1993* and *Environmental Planning and Assessment Act 1979***

A Maintenance Period of twelve (12) months shall apply to the footpath/streetscape and road reconstruction works located in Pittwater Road, Howard Avenue and Oaks Avenue as

approved under the provisions of Section 139 of the *Roads Act 1993* and Section 80A of the EP&A Act 1979 and after it has been completed and accepted by Council in writing. In that period the applicant is liable for any part of the work which fails to perform in the manner outlined in Councils Auspec One Design and Construction specifications, or as would be reasonably be expected under the design conditions.

Reason: To ensure works are appropriately constructed and repaired where defective.  
(DACENG01)

#### **104. Installation of Water Efficient Fittings**

For uses not subject to BASIX the following Water Efficiency Labelling and Standards (WELS) Scheme rated fittings must be installed:

- a) 4 star dual-flush toilets,
- b) 3 star showerheads,
- c) 4 star taps (for all taps other than bath outlets and garden taps),
- d) 3 star urinals,
- e) 3.5 star washing machines,
- f) 4 star dishwashers.

A certificate from a licenced plumber shall be submitted to the PCA prior to the release of the Occupation Certificate demonstrating compliance with this condition.

Reason: To conserve potable water. (DACENGOG1)

#### **105. Installation of Rainwater Tanks**

Rainwater tanks shall comply with the following:

- a) Be fitted with a first-flush device that causes initial rainwater run-off to bypass the tank and must drain to a landscaped area. The first flush device will not be permitted to connect to the stormwater system,
- b) Have a sign affixed to the tank stating the contents is rainwater,
- c) Be constructed or installed in a manner that prevents mosquitoes breeding, such as the use of mesh to protect inlets and overflows,
- d) Have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners,
- e) Pumping equipment must be housed in a soundproof enclosure,
- f) Where the rainwater tank is interconnected to a reticulated water supply, it must be installed in accordance with Plumbing Code of Australia, particularly backflow/cross connection prevention requirements.

A certificate from a licenced plumber shall be submitted to the PCA prior to the release of the Occupation Certificate demonstrating compliance with this certificate.

Reason: To conserve potable water.

#### **106. Requirement to notify about new Acid Sulfate Soils evidence**

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Principal Certifying Authority prior to further commencement.

Reason: To protect the environment and private and public infrastructure. (DACHPGOG1)

#### **107. Food businesses**

- a) Separate Development Consent from Council is required for the design, fit-out, construction and use of each tenancy as food businesses,
- b) Each development application must provide details to Council demonstrating compliance with Standard 3.2.3 of the Australia and New Zealand Food Standards Code, the Food Act 2003 and AS 4674 'Design, construction and fit out of food premises' and AS1668.2,
- c) Details must include plans for the design, construction and fit-out and of all kitchens, wet areas, garbage storage rooms, food store areas, kiosks/stalls used for sale of food and beverages, and requirements for mechanical ventilation.

Reason: To ensure that all food premises comply with the design requirements.  
(DACHPGOG1)

#### **108. Temporary food stalls**

Food stalls must obtain a temporary food approval from Council prior to commencing trade within the Town Plaza or any other open or communal space associated with this development.

Reason: To ensure all food premises have been notified to the appropriate regulatory authority.  
(DACHPGOG2)

#### **109. Outdoor seating**

Separate Development Consent is required for the use of any outdoor areas for the purpose of seating in relation to any approved food use.

Reason: To enable specific assessment to be made of the amenity impacts associated with future proposed outdoor seating areas. (DACHPGOG3)

#### **110. Outdoor food and drink uses**

Separate Development Consent is required prior to use of any outside areas for the purpose of preparation and/or sale of food or drink.

Reason: To enable specific assessment to be made of the amenity impacts associated with future proposed outdoor food areas. (DACHPGOG4)

#### **111. Noise Impact on surrounding areas**

Any noise from the premise shall not exceed more than 5dB(A) above the background level when measured from within any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy and any appropriate legislation or Policy's to prevent offensive noise.

Reason: To ensure that noise generated from the premise does not create offensive noise  
(DACHPGOG5)



## 112. Regulated air handling systems

All regulated air handling systems including cooling towers and warm water systems are to be operated and maintained in accordance with AS 3666.2 – 2011 Air-handling and water systems of buildings – Microbial control and *Public Health Act 2010 and Regulation 2012*.

Prior to operation of the regulated system the owner or occupier of the premises must register the system with Council in accordance with the *Public Health Act 2010 and Regulation 2012*.

Reason: To ensure effective microbial control, maintain public health and to fulfil the notification requirements of the *Public Health Act 2010 and Regulation 2012*. (DACHPGOG5)

## 113. Sharps waste management

All commercial premises that require the use of sharps must provide adequate sharps waste disposal facilities. Such premises must be provided with sharps waste disposal containers on site that adequately contain all sharps waste produced and is compliant with AS 4031 – 1992 - Non-reusable containers for the collection of sharp medical items used in health care areas.

Reason: To ensure adequate provisions are made for the safe disposal, collection and transport of used sharp objects and to minimise to risk of infectious waste to public health. (DACHPGOG6)

## 114. Commercial Waste and Recycling Storage

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed. (DACPLG19)

## 115. Temporary Dewatering

Discharge must achieve the following water quality targets in addition to any conditions/documentation of this consent, any requirements of the General Terms of Approval/Controlled Activity permit issued by Department of Primary Industries - Water, and legislation including *Protection of The Environment Operations Act 1997* and *Contaminated Lands Act 1997*.

Parameter	Criterion	Method	Time Prior to Discharge
Oil and grease	None visible	Visual inspection	<1 hour
pH	6.5- 8.5	Probe/meter	<1 hour
Total Suspended Solids (TSS)	<50mg/L	Meter/grab sample measured as NTU	<1 hour

**Note:** The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.

Dewatering must not occur until the above water quality parameters are met.

All records of water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Tailwater must be discharged to a stormwater pit and not spread over any road, footpath and the like.

Reason: Protection of the receiving environment. (DACENBOC1)

## **116. 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)

## **117. Allocation of Spaces**

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

- 453 spaces – Residential component
- 35 spaces – Residential visitors
- 523 spaces – Retail component
- 24 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 PCA 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)

## **118. 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 PCA 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)

## **119. 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)

## **120. Hours of Operation**

The hours of operation of the development are restricted to the following:

- a) Child Care Centre

- i. 7am – 7pm Monday to Fridays (inclusive).
- b) The Ground Floor Retail Tenancies
  - i. 7am to 10pm Monday to Saturday (inclusive),
  - ii. 7am to 9pm on Sundays (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)

#### **121. Commercial Waste Collection**

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)

#### **122. Illumination Intensity and design**

The level of lighting intensity used is to be minimised on the site and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure lighting used for the development do not interfere with amenity of nearby properties. (DACPLG12)

#### **123. Compliance with the Operational and Loading Dock Management Plans**

The Operational and Loading Management Plans (OMPs) are to be complied with at all times.

Reason: To ensure that the development operates with minimal disruption to the surrounding area. (DACPLGOG1)

#### **124. Further Consent Required for Food and Drink Premises**

Separate Development Consent is required for the use of any of the premises as a food and drink premises (restaurants and cafes) as per the WLEP 2011 Dictionary definitions.

Reason: To ensure compliance with legislative requirements. (DACLAGOG2)

#### **125. 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)

#### **126. Bus Bay Awning**

A footpath awning be provided over and above the public footpath area, developed in conjunction with Council, Transport for NSW and Sydney Buses.

Reason: To ensure consistency with Council's vision for Dee Why Town Centre and ensure appropriate facilities are planned and delivered for public transport passengers and pedestrians. (DACHPCPCC1)

#### **127. Bus Passenger Facilities**

In conjunction with the streetscape improvements works on Pittwater Road, the applicant shall make provision for transport infrastructure in accordance with design details provided by Transport for NSW.

Reason: To ensure consistency with Council's vision for Dee Why Town Centre and ensure appropriate facilities are planned and delivered for public transport passengers and pedestrians. (DACHPCPCC1)

#### **128. Toilets (sanitary facilities)**

Adequate toilets must be provided for future food business in accordance with the Australia New Zealand Food Standards Code. The number of sanitary facilities must be determined by seating capacities of future food businesses, including outdoor seating areas.

Details are to be submitted for approval by the PCA prior to any Construction Certificate being issued. Details should include plans showing the location of all such toilets and calculations showing compliance with the BCA.

Hand wash basins are to be provided to all toilets associated with food premises in accordance with AS 4674 Design, construction and fit out of food premises, including provision of warm running water.

Toilet facilities must be separated from all food handling and food storage areas via an air lock or self-closing door with mechanical ventilation in accordance with the provisions of the BCA Part F 4.9.

**Note:** Future food businesses unable to comply with the Australia New Zealand Food Standards Code and the BCA using any existing sanitary facilities will have to make provisions for sanitary facilities within the individual tenancies.

Reason: To ensure adequate provision of toilets to service food premises and their customers and to prevent the risk of microbial contamination. (DACHPCPCC1)