

SCHEDULE OF PROPOSED MODIFICATION TO DESCRIPTION OF DEVELOPMENT AND CONDITIONS OF DEVELOPMENT CONSENT DA NO. 856/2007

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS																																												
Current Description of Development																																														
2. Development consent is granted to Development Application No. 856/2007 for the demolition of existing buildings and construction of a mixed use development comprising basement car parking, three-storey retail/commercial building, 10 residential apartments in two buildings and a detached dwelling and stratum subdivision at 5 and 5A Lawrence Street and 18 Marmora Street, Freshwater being Lots A & B in DP 37558 and Lot 9 in DP 103521 respectively subject to the conditions in Annexure A hereto.	2. Development consent is granted to Development Application No. 856/2007 for the demolition of existing buildings and construction of a mixed use development comprising basement car parking, three-storey retail/commercial building, 10 residential apartments in two buildings and a detached dwelling and stratum subdivision into two (2) lots and the staged construction and occupation of the development at 5 and 5A Lawrence Street and 18 Marmora Street, Freshwater being Lots A & B in DP 37558 and Lot 9 in DP 103521 respectively subject to the conditions in Annexure A hereto.	Proposed modification to the description of the development is to clarify that the approved subdivision is to create two (2) lots and deleting the stratum lot and that it is intended to be a staged construction and occupation of the development.																																												
Current Conditions																																														
1. Approved Plans and Supporting Documentation The development is to be carried out in compliance with the following plans and documentation listed below except where amended by other conditions of consent and as amended by SK01, SK02, SK03 and SK04 all dated 31 March 2009: <table><tr><td>Drawing No.</td><td>Issue</td><td>Dated</td><td>Prepared By</td></tr><tr><td>DA02, DA03, DA04, DA05, DA06, DA10, DA15, DA16, DA17</td><td>A</td><td>5 September 2007</td><td>Blackmore Design Group</td></tr><tr><td>DA01, DA14, DA18, DA19</td><td>B</td><td>19 March 2008</td><td>Blackmore Design Group</td></tr><tr><td>DA08, DA09, DA11, DA12, DA13</td><td>C</td><td>27 February 2009</td><td>Blackmore Design Group</td></tr><tr><td>DA07, DA20</td><td>D</td><td>27 February 2009</td><td>Blackmore Design Group</td></tr></table> No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate. Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942, 2111, Council's website or at the Planning and Assessment Counter. Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans (DACGBapasd)	Drawing No.	Issue	Dated	Prepared By	DA02, DA03, DA04, DA05, DA06, DA10, DA15, DA16, DA17	A	5 September 2007	Blackmore Design Group	DA01, DA14, DA18, DA19	B	19 March 2008	Blackmore Design Group	DA08, DA09, DA11, DA12, DA13	C	27 February 2009	Blackmore Design Group	DA07, DA20	D	27 February 2009	Blackmore Design Group	1. Approved Plans and Supporting Documentation The development is to be carried out in compliance with the following plans and documentation listed below except where amended by other conditions of consent and as amended by SK01, SK02, SK03 and SK04 all dated 31 March 2009: <table><tr><td>Drawing No.</td><td>Issue</td><td>Dated</td><td>Prepared By</td></tr><tr><td>DA02, DA03, DA04, DA05, DA06, DA10, DA15, DA16, DA17</td><td>A</td><td>5 September 2007</td><td>Blackmore Design Group</td></tr><tr><td>DA01, DA14, DA18, DA19</td><td>B</td><td>19 March 2008</td><td>Blackmore Design Group</td></tr><tr><td>DA08, DA09, DA11, DA12, DA13</td><td>C</td><td>27 February 2009</td><td>Blackmore Design Group</td></tr><tr><td>DA07, DA20</td><td>D</td><td>27 February 2009</td><td>Blackmore Design Group</td></tr><tr><td>DP 1181713 – Plan of Subdivision of Lots A & B in DP 375558 and Lot 9 Sec. 2 in SP 10321</td><td>-</td><td>7 December 2012</td><td>Rob Kiproovich Surveyor</td></tr></table> No construction works (including excavation) shall be undertaken prior to the release of a Construction Certificate for each stage of the development. Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942, 2111, Council's website or at the Planning and Assessment Counter. Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans (DACGBapasd)	Drawing No.	Issue	Dated	Prepared By	DA02, DA03, DA04, DA05, DA06, DA10, DA15, DA16, DA17	A	5 September 2007	Blackmore Design Group	DA01, DA14, DA18, DA19	B	19 March 2008	Blackmore Design Group	DA08, DA09, DA11, DA12, DA13	C	27 February 2009	Blackmore Design Group	DA07, DA20	D	27 February 2009	Blackmore Design Group	DP 1181713 – Plan of Subdivision of Lots A & B in DP 375558 and Lot 9 Sec. 2 in SP 10321	-	7 December 2012	Rob Kiproovich Surveyor	Proposed modification of Condition 1 is to add to the schedule of the “Approved Plans and Supporting Documentation” the Plan of Subdivision – DP 1181713 prepared by Rob Kiproovich dated 7 December (see Appendix D) and the staging of the development.
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1.A. The parapet of the single storey element of Building D as shown on SK01-SK04 is to be reduced in height by 850mm.	Nil	N/A																																												

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<p>1.B. Nil</p>	<p>The underground pedestrian access involving a path and stairs between the Commercial Building and the Basement Car Park level of Residential Buildings B and C as shown on the approved plans is to be deleted.</p>	<p>Proposed modification to add Condition 1B. is to delete the pedestrian access of involving a path and stairs between the Commercial Building and the Basement Car Park level of Residential Buildings B and C as shown on the approved plans as referred to in the schedule of Condition 1 Of the development consent. Appendix G is a letter prepared by Byrne and Associates dated 12 June 2013 which includes a copy of the Sydney Water Asset Protection Report (SWARP) survey and plan for the existing sewer mains affecting the site which states as follows:</p> <p><i>“As instructed we have completed the Sydney Water Asset Protection Report (SWAPR) survey and plan for the existing sewer mains affecting the above site. We have then compared the SWAPR to your proposed building plans. Generally the existing DN225 Vitrified Clay sewer traverses the lot and is approximately 1.6 metres deep. This existing sewer main will clash with the proposed pedestrian tunnel leading from the residential buildings to the commercial area fronting Lawrence Street. The rest of the building works may be conditionally approved subject to additional sewer concrete encasement and piercing works to Sydney Water’s requirements.</i></p> <p><i>To proceed with the building works will require either adjustment to the pedestrian tunnel design (to avoid the sewer main) or to deviate the sewer main to suit the tunnel.</i></p> <p><i>We advise that there is not enough sewer fall across the site to make any useful adjustment to suit the proposed building works. If the sewer main was required to be deviated adjoining land owners would have to be approached and permission obtained to conduct (what may be quite significant) works on their land with no real benefit being gained by the affected third party owners. We suggest obtaining the permission of others (which is a Sydney Water requirement) will be extremely difficult as there is no incentive for them to allow any such works. The extent of any sewer adjustment works would be subject to detailed survey and design.”</i></p> <p>For the reasons outlined above, the provision of the underground pedestrian access between the Commercial Building and the basement car park level of Residential Building B and C, as shown on the approved plans, is propose to be deleted as it would require the relocation of the sewer main on the subject site and also on adjoining properties which would not be practical or economically viable.</p>
<p>2. Approved Stormwater Plan</p> <p>The stormwater drainage works are to be generally in accordance with the drainage plan submitted by Thomsonkane, drawing number 6134-1h DAH-00 P6, DAH-01 P5, DAH-02 P6, DAH-03 P6, DAH-05 P6, DAH-06 P5, DAH-07 P5 and DAH-08 P1 dated 19.02.08 and 15.11.07 and DAH-04 P6 dated 28.04.08.</p> <p>Reason: To ensure appropriate provision for stormwater disposal arising from the development. (DACEBasp)</p>	<p>Nil – (To be confirmed)</p>	<p>Appendix F is a Section 96 Stormwater Assessment Report prepared by BSE dated May 2013 that confirms the approved stormwater design will be unaffected by the proposed staging of the development.</p>
<p>3. Approved Landscaping Plan</p> <p>Landscaping works on the site are to be undertaken generally in accordance with the Landscaping plans numbered LC01 Issue C and LC02 Issue B prepared by Selena Hanna Landscape Design dated 27/02/2009.</p> <p>Reason: To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development. (DACLBalp)</p>	<p>Nil</p>	<p>N/A</p>
<p>4. Building Code of Australia</p> <p>All building work must be carried out in accordance with the provisions of the Building Code of Australia.</p> <p>Reason: Prescribed – Statutory. (DACGBbca)</p>	<p>Nil</p>	<p>N/A</p>

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Conditions to be satisfied prior to the issue of the Construction Certificate		
5. Front fence Prior to the issue of the Construction Certificate, plans of the front fence are to be submitted to the Certifying Authority. The front fence, which is to have a maximum height of 1.65m is to extend along the Marmora Street frontage of the site and the length of the 6.5m front setback of No. 16 Marmora Street, Freshwater. Reason: <i>To minimize the visual impact of the security gates and front fence.</i>	Nil	N/A
6. Deleted	Nil	N/A
7. Changes to Windows – Building D All windows on the first floor of the eastern elevation of Building D are to be either obscure glass or are to have a minimum sill height of 1.7m from the first floor, floor level. Amended plans which satisfy these requirements are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate. Reason: <i>To protect the privacy of adjoining development to the east.</i>	Nil	N/A

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<p>8. Acceptable form of Security Bonds</p> <p>Council will accept a bank guarantee in lieu of cash for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to Council and shall not have an expiry date. The bank guarantee shall be in place prior to the issuing of any Construction Certificate and shall remain in place until the submission of the Final Occupation Certificate or termination of any maintenance period.</p> <p>Reason: <i>Information, Protection of infrastructure and the environment. (DACECasb)</i></p>	<p>8. Acceptable form of Security Bonds</p> <p>Council will accept a bank guarantee in lieu of cash for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to Council and shall not have an expiry date. The bank guarantee shall be in place prior to the issuing of any Construction Certificate for the staged construction for Lot 1 DP 1181713 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173 and shall remain in place until the submission of the Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 in DP 1181713 or termination of any maintenance period.</p> <p>Reason: <i>Information, Protection of infrastructure and the environment. (DACECasb)</i></p>	<p>Proposed modification of Condition 8 is to enable the staged construction and occupation of the development.</p>
<p>9. Bond for Construction, Excavation and Associated Works</p> <p>A bond of \$10,000 shall be deposited with Council prior to the issue of the Construction Certificate 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.</p> <p>Reason: <i>To ensure adequate protection to Council infrastructure. (DACECbceaw)</i></p>	<p>9. Bond for Construction, Excavation and Associated Works</p> <p>A bond of \$10,000 shall be deposited with Council prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173 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.</p> <p>Reason: <i>To ensure adequate protection to Council infrastructure. (DACECbceaw)</i></p>	<p>Proposed modification of Condition 9 is to require a bond prior to the issue of a cc for each stage of construction of the development.</p>
<p>10. Provision of Electricity</p> <p>Prior to the issue of the Construction Certificate, evidence is to be submitted to the Certifying Authority that notification has been received from Energy Australia of electricity supply requirements for the development.</p> <p>Reason: <i>To ensure that services have been provided as required by this Consent. (DACECpe)</i></p>	<p>10. Provision of Electricity</p> <p>Prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173, evidence is to be submitted to the Certifying Authority that notification has been received from Energy Australia of electricity supply requirements for the development.</p> <p>Reason: <i>To ensure that services have been provided as required by this Consent. (DACECpe)</i></p>	<p>Proposed modification of Condition 10 is to enable staged construction of the development with notification from Energy Australia of electricity supply requirements.</p>
<p>11. Pump-Out System Design for Stormwater Disposal</p> <p>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 all relevant Australian Standards and Codes by a suitably qualified professional.</p> <p>Engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practicing hydraulic engineer shall be provided to the Certifying Authority prior the issue of the Construction Certificate.</p> <p>Note: The following Standards and Codes applied at the time of determination:</p> <ul style="list-style-type: none"> • Australian/New Zealand Standard AS/NZS 3500.3:2003 – Plumbing and drainage – Stormwater drainage • Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 – Plumbing and drainage – Stormwater drainage • National Plumbing and Drainage Code <p>Reason: <i>To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site. (DACECpsdsd)</i></p>	<p>11. Pump-Out System Design for Stormwater Disposal</p> <p>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 all relevant Australian Standards and Codes by a suitably qualified professional.</p> <p>Engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practicing hydraulic engineer shall be provided to the Certifying Authority prior the issue of the Construction Certificate for the staged construction and occupation of the development on Lot 1 DP 118173.</p> <p>Note: The following Standards and Codes applied at the time of determination:</p> <ul style="list-style-type: none"> • Australian/New Zealand Standard AS/NZS 3500.3:2003 – Plumbing and drainage – Stormwater drainage • Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 – Plumbing and drainage – Stormwater drainage • National Plumbing and Drainage Code <p>Reason: <i>To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site. (DACECpsdsd)</i></p>	<p>Proposed modification of Condition 11 is to enable that staged construction and occupation of the development.</p>

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<p>12. Shoring of Adjoining Property</p> <p>If it is proposed to provide shoring to support an adjoining property or Council land, owner's consent for the encroachment from the affected property owner shall be provided with the engineering drawings that are to be submitted prior to the issue of the Construction Certificate. Council approval is required if temporary rock anchors are to be used within Council land.</p> <p>Reason: Council owners consent for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACECsap)</p>	<p>12. Shoring of Adjoining Property</p> <p>If it is proposed to provide shoring to support an adjoining property or Council land, owner's consent for the encroachment from the affected property owner shall be provided with the engineering drawings that are to be submitted prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173. Council approval is required if temporary rock anchors are to be used within Council land.</p> <p>Reason: Council owners consent for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACECsap)</p>	<p>Proposed modification of Condition 12 is to enable the staged construction of the development.</p>
<p>13. Bond for Engineering Construction Works – Stormwater</p> <p>A Bond of \$5,000 shall be deposited with Council prior to the issue of the Construction Certificate against any damage or failure to complete the construction of stormwater drainage works as part of this consent.</p> <p>Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure. (DACECbecs)</p>	<p>13. Bond for Engineering Construction Works – Stormwater</p> <p>A Bond of \$5,000 shall be deposited with Council prior to the issue of any Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173 against any damage or failure to complete the construction of stormwater drainage works as part of this consent.</p> <p>Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure. (DACECbecs)</p>	<p>Proposed modification of Condition 13 is to require a Bond -stormwater for each stage of construction of the development.</p>
<p>14. Structures Located Adjacent to Council Pipeline or Council Easement</p> <p>All structures are to be located clear of any Warringah 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. Structural details prepared by a suitably qualified Civil Engineer are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.</p> <p>Reason: Protection of Council's Infrastructure. (DACECslajp)</p>	<p>14. Structures Located Adjacent to Council Pipeline or Council Easement</p> <p>All structures are to be located clear of any Warringah 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. Structural details prepared by a suitably qualified Civil Engineer are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Reason: Protection of Council's Infrastructure. (DACECslajp)</p>	<p>Proposed modification of Condition 14 is to enable the staged construction of the development.</p>
<p>15. Sub-Soil Seepage</p> <p>All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being [INSERT]. Details of all plans compliant with the provisions of Australian/New Zealand Standard AS/NZS 3500.3.2003 Plumbing and drainage – Stormwater drainage and Australian/New Zealand Standard AS/NZS 3500.3.2003 / Amdt 1:2006 Plumbing and drainage – Stormwater drainage are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure appropriate drainage and stormwater management on site to protect amenity of residents. (DACECsss)</p>	<p>15. Sub-Soil Seepage</p> <p>All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being [INSERT]. Details of all plans compliant with the provisions of Australian/New Zealand Standard AS/NZS 3500.3.2003 Plumbing and drainage – Stormwater drainage and Australian/New Zealand Standard AS/NZS 3500.3.2003 / Amdt 1:2006 Plumbing and drainage – Stormwater drainage are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Reason: To ensure appropriate drainage and stormwater management on site to protect amenity of residents. (DACECsss)</p>	<p>Proposed modification of Condition 15 is to enable the staged construction of the development.</p>

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<p>16. Vehicle Crossings Application – Formwork Inspection</p> <p>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 prior to the issue of the Construction Certificate.</p> <p>Reason: To facilitate suitable vehicular access to private property. (DACECvcafi)</p>	<p>16. Vehicle Crossings Application – Formwork Inspection</p> <p>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 prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Reason: To facilitate suitable vehicular access to private property. (DACECvcafi)</p>	<p>Proposed modification of Condition 16 is to enable the staged construction of the development.</p>
<p>17. Waterproofing/Tanking of Basement Level</p> <p>The basement area is to be permanently tanked or waterproofed. Details of the waterproofing/tanking are to be prepared by a suitably qualified Engineer and submitted and approved by the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: To prevent ingress of sub-surface flows into the basement area. (DACECwtbl)</p>	<p>16. Vehicle Crossings Application – Formwork Inspection</p> <p>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 prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Reason: To facilitate suitable vehicular access to private property. (DACECvcafi)</p>	<p>Proposed modification of Condition 17 is to enable the staged construction of the development.</p>
<p>18. Bond for Engineering Construction Works – Kerb and Gutter, Footpath and Vehicular Crossings</p> <p>A Bond of \$10 000 shall be deposited with Council prior to the issue of the Construction Certificate against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.</p> <p>Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure. (DACECbekgf)</p>	<p>18. Bond for Engineering Construction Works – Kerb and Gutter, Footpath and Vehicular Crossings</p> <p>A Bond of \$10 000 shall be deposited with Council prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173 against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.</p> <p>Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure. (DACECbekgf)</p>	<p>Proposed modification of Condition 18 is to require a Bond – Kerb and Gutter, Footpath and Vehicular Crossing for each stage of construction of the development.</p>
<p>19. Bond for Silt and Sediment Control</p> <p>The payment of \$10 000 shall be deposited with Council prior to the issue of the Construction Certificate 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.</p> <p>Reason: To ensure appropriate security against environmental damage. (DACECbssc)</p>	<p>19. Bond for Silt and Sediment Control</p> <p>The payment of \$10 000 shall be deposited with Council prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173 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.</p> <p>Reason: To ensure appropriate security against environmental damage. (DACECbssc)</p>	<p>Proposed modification of Condition 19 is to require a Bond for Silt and Sediment Control for each stage of construction of the development.</p>
<p>20. Car parking Details</p> <p>Vehicular access and the internal layout of the car parks is to comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities – Off-street car parking and Australian Standard AS2890.2:2002 Parking facilities – Off-street commercial vehicular facilities where relevant. Plans demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure the adequate provision of car parking. (DACECcpd)</p>	<p>20. Car parking Details</p> <p>Vehicular access and the internal layout of the car parks is to comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities – Off-street car parking and Australian Standard AS2890.2:2002 Parking facilities – Off-street commercial vehicular facilities where relevant. Plans demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Reason: To ensure the adequate provision of car parking. (DACECcpd)</p>	<p>Proposed modification of Condition 20 is to enable the staged construction of the development.</p>

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<p>21. Development/Construction Security Bond</p> <p>A bond (determined from cost of works) of \$5 000 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of any Construction Certificate. This bond is 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.</p> <p>Reason: To ensure adequate protection to Council infrastructure. (DACECdcsb)</p>	<p>21. Development/Construction Security Bond</p> <p>A bond (determined from cost of works) of \$5 000 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173. This bond is 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.</p> <p>Reason: To ensure adequate protection to Council infrastructure. (DACECdcsb)</p>	<p>Proposed modification of Condition 21 is to require a Development/Construction Security Bond for each stage of construction of the development.</p>
<p>22. Damage to Public Infrastructure</p> <p>The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issue of the Construction Certificate.</p> <p>Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.</p> <p>Reason: To ensure the protection of existing built public infrastructure. (DACECdpi)</p>	<p>22. Damage to Public Infrastructure</p> <p>The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.</p> <p>Reason: To ensure the protection of existing built public infrastructure. (DACECdpi)</p>	<p>Proposed modification of Condition 22 is to enable the staged construction of the development.</p>
<p>23. BASIX Certificate</p> <p>The development shall fully comply with the schedule of BASIX Commitments specified within BASIX Certificate No. 188829M. Plans and specifications that reflect those commitments identified on the BASIX Certificate to be satisfied prior to the issue of the Construction Certificate, shall be submitted to the Certifying Authority prior to the release of the Construction Certificate.</p> <p>Reason: To ensure the development complies with the requirements of the SEPP (Building sustainability index: BASIX 2004). (DACGCbc)</p>	<p>23. BASIX Certificate</p> <p>The development shall fully comply with the schedule of BASIX Commitments specified within BASIX Certificate No. 188829M. Plans and specifications that reflect those commitments identified on the BASIX Certificate to be satisfied prior to the issue of the Construction Certificate for the staged construction for Lot 1 in DP 118173, shall be submitted to the Certifying Authority prior to the release of the Construction Certificate.</p> <p>Reason: To ensure the development complies with the requirements of the SEPP (Building sustainability index: BASIX 2004). (DACGCbc)</p>	<p>Proposed modification of Condition 23 relating to the BASIX Certificate only applies to the staged construction for Lot 1 in DP 118173 which is the proposed residential buildings of the development.</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>24. Parking for People with Disabilities</p> <p>Of the required number of car parking spaces at least one car-parking space must be provided for use by persons with a disability in both the retail/commercial component of the development and the residential component of the development.</p> <p>The car parking spaces and access from the car parking spaces to other areas within the building are to comply with the Disability Discrimination Act 1992 and Australian/New Zealand Standard AS/NSZS 2890.1:2004 Parking facilities Part 1: Off-street car parking and the relevant provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility – Enhanced and additional requirements – Buildings and facilities. Details demonstrating compliance with these requirements are to be submitted prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation. (DACGCppd)</p>	<p>24. Parking for People with Disabilities</p> <p>Of the required number of car parking spaces at least one car-parking space must be provided for use by persons with a disability in both the retail/commercial component of the development and the residential component of the development.</p> <p>The car parking spaces and access from the car parking spaces to other areas within the building are to comply with the Disability Discrimination Act 1992 and Australian/New Zealand Standard AS/NSZS 2890.1:2004 Parking facilities Part 1: Off-street car parking and the relevant provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility – Enhanced and additional requirements – Buildings and facilities. Details demonstrating compliance with these requirements are to be submitted prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation. (DACGCppd)</p>	<p>Proposed modification of Condition 24 is to enable the staged construction of the development.</p>
<p>25. Reflectivity Index of Glazing</p> <p>The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.</p> <p>Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACGCrig)</p>	<p>25. Reflectivity Index of Glazing</p> <p>The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.</p> <p>Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACGCrig)</p>	<p>Proposed modification of Condition 25 is to enable the staged construction of the development.</p>
<p>26. Roofing Materials – Reflectivity</p> <p>The external finish to the roof shall have a medium to dark range in order to minimize solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. (DACGCrmr)</p>	<p>26. Roofing Materials – Reflectivity</p> <p>The external finish to the roof shall have a medium to dark range in order to minimize solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. (DACGCrmr)</p>	<p>Proposed modification of Condition 26. is to enable the staged construction of the development.</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS																																																																								
<div>27. Section 94A Contribution</div> <div>\$90,000 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate.</div> <div>This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney -0 All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.</div> <div>The basis for the contributions is as follows:</div> <table><tr><td colspan="4">Warringah Section 94A Development Contributions Plan</td></tr><tr><td colspan="4">Contribution based on total development cost of \$9,000,000</td></tr><tr><td>Contribution – all parts Warringah</td><td>Levy Rate</td><td>Contribution Payable</td><td>Council Code</td></tr><tr><td>Total S94A Levy</td><td>0.95%</td><td>\$85,500</td><td>6923</td></tr><tr><td>S94A Planning and Administration</td><td>0.05%</td><td>\$5,000</td><td>6924</td></tr><tr><td>Total</td><td>1.0%</td><td>\$90,000</td><td></td></tr></table> <div>Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. ((dacgcS94ac))</div>	Warringah Section 94A Development Contributions Plan				Contribution based on total development cost of \$9,000,000				Contribution – all parts Warringah	Levy Rate	Contribution Payable	Council Code	Total S94A Levy	0.95%	\$85,500	6923	S94A Planning and Administration	0.05%	\$5,000	6924	Total	1.0%	\$90,000		<div>27. Section 94A Contribution</div> <div>\$ 102,500 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate for the staged construction for Lot 1 in DP 1181713.</div> <div>\$ 87,730 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate for Lot 2 DP in 1181713.</div> <div>This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney -0 All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.</div> <div>The basis for the contributions is as follows:</div> <table><tr><td colspan="4">Warringah Section 94A Development Contributions Plan</td></tr><tr><td colspan="4">Stage 1 contribution based on total residential development cost of \$10,250,000</td></tr><tr><td>Contribution – all parts Warringah</td><td>Levy Rate</td><td>Contribution Payable</td><td>Council Code</td></tr><tr><td>Total S94A Levy</td><td>0.95%</td><td>\$ 97,375</td><td>6923</td></tr><tr><td>S94A Planning and Administration</td><td>0.05%</td><td>\$ 5,125</td><td>6924</td></tr><tr><td>Total</td><td>1.0%</td><td>\$ 102,500</td><td></td></tr></table> <table><tr><td colspan="4">Warringah Section 94A Development Contributions Plan</td></tr><tr><td colspan="4">Stage 2 contribution based on total commercial development cost of \$8,773,000</td></tr><tr><td>Contribution – all parts Warringah</td><td>Levy Rate</td><td>Contribution Payable</td><td>Council Code</td></tr><tr><td>Total S94A Levy</td><td>0.95%</td><td>\$ 83,343.50</td><td>6923</td></tr><tr><td>S94A Planning and Administration</td><td>0.05%</td><td>\$ 4,386.50</td><td>6924</td></tr><tr><td>Total</td><td>1.0%</td><td>\$ 87,730</td><td></td></tr></table> <div>Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. ((dacgcS94ac))</div>	Warringah Section 94A Development Contributions Plan				Stage 1 contribution based on total residential development cost of \$10,250,000				Contribution – all parts Warringah	Levy Rate	Contribution Payable	Council Code	Total S94A Levy	0.95%	\$ 97,375	6923	S94A Planning and Administration	0.05%	\$ 5,125	6924	Total	1.0%	\$ 102,500		Warringah Section 94A Development Contributions Plan				Stage 2 contribution based on total commercial development cost of \$8,773,000				Contribution – all parts Warringah	Levy Rate	Contribution Payable	Council Code	Total S94A Levy	0.95%	\$ 83,343.50	6923	S94A Planning and Administration	0.05%	\$ 4,386.50	6924	Total	1.0%	\$ 87,730		<div>Proposed modification of Condition 27 is to enable payment of the Section 94A Contribution Plan levy prior to the issue of the Construction Certificate for the staged construction of the development. A cost analysis prepared by WT Partnership dated 24 May 2013 is provided at Appendix I.</div>
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CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>28. Structural Adequacy of Adjoining Buildings</p> <p>A certificate from an appropriately qualified and practicing Structural Engineer, certifying the structural adequacy of the adjoining properties numbers 16 and 20 Marmora Street, 22-26 Albert Street and 9 Lawrence Street and their ability to withstand the proposed excavation works, shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate. The certificate shall detail any measures required to be incorporated into the work to ensure that no damage will occur to adjoining premises during the course of the works, and that the completed works will be structurally adequate.</p> <p>Reason: To ensure the protection and structural integrity of adjoining properties, and that common law property rights are recognized. (DACGCsaab)</p>	<p>28. Structural Adequacy of Adjoining Buildings</p> <p>A certificate from an appropriately qualified and practicing Structural Engineer, certifying the structural adequacy of the adjoining properties numbers 16 and 20 Marmora Street, 22-26 Albert Street and 9 Lawrence Street and their ability to withstand the proposed excavation works, shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for the staged construction and occupation of the development on Lot 1 in DP in 1181713. The certificate shall detail any measures required to be incorporated into the work to ensure that no damage will occur to adjoining premises during the course of the works, and that the completed works will be structurally adequate.</p> <p>Reason: To ensure the protection and structural integrity of adjoining properties, and that common law property rights are recognized. (DACGCsaab)</p>	<p>Proposed modification of Condition 28 relates only to the staged construction and occupation of the proposed residential building in the development on Lot 1 in DP 1181713.</p>
<p>29. Structural Design Certificate</p> <p>Structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with all relevant Australian Standards and design codes shall be submitted to the Certifying Authority prior to issue of the Construction Certificate.</p> <p>Reason: To ensure the safety and structural adequacy of the approved development and compliance with the appropriate Australian Standards. (DACGCsdc)</p>	<p>29. Structural Design Certificate</p> <p>Structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with all relevant Australian Standards and design codes shall be submitted to the Certifying Authority prior to issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Reason: To ensure the safety and structural adequacy of the approved development and compliance with the appropriate Australian Standards. (DACGCsdc)</p>	<p>Proposed modification of Condition 29 is to enable the staged construction of the development.</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>30. Construction Management Program A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:</p> <ul style="list-style-type: none"> (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 minimizing traffic congestion and noise in the area, with no access across public parks or reserves being allowed; (b) Arrangement's for truck access and anticipated number of truck movements; (c) The proposed phases of construction works on the site, and the expected duration of each construction phase; (d) 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; (e) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. (f) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site; (g) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period; (h) 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; (i) The proposed method of support to any excavation adjacent to adjoin properties, or the road reserve. The proposed method of support is to be designed and certificate by an appropriately qualified and practicing Structural Engineer, or equivalent; (j) Proposed protection for Council and adjoining properties; (k) The location and operation of any on site crane. <p>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. (DACGCcmp)</p>	<p>30. Construction Management Program A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173. The program shall detail:</p> <ul style="list-style-type: none"> (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 minimizing traffic congestion and noise in the area, with no access across public parks or reserves being allowed; (b) Arrangement's for truck access and anticipated number of truck movements; (c) The proposed phases of construction works on the site, and the expected duration of each construction phase; (d) 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; (e) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. (f) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site; (g) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period; (h) 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; (i) The proposed method of support to any excavation adjacent to adjoin properties, or the road reserve. The proposed method of support is to be designed and certificate by an appropriately qualified and practicing Structural Engineer, or equivalent; (j) Proposed protection for Council and adjoining properties; (k) The location and operation of any on site crane. <p>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. (DACGCcmp)</p>	<p>Proposed modification of Condition 30 is to enable the staged construction of the development.</p>
<p>31. Design for Access & Mobility – Retail and Commercial Component The development must be designed to comply with the requirements of Australian Standard AS1428.2-1992 Design for Access and Mobility – Enhanced and additional requirements – Buildings and facilities and the access requirements of the Building Code of Australia. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure equitable access to members of the community to all public facilities (DACGCdam)</p>	<p>31. Design for Access & Mobility – Retail and Commercial Component The development must be designed to comply with the requirements of Australian Standard AS1428.2-1992 Design for Access and Mobility – Enhanced and additional requirements – Buildings and facilities and the access requirements of the Building Code of Australia. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Reason: To ensure equitable access to members of the community to</p>	<p>Proposed modification of Condition 31 is to enable the staged construction of the development.</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
	<i>all public facilities (DACGCdam)</i>	
<p>32. Design for Access & Mobility – Residential Component</p> <p>Building C must be designed to comply with the requirements of the Australian Standard AS1428.2-1992 Design for Access and Mobility – Enhanced and additional requirements – Buildings and facilities and Units 7 and 9 must be designed to comply with the requirements of AS4299 – Adaptable Housing. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure equitable access to members of the community to all public facilities (DACGCdam)</p>	<p>32. Design for Access & Mobility – Residential Component</p> <p>Building C must be designed to comply with the requirements of the Australian Standard AS1428.2-1992 Design for Access and Mobility – Enhanced and additional requirements – Buildings and facilities and Units 7 and 9 must be designed to comply with the requirements of AS4299 – Adaptable Housing. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Reason: To ensure equitable access to members of the community to all public facilities (DACGCdam)</p>	Proposed modification of Condition 32 is to enable the staged construction of the development.
<p>33. Dilapidation Survey</p> <p>A dilapidation survey of adjacent buildings must be conducted prior to any site work. The lateral extent of the survey must cover the likely “zone of influence” of any excavation or construction induced vibration. The survey must be properly documented. The dilapidation report must be submitted to Council and the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: Proper management of records (DACGCds)</p>	<p>33. Dilapidation Survey</p> <p>A dilapidation survey of adjacent buildings must be conducted prior to any site work. The lateral extent of the survey must cover the likely “zone of influence” of any excavation or construction induced vibration. The survey must be properly documented. The dilapidation report must be submitted to Council and the Certifying Authority prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Reason: Proper management of records (DACGCds)</p>	Proposed modification of Condition 33 is to enable the staged construction of the development.
<p>34. Long Service Levy</p> <p>Payment of the Long Service Levy is required prior to the release of the Construction Certificate. 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 works.</p> <p>Reason: Prescribed – Statutory. (DACGCIsI)</p>	<p>34. Long Service Levy</p> <p>Payment of the Long Service Levy is required prior to the release of the Construction Certificate for the staged construction of the development of Lot 1 or Lot 2 in DP 118173. 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 works.</p> <p>Reason: Prescribed – Statutory. (DACGCIsI)</p>	Proposed modification of Condition 34 is to require payment of the Long Service Levy for each stage of construction of the development.
<p>35. Exhaust Fumes from Car Park</p> <p>Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings in accordance with the provisions of the relevant Australian Standards. Details demonstrating compliance are to be submitted prior to the issue of the Construction Certificate.</p> <p>Note: The following Australian Standard applied at the time of determination:</p> <ul style="list-style-type: none"> Australian Standard AS1668.1:1998 – The use of ventilation and air-conditioning in buildings – Fire and smoke control in multi-compartment buildings. <p>Reason: To preserve community health and ensure compliance with acceptable standards. (DACHCefcp)</p>	<p>35. Exhaust Fumes from Car Park</p> <p>Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings in accordance with the provisions of the relevant Australian Standards. Details demonstrating compliance are to be submitted prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Note: The following Australian Standard applied at the time of determination:</p> <ul style="list-style-type: none"> Australian Standard AS1668.1:1998 – The use of ventilation and air-conditioning in buildings – Fire and smoke control in multi-compartment buildings. <p>Reason: To preserve community health and ensure compliance with acceptable standards. (DACHCefcp)</p>	Proposed modification of Condition 35 is to enable the staged construction of the development.

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>36. High Quality Lighting</p> <p>External lighting is to be provided for security that complies with the relevant Australian Standard. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Note: The following Australian Standard at the time of determination:</p> <ul style="list-style-type: none"> Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting. <p>Reason: To ensure lighting provides security and amenity. (DACHChql)</p>	<p>36. High Quality Lighting</p> <p>External lighting is to be provided for security that complies with the relevant Australian Standard. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173.</p> <p>Note: The following Australian Standard at the time of determination:</p> <ul style="list-style-type: none"> Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting. <p>Reason: To ensure lighting provides security and amenity. (DACHChql)</p>	<p>Proposed modification of Condition 36 is to enable the staged construction of the development.</p>
<p>37. Noise from Plant</p> <p>A certificate from an appropriately qualified Acoustic Engineer is to be submitted to the Certifying Authority prior the issue of the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm-6.00am) when measured at the boundary of the property, and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.</p> <p>Reason: To comply with best practice standards for residential acoustic amenity. (DACHCnp)</p>	<p>37. Noise from Plant</p> <p>A certificate from an appropriately qualified Acoustic Engineer is to be submitted to the Certifying Authority prior the issue of the Construction Certificate for the staged construction for Lot 1 DP 118173 and prior to the issue of the separate Construction Certificate for the staged construction for Lot 2 DP 118173 certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm-6.00am) when measured at the boundary of the property, and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.</p> <p>Reason: To comply with best practice standards for residential acoustic amenity. (DACHCnp)</p>	<p>Proposed modification of Condition 37 is to enable the staged construction of the development.</p>
Conditions that must be addressed prior to any commencement		
<p>38. Public Liability Insurance – Works on Public Land</p> <p>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 Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.</p> <p>Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEDplwip)</p>	<p>Nil</p>	<p>N/A</p>
<p>39. Road Opening Permit</p> <p>The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.</p> <p>Reason: Statutory requirement (Roads Act 1993). (DACEDrop)</p>	<p>Nil</p>	<p>N/A</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>40. Special Permits</p> <p>Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or building must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time. (See below)</p> <ul style="list-style-type: none"> Permit for on-street mobile plant <p>Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.</p> <ul style="list-style-type: none"> Hoarding Permit <p>Permits are required to erect Class A, Class B and Class C hoardings. If a 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.</p> <ul style="list-style-type: none"> Storage of building materials and building waste containers (skips) on Council's property. <p>Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.</p> <ul style="list-style-type: none"> Kerbside restrictions, work zones <p>Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.</p> <p>Reason: To ensure compliance with statutory provisions. (DACGDebw)</p>	<p>Nil</p>	<p>N/A</p>
<p>41. Excavation/Buildings Works</p> <p>No excavation or building works shall be carried out until a Construction Certificate has been issued.</p> <p>Reason: To ensure compliance with statutory provisions. (DACGDebw)</p>	<p>Nil</p>	<p>N/A</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>42. Home Building Act</p> <p>(1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates;</p> <p>(a) In the case of work to be done by a licensee under that Act:</p> <p>(i) Has been informed in writing of the licensee's name and contractor licence number, and</p> <p>(ii) Is satisfied that the licensee has complied with the requirements of the Home Building Act, or</p> <p>(b) In the case of work to be done by any other person</p> <p>(i) Has been informed in writing of the person's name and owner-builder permit number, or</p> <p>(ii) Has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.</p> <p>Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was gazette, that amount was \$3,000. As those regulations are amended from time to time, that amount may vary.</p> <p>(2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.</p> <p>(3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.</p> <p>Reason: Prescribed - Statutory. (DACGDhba)</p>	<p>Nil</p>	<p>N/A</p>
<p>43. Notice of Commencement</p> <p>At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with Section 81A of the Environmental Planning and Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.</p> <p>Reason: Legislative requirement for the naming of the PCA. (DACGDnc)</p>	<p>Nil</p>	<p>N/A</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>44. Site Sign</p> <p>(1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:</p> <p>(a) stating that unauthorised entry to the work site is prohibited;</p> <p>(b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and</p> <p>(c) showing the name, address and telephone number of the Principal Certifying Authority for the work.</p> <p>(2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.</p> <p>(3) This condition does not apply to building works being carried out inside an existing building.</p> <p>Reason: Statutory requirement. (DACGDss)</p>	<p>Nil</p>	<p>N/A</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>45. Toilets</p> <p>(1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>(2) Each toilet provided:</p> <p>(a) must be a standard flushing toilet, and</p> <p>(b) must be connected:</p> <p>(i) to a public sewer; or</p> <p>(ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or</p> <p>(iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.</p> <p>(3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.</p> <p>(4) In this clause:</p> <p>accredited sewage management facility means a sewage management facility to which Division 4 Sub-division 5 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in of the Regulation.</p> <p>approved by the Council means the subject of an approval in force under the Local Government (General) Regulation 2005.</p> <p>public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.</p> <p>sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.</p> <p>Reason: <i>To ensure adequate facilities are provided for workers on the site. (DACGdt)</i></p>	<p>Nil</p>	<p>N/A</p>
<p>46. Waste Collection Contract</p> <p>Prior to the commencement of work, written evidence is to be submitted to the Certifying Authority that there is a contract with a licensed contractor for the removal of demolition waste.</p> <p>Reason: <i>To maintain the property in a safe and hygienic state. (DACHDwcc)</i></p>	<p>Nil</p>	<p>N/A</p>
<p>47. Protection of Trees During Works</p> <p>All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Details of required protection methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.</p> <p>Reason: <i>To ensure compliance with the requirement to retain significant planting on the site. (DACLDptdw)</i></p>	<p>Nil</p>	<p>N/A</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
Conditions that must be complied with during demolition and building work		
48. Applicant's Cost of Work on Council Property The applicant shall bear the cost of all works associated with the development that occurs on Council's property. Reason: To ensure the proper management of public land. (DACEEacwcp)	Nil	N/A
49. Prohibition on Use of Pavements No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without prior Council Approval. Reason: To ensure public safety and amenity on public land. (DACEEpup)	Nil	N/A
50. Traffic Control During Road Works Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works. Reason: Public Safety. (DACEEtdrw)	Nil	N/A
51. Vehicle Crossings The provision of 2 vehicle crossings, 6 metres wide to Lawrence Street and 3 metres wide to Marmora Street, in accordance with Warringah Council Drawing No A4-3330/1 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. For details see Warringah Council's website http://www.warringah.nsw.gov.au or phone (02) 9942 2111. Reason: To facilitate suitable vehicular access to private property. (DACEEvc)	Nil	N/A

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>52. Footpath Restoration The applicant shall reinstate the concrete paving to the Lawrence Street frontage of the site. The works shall be in accordance with the following:</p> <p>(a) All footpath works are to be constructed in accordance with Council's Minor Works Specification. (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath. (c) The preferred crossfall of the footpath is to be 3% (1 in 33.3) rising from the top of the existing kerb. The maximum allowable crossfall of the footpath is to be 5% (1 in 20). (d) All costs associated with the works are to be borne by the applicant.</p> <p>Reason: To ensure compliance of footpath works with Council's specification for engineering works. (DACEEfc)</p>	Nil	N/A
<p>53. Installation and Maintenance of Sediment Control Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Soils and Construction Manual Volume 1 - Managing Urban Stormwater. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.</p> <p>Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACEEmsc)</p>	Nil	N/A
<p>54. Layback Construction A layback, 6 metres wide to Lawrence Street and 3 metres wide to Marmora Street (excluding the wings), is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.</p> <p>Reason: To facilitate suitable vehicular access to private property. (DACEElc)</p>	Nil	N/A
<p>55. 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.</p> <p>Reason: Public Safety. (DACEEmrr)</p>	Nil	N/A

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>56. Notification of Inspections Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:</p> <p>(a) Prior to connection into Council's existing stormwater pit</p> <p>NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.</p> <p>Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACEEni)</p>	Nil	N/A
<p>57. Structural Adequacy and Excavation Work Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.</p> <p>All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:</p> <p>(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.</p> <p>Before excavation, the responsible person must notify their intention to the adjoining owner/s and shall at the same time furnish to such owner/s particulars of the work proposed to be carried out.</p> <p>Reason: Safety. (DACEEsaew)</p>	Nil	N/A
<p>58. Plant & Equipment Kept Within Site All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.</p> <p>Reason: To ensure public safety and amenity on public land. (DACGEpekws)</p>	Nil	N/A
<p>59. Plans on Site A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Certifying Authority.</p> <p>Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance. (DACGEpos)</p>	Nil	N/A

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>60. Protection of Public Places</p> <p>(1) If the work involved in the erection or demolition of a building:</p> <p>(a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or</p> <p>(b) building involves the enclosure of a public place, a hoarding and site fencing must be erected between the work site and the public place.</p> <p>(2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.</p> <p>(3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.</p> <p>(4) Any such hoarding, fence or awning is to be removed when the work has been completed.</p> <p>(5) No access across public reserves or parks is permitted.</p> <p>Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained.</p> <p>Reason: <i>To ensure public safety and the proper management of public land. (DACGEppp)</i></p>	Nil	N/A
<p>61. Removal of All Temporary Structures/Material and Construction Rubbish</p> <p>Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from site.</p> <p>Reason: <i>To ensure bushland management. (DACGErtsmc)</i></p>	Nil	N/A

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>62. Construction Hours Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.</p> <p>Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).</p> <p>Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk.</p> <p>Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.</p> <p>Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACGEch)</p>	Nil	N/A
<p>63. Demolition Works All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with all relevant Acts, Regulations and Australian Standards. Note: The following Australian Standard applied at the time of determination</p> <ul style="list-style-type: none"> - Australian Standard AS2601.2001 - Demolition of Structures <p>Reason: To ensure a satisfactory standard of demolition works. (DACGEdw)</p>	Nil	N/A
<p>64. Excavation / Backfilling All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.</p> <p>All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.</p> <p>Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. (DACGEeb)</p>	Nil	N/A

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>65. Support for Neighbouring Buildings (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:</p> <ul style="list-style-type: none"> (a) must preserve and protect the building from damage; (b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent; and (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. <p>(2) 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.</p> <p>(3) In this clause, allotment of land includes a public road and any other public place.</p> <p>Reason: To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage. (DACGEg)</p>	Nil	N/A
<p>66. Health and Safety The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.</p> <p>Reason: To ensure the health and safety of the community and workers on the site. (DACGEhs)</p>	Nil	N/A
<p>67. Sediment and Erosion Control Signage A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.</p> <p>Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACHEsecs)</p>	Nil	N/A
<p>68. Dust emission and air quality Materials must not be burnt on site.</p> <p>Vehicles entering and leaving the site with soil or fill material must be covered.</p> <p>Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the Landcom's Managing Urban Stormwater: Soils and Construction (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.</p> <p>Reason: To ensure residential amenity is maintained in the immediate vicinity. (DACHEdeaq)</p>	Nil	N/A

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>69. Site Stabilisation Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully re-turfed and the site must be maintained in a safe and clean state until such time as new construction works commence.</p> <p>Reason: To retain topsoil and minimise dust pollution. (DACHEss)</p>	Nil	N/A
<p>70. Waste Management Plan Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the approved Waste Management Plan.</p> <p>Reason: To maximise reuse and recycling of material and protect the environment from illegal dumping. (DACHEwmp)</p>	Nil	N/A
<p>71. Noise and Vibration Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.</p> <p>Reason: To ensure residential amenity is maintained in the immediate vicinity. (DACHEnv)</p>	Nil	N/A
<p>72. Removing, Handling and Disposing of Asbestos Any works involving asbestos based products in relation to removal, handling and disposing of material must be undertaken in accordance with all relevant Acts, Regulations, Guides and Codes.</p> <p>Note: The following standards applied at the time of determination:</p> <ul style="list-style-type: none"> • Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and • Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <p>Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. (DACHErhda)</p>	Nil	N/A
<p>73. Protection of Trees All trees which are not listed as exempt or noxious in Warringah that are not indicated for removal on Landscape Concept Plan Drawing Number LC01C prepared by Selena Hannan Landscape Design Dated 27.2.2009 are to be protected. Tree Nos. 1, 2 and 3, as identified on the Landscape Concept Plan, are on an adjoining property. As concurrence of the property owners has been obtained, these trees may be removed, however permission to access the property is to be sought from the owners prior to works being undertaken.</p> <p>Reason: Protection of existing environmental infrastructure and community assets. (DACLEpt)</p>	Nil	N/A

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>74. Trees (1) Tree roots of 50mm or greater in diameter encountered during excavation, shall only be cut following consultation with a qualified Arborist. Tree roots between 10mm and 50mm in diameter, severed during excavation, shall be cut cleanly by hand.</p> <p>Reason: Protection of trees.</p> <p>(2) Underground services should use common trenches as far away from tree roots as possible. If the services need to be run within the protection zone, all utility pipes are to be laid using appropriate directional boring techniques. Directional Boring shall be carried out at least 600mm beneath natural ground to avoid damage to tree/trees root system. Entry and exit points are to be located outside the protected area. No tree roots are to be severed, or damaged during this work. Should problems arise, work is to cease until those problems are resolved and confirmed in writing by Council's Tree Management Officer.</p> <p>Reason: Protection of trees.</p> <p>(3) All overhead utility services are to be located outside the canopies of existing trees.</p> <p>Reason: Protection of trees.</p> <p>(4) The following guidelines are to be complied with at all times:</p> <p>(a) The applicant shall ensure that at all times during the development period no activities, storage or disposal of materials shall take place beneath the canopy of any tree covered under Council's Tree Preservation Order unless specifically approved by Council.</p> <p>(b) Trees marked for retention are not to be damaged or used to display signage, or as fence or cable supports for any reason.</p> <p>(c) Siting of sheds, stockpiles and vehicle parking should be sited so that they are remote from trees.</p> <p>(d) Site personnel are to be made aware of tree requirements and protective measures. Paving materials placed within the dripline of any tree should be of a porous material.</p> <p>Reason: Protection of trees.</p> <p>(5) During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:</p> <p>(a) A general decline in health and vigour.</p> <p>(b) Damaged, crushed or dying roots due to poor pruning techniques.</p> <p>(c) More than 10% loss or dieback of roots, branches and foliage.</p> <p>(d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.</p> <p>(e) Yellowing of foliage or a thinning of the canopy untypical of its species.</p>	<p>Nil</p>	<p>N/A</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>(f) An increase in the amount of deadwood not associated with normal growth. (g) An increase in kino or gum exudation. (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition. (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.</p> <p>The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.</p> <p>Reason: Protection of trees.</p> <p>(6) All trees on neighbouring properties (other than those which have been approved to be removed) are to be protected from adverse impacts caused by the works. Any excavations or changes of level occurring within the canopy of trees on neighbouring properties shall only be undertaken following consultation by a suitably qualified Arborist.</p> <p>Any mitigating measures and recommendations required by the Arborist are to be implemented.</p> <p>The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.</p> <p>Reason: Protection of trees. (DACLEt)</p>		
<p>Conditions which must be complied with prior to issue of Occupation Certificate</p>		
<p>75. Easement for Drainage An easement for drainage (under the provisions of Section 88B of the Conveyancing Act) is to be created on the title to ensure all Council drainage infrastructure is located within the appropriate easement(s), prior to the issue of the Occupation Certificate. Dimensions and location of the easement for drainage shall be in accordance with Council's "Building Over or Adjacent to Constructed Council Drainage system and Easements" Policy, PAS-PL 130. The terms of such easement, (available from Warringah Council), are to be prepared by a registered surveyor to Warringah Council's standard requirements at the applicant's expense. Warringah Council shall be nominated as a party to release, vary or modify such restriction.</p> <p>Reason: To comply with Council's standards and Statutory requirements of the Conveyancing Act 1919.</p>	<p>75. Easement for Drainage An easement for drainage (under the provisions of Section 88B of the Conveyancing Act) is to be created on the title to ensure all Council drainage infrastructure is located within the appropriate easement(s), prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 DP 1181713. Dimensions and location of the easement for drainage shall be in accordance with Council's "Building Over or Adjacent to Constructed Council Drainage system and Easements" Policy, PAS-PL 130. The terms of such easement, (available from Warringah Council), are to be prepared by a registered surveyor to Warringah Council's standard requirements at the applicant's expense. Warringah Council shall be nominated as a party to release, vary or modify such restriction.</p> <p>Reason: To comply with Council's standards and Statutory requirements of the Conveyancing Act 1919.</p>	<p>Proposed modification of Condition 75 is required as it only relates to the creation of an easement for drainage on Lot 1 in DP 1181713.</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>76. Easement to Drain Water – Overland flow path An easement to drain water shall be created in favour of Council over the overland flow path to encompass the 1 in 100 year recurrence frequency predicted water surface level. The easement is to be created on the title, prior to the issue of the Occupation Certificate. The terms of such easement, (available from Warringah Council), are to be prepared by a registered surveyor to Warringah Council's standard requirements at the applicant's expense. Warringah Council shall be nominated as a party to release, vary or modify such restriction.</p> <p><i>Reason: To identify flood affected areas on the property title</i></p>	<p>76. Easement to Drain Water – Overland flow path An easement to drain water shall be created in favour of Council over the overland flow path to encompass the 1 in 100 year recurrence frequency predicted water surface level. The easement is to be created on the title, prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 DP 1181713. The terms of such easement, (available from Warringah Council), are to be prepared by a registered surveyor to Warringah Council's standard requirements at the applicant's expense. Warringah Council shall be nominated as a party to release, vary or modify such restriction.</p> <p><i>Reason: To identify flood affected areas on the property title</i></p>	<p>Proposed modification of Condition 76 is required as it only relates to the creating of an easement to drain water for the overland flow path on Lot 1 in DP 1181713.</p>
<p>77. Restriction as to User (Overland flow path) A restriction as to user shall be created on the title over the overland flow path, restricting any alteration to the levels and/or any construction on the land, prior to issue of the Occupation Certificate. The terms of such restriction, (available from Warringah Council), are to be prepared by a registered surveyor to Warringah Council's standard requirements at the applicant's expense. Warringah Council shall be nominated as a party to release, vary or modify such restriction.</p> <p><i>Reason: To ensure no modification of the overland flow path without Council's approval.</i></p>	<p>77. Restriction as to User (Overland flow path) A restriction as to user shall be created on the title over the overland flow path, restricting any alteration to the levels and/or any construction on the land, prior to issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 DP 118173. The terms of such restriction, (available from Warringah Council), are to be prepared by a registered surveyor to Warringah Council's standard requirements at the applicant's expense. Warringah Council shall be nominated as a party to release, vary or modify such restriction.</p> <p><i>Reason: To ensure no modification of the overland flow path without Council's approval.</i></p>	<p>Proposed modification of Condition 77 is required as it only relates to Lot 1 in DP 1181713.</p>
<p>78. 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 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 drainage plan) and hydraulic engineer's certification 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.</p> <p>If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.</p> <p><i>Reason: To create encumbrances on the land. (DACEFaldsd)</i></p>	<p>78. 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 for authorisation prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 in DP 118173. A copy of the work-as-executed plan (details overdrawn on a copy of the approved drainage plan) and hydraulic engineer's certification 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.</p> <p>If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.</p> <p><i>Reason: To create encumbrances on the land. (DACEFaldsd)</i></p>	<p>Proposed modification of Condition 78 is to enable the staged construction and occupation of the development.</p>
<p>79. Creation of Positive Covenant and Restriction as to User Where any conditions of this Consent require the creation of a positive covenant and/or restriction as to user, the original completed request forms (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation. A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands" prior to issue of the Interim/Final Occupation Certificate.</p> <p><i>Reason: To identify encumbrances on land. (DACEFcpcru)</i></p>	<p>79. Creation of Positive Covenant and Restriction as to User Where any conditions of this Consent require the creation of a positive covenant and/or restriction as to user, the original completed request forms (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation. A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands" prior to issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 DP 118173.</p> <p><i>Reason: To identify encumbrances on land. (DACEFcpcru)</i></p>	<p>Proposed modification of Condition 79 is to enable the staged construction and occupation of the development.</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>80. 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 to Council prior to the issue of an Interim/Final Occupation Certificate.</p> <p>Reason: To identify encumbrances on land. (DACEFreosd)</p>	<p>80. 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 to Council prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 in DP 118173.</p> <p>Reason: To identify encumbrances on land. (DACEFreosd)</p>	<p>Proposed modification of Condition 80 is to enable the staged construction and occupation of the development.</p>
<p>81. Reinstatement of Kerb Prior to the issue of an Interim/Final Occupation Certificate 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.</p> <p>Reason: To facilitate the preservation of on street parking spaces. (DACEFrk)</p>	<p>81. Reinstatement of Kerb Prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 in DP 118173 all redundant laybacks and vehicular crossings on Lot 1 or Lot 2 shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.</p> <p>Reason: To facilitate the preservation of on street parking spaces. (DACEFrk)</p>	<p>Proposed modification of Condition 81 is to enable the staged construction and occupation of the development.</p>
<p>82. 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 prior to the issue of an Interim/Final Occupation Certificate. The terms of such restriction are to be prepared to Council's standard requirements (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgment with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.</p> <p>Reason: To ensure no modification to the on-site stormwater detention structure without Council's approval. (DACEFrusd)</p>	<p>82. 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 prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 in DP 118173. The terms of such restriction are to be prepared to Council's standard requirements (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgment with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.</p> <p>Reason: To ensure no modification to the on-site stormwater detention structure without Council's approval. (DACEFrusd)</p>	<p>Proposed modification of Condition 82 is to enable the staged construction and occupation of the development.</p>
<p>83. Stormwater Disposal Certification The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified professional. The certification is to be submitted to the Principal Certifying Authority prior to the issue of an Interim/Final Occupation Certificate.</p> <p>Note: The following Standards and Codes applied at the time of determination:</p> <ul style="list-style-type: none"> • Australian/New Zealand Standard AS/NZS 3500.3:2003 - Plumbing and drainage - Stormwater drainage • Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 - Plumbing and drainage - Stormwater drainage • National Plumbing and Drainage Code. <p>Reason: To ensure appropriate provision for disposal of stormwater arising from the development. (DACEFsds)</p>	<p>83. Stormwater Disposal Certification The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified professional. The certification is to be submitted to the Principal Certifying Authority prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 in DP 118173.</p> <p>Note: The following Standards and Codes applied at the time of determination:</p> <ul style="list-style-type: none"> • Australian/New Zealand Standard AS/NZS 3500.3:2003 - Plumbing and drainage - Stormwater drainage • Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 - Plumbing and drainage - Stormwater drainage • National Plumbing and Drainage Code. <p>Reason: To ensure appropriate provision for disposal of stormwater arising from the development. (DACEFsds)</p>	<p>Proposed modification of Condition 83 is to enable the staged construction and occupation of the development.</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>84. Undergrounding of Telecommunications Services All telecommunications services to the development must be provided underground prior to the issue an Interim/Final Occupation Certificate.</p> <p>Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACEFuts)</p>	<p>84. Undergrounding of Telecommunications Services All telecommunications services to the development must be provided underground prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 in DP 118173.</p> <p>Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACEFuts)</p>	<p>Proposed modification to Condition 84 is to enable the staged construction and occupation of the development.</p>
<p>85. 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” (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans. The Compliance Certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Interim/Final Occupation Certificate.</p> <p>Reason: To ensure stormwater disposal is constructed to Council’s satisfaction. (DACEFosdcc)</p>	<p>85. 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” (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans. The Compliance Certificate is to be submitted to the Principal Certifying Authority prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 in DP 118173.</p> <p>Reason: To ensure stormwater disposal is constructed to Council’s satisfaction. (DACEFosdcc)</p>	<p>Proposed modification to Condition 85 is to enable the staged construction and occupation of the development.</p>
<p>86. 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.</p> <p>Warringah Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Warringah Council’s Authorised Officer shall sign these documents prior to the submission to the Land & Property Information Department. Evidence of the registration of the instrument referred to in this condition is to be provided to Council prior to the issue of an Interim/Final Occupation Certificate.</p> <p>Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. (DACEFpcmsp)</p>	<p>86. 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.</p> <p>Warringah Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Warringah Council’s Authorised Officer shall sign these documents prior to the submission to the Land & Property Information Department. Evidence of the registration of the instrument referred to in this condition is to be provided to Council prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 in DP 118173.</p> <p>Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. (DACEFpcmsp)</p>	<p>Proposed modification to Condition 86 is to enable the staged construction and occupation of the development.</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>87. 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 prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgment with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.</p> <p><i>Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACEFpcosd)</i></p>	<p>87. 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 prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 in DP 118173. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgment with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.</p> <p><i>Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACEFpcosd)</i></p>	<p>Proposed modification of Condition 87 is to enable the staged construction and occupation of the development.</p>
<p>88. Access for People with Disabilities– Retail and Commercial Component Prior to the issue of an Interim/Final Occupation Certificate provision shall be made for access to and within the retail/commercial building on the site (Building A) for persons with a disability in accordance with the provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities and the Access requirements of the Building Code of Australia.</p> <p><i>Reason: Equitable access for people with a disability. (DACGFapd)</i></p>	<p>88. Access for People with Disabilities– Retail and Commercial Component Prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 2 in DP 118173 provision shall be made for access to and within the retail/commercial building on the site (Building A) for persons with a disability in accordance with the provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities and the Access requirements of the Building Code of Australia.</p> <p><i>Reason: Equitable access for people with a disability. (DACGFapd)</i></p>	<p>Proposed modification of Condition 88 is required as it only applies to the retail and commercial component on Lot 2 in DP 118173.</p>
<p>89. Design for Access & Mobility – Residential Component Prior to the issue of an Interim/Final Occupation Certificate provision shall be made for access to and within Building C for persons with a disability in accordance with the provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Units 7 and 9 shall comply with the requirements of AS4299 – Adaptable Housing.</p> <p><i>Reason: To ensure equitable access to members of the community to all public facilities. (DACGCdam)</i></p>	<p>89. Design for Access & Mobility – Residential Component Prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 in DP 118173 provision shall be made for access to and within Building C for persons with a disability in accordance with the provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Units 7 and 9 shall comply with the requirements of AS4299 – Adaptable Housing.</p> <p><i>Reason: To ensure equitable access to members of the community to all public facilities. (DACGCdam)</i></p>	<p>Proposed modification of Condition 89 is required as it only applies to the residential component on Lot 1 in DP 118173.</p>
<p>90. Garbage and Recycling Facilities Prior to the issue of an Interim/Final Occupation Certificate, garbage facilities are to be constructed in accordance with Warringah Council's Code for Waste Handling in Residential Buildings. 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.</p> <p><i>Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors. (DACGFgrf)</i></p>	<p>90. Garbage and Recycling Facilities Prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 in DP 118173, garbage facilities are to be constructed in accordance with Warringah Council's Code for Waste Handling in Residential Buildings. 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.</p> <p><i>Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors. (DACGFgrf)</i></p>	<p>Proposed modification of Condition 90 is required as it only applies to the residential buildings on Lot 1 in DP 118173.</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>91. House / Building Number Prior to the issue of an Interim/Final Occupation Certificate, the house/building number is to be affixed to the buildings.</p> <p>Reason: Proper identification of buildings. (DACGFhbn)</p>	<p>91. House / Building Number Prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 in DP 118173, the house/building number is to be affixed to the buildings.</p> <p>Reason: Proper identification of buildings. (DACGFhbn)</p>	<p>Proposed modification of Condition 91 is to enable the staged construction and occupation of the development.</p>
<p>92. Occupation Certificate Required An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.</p> <p>Note: In issuing an Interim / Final Occupation Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.</p> <p>Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act. (DACGFocr)</p>	<p>92. Occupation Certificate Required An Interim / Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 in DP 118173 shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.</p> <p>Note: In issuing an Interim / Final Occupation Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.</p> <p>Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act. (DACGFocr)</p>	<p>Proposed modification to Condition 92 is to enable the staged construction and occupation of the development.</p>
<p>93. Sydney Water A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.</p> <p>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> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.</p> <p>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.</p> <p>The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.</p> <p>Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACGFsw)</p>	<p>Nil</p>	<p>N/A</p>
<p>94. BASIX Compliance Certification Prior to the issue of an Interim/Final Occupation Certificate, all the selected BASIX commitments as detailed in the BASIX Certificate, lodged with the Development Application, must be completed.</p> <p>Reason: To ensure the development complies with the requirements of the SEPP (Building sustainability index: BASIX 2004). (DACGFbcc)</p>	<p>94. BASIX Compliance Certification Prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 in DP 118173, all the selected BASIX commitments as detailed in the BASIX Certificate, lodged with the Development Application, must be completed.</p> <p>Reason: To ensure the development complies with the requirements of the SEPP (Building sustainability index: BASIX 2004). (DACGFbcc)</p>	<p>Proposed modification of Condition 94 is required as it only applies to the staged construction and occupation of the residential buildings with a BASIX Compliance Certification on Lot 1 in DP 118173.</p>

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>95. Consolidation of Lots Prior to the issue of an Interim/ Final Occupation Certificate Lots 9 Sec 2 DP 10321, Lot A and B DP 375558 are to be consolidated into one lot and evidence of the registration of the appropriate survey plan by Land & Property Information is to be submitted to the Principal Certifying Authority.</p> <p>Reason: To ensure the orderly development of land. (DACGFcl)</p>	Delete the whole of Condition 95	Proposed modification is to delete Condition 95 As the development consent for the mixed use proposal issued by the NSW Land and Environment Court in Minnici v Warringah Council (2009) NSWLEC 1098 included approval of a proposed subdivision of the subject site into two (2) allotments (see Appendix B) and is as shown on the Plan of Subdivision (see Appendix D).
<p>96. Access and Egress from Lawrence Street Vehicles are not permitted to turn right into, or out of, the driveway on Lawrence Street. Signs shall be erected in this regard prior to the issue of the Occupation Certificate.</p> <p>Reason: To ensure safe vehicular access and egress.</p>	<p>96. Access and Egress from Lawrence Street Vehicles are not permitted to turn right into, or out of, the driveway on Lawrence Street. Signs shall be erected in this regard prior to the issue of the Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 2 in DP 118173.</p> <p>Reason: To ensure safe vehicular access and egress.</p>	Proposed modification of Condition 96 is required as it only relates to the staged construction and occupation of the retail and commercial buildings on Lot 2 in DP 118173.
<p>97. Car parking Layout All car spaces are to be line marked in accordance with the car parking layout on the approved plans prior to the issue of an Interim/Final Occupation Certificate.</p> <p>Reason: To clearly identify car parking spaces in accordance with the approved plans. (DACGFcpl)</p>	<p>97. Car parking Layout All car spaces are to be line marked in accordance with the car parking layout on the approved plans prior to the issue of an Interim/Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 in DP 118173.</p> <p>Reason: To clearly identify car parking spaces in accordance with the approved plans. (DACGFcpl)</p>	Proposed modification of Condition 97 is to enable the staged construction and occupation of the development.
<p>98. Fire Safety Matters At the completion of all works, a Fire Safety Certificate will need to be compiled 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.</p> <p>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.</p> <p>Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACGFfsm)</p>	Nil	N/A

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>99. Noise Impact of Plant All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system, shall be sound insulated and/or isolated so that the noise emitted does not exceed 5 dB(A) above the background level (LA90) during the day when measured at the nearest affected residence. For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with Environment Protection Authority's NSW Industrial Noise Policy guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.</p> <p>A report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Certifying Authority demonstrating compliance with this condition prior to the issue of an Interim / Final Occupation Certificate.</p> <p>Note: The method of measurement of sound shall be carried out in accordance with Australian Standard AS1055.1 - 1997 Acoustics - Description and measurement of environmental noise - General procedures.</p> <p>Reason: To ensure that noise generated from the development does not result in offensive noise to any other party. (DACHFnip)</p>	<p>99. Noise Impact of Plant All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system, shall be sound insulated and/or isolated so that the noise emitted does not exceed 5 dB(A) above the background level (LA90) during the day when measured at the nearest affected residence. For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with Environment Protection Authority's NSW Industrial Noise Policy guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.</p> <p>A report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Certifying Authority demonstrating compliance with this condition prior to the issue of the Interim / Final Occupation Certificate for the staged construction and occupation of the development on Lot 1 or Lot 2 DP 118173.</p> <p>Note: The method of measurement of sound shall be carried out in accordance with Australian Standard AS1055.1 - 1997 Acoustics - Description and measurement of environmental noise - General procedures.</p> <p>Reason: To ensure that noise generated from the development does not result in offensive noise to any other party. (DACHFnip)</p>	<p>Proposed modification of Condition 99 is to enable the staged construction and occupation of the development.</p>
On-going conditions that must be complied with at all times		

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>100. 44 car parking spaces shall be provided and maintained at all times for the commercial /retail component of the development and 19 car parking spaces shall be provided and maintained at all times for the residential component of the development. Of the required number of car parking spaces at least 2 car-parking spaces must be provided for use by persons with a disability (one space in the commercial/retail component of the development and one space in the residential component of the development). The spaces shall be allocated in the following proportions:</p> <p>17 - Residential (excluding visitor spaces)</p> <p>2 - Residential – Visitors</p> <p>44 - Building A</p> <p>The dwelling in Building D is to be allocated two carparking spaces.</p> <p>The 44 spaces available for the commercial/retail component of the development are to be allocated to each shop/office or business premises generally in accordance with the minimum car parking requirements of Schedule 17 of Warringah Local Environmental Plan 2000 unless a communal carparking area is provided for the visitors or customers of Building A. If a communal area of carparking is provided for visitors to the commercial/retail component of the development, all retail/commercial tenancies must be allocated at least 2 spaces for staff parking.</p> <p>Car-parking provided shall only be used in conjunction with the uses contained within the development. Each car parking space allocated to a particular residential unit or tenancy shall be line marked and numbered or signposted to indicate the unit/tenancy to which it is allocated.</p> <p>Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACGGas)</p>	Nil	N/A
<p>101. 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.</p> <p>Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity. (DACGGlws)</p>	Nil	N/A
<p>102. Separate Development Application for Signs A separate Development Application for any proposed signs (other than exempt and complying signs under Council's exempt and complying controls) must be submitted for the approval of Council prior to the erection or display of any such signs.</p> <p>Reason: Control of signage. (DACGGsdas)</p>	Nil	N/A

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
<p>103. Separate Development Application for other uses</p> <p>A separate development application is to be submitted for uses of Building A other than 'shops', 'offices' and 'business premises' as defined in Warringah Local Environmental Plan 2000. A separate development application is to be submitted for any uses which prepare and handle food for consumption on site or takeaway.</p> <p>The shops may be open for business only between the following hours:</p> <p>7am to 7pm Monday to Sunday</p> <p>Reason: <i>To ensure the uses within the development are in accordance with the consent.</i></p>	Nil	N/A
<p>104. Space Enclosure</p> <p>No parking spaces, or access thereto shall be constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.</p> <p>Reason: <i>To ensure that minimum dimensions for parking spaces are not reduced or that vehicle maneuvering is compliant with relevant standards. (DACGGse)</i></p>	Nil	N/A
<p>105. Visitor Carparking</p> <p>Visitor carparking must be permanently available and clearly marked. The visitor car parking spaces area not to be reallocated.</p> <p>Reason: <i>To ensure visitor carparking is available at all times and is clearly identified. (DACGGvc)</i></p>	Nil	N/A
<p>106. Visitors Sign</p> <p>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.</p> <p>Reason: <i>To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors. (DACGGvs)</i></p>	Nil	N/A
<p>107. Commercial Waste Collection</p> <p>Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.</p> <p>Reason: <i>To ensure the acoustic amenity of surrounding properties. (DACGGcwc)</i></p>	Nil	N/A
<p>108. Commercial Waste and Recycling Storage</p> <p>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.</p> <p>Reason: <i>To ensure that commercial waste and residential waste is not mixed and is properly managed. (DACGGcwr)</i></p>	Nil	N/A

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
109. 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. <i>Reason: To ensure the acoustic amenity of surrounding properties. (DACGGdh)</i>	Nil	N/A
110. Noise Generation Noise from the combined operation of all mechanical plant and equipment shall not generate noise levels that exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary when measured in accordance with the Environment Protection Authority's NSW Industrial Noise Policy. <i>Reason: Health & amenity. (DACHGng)</i>	Nil	N/A
Conditions that must be complied with prior to the issue of any strata subdivision or subdivision certificate		
111. Allocation of Parking and Visitor Parking Carparking provided shall only be used in conjunction with the units and tenancies contained within the development in the case of Strata subdivision, and shall be individually allocated to residential units as part of their unit entitlement. Visitor parking facilities required by this consent are to be designated as common property on the strata plan, and under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building. <i>Reason: Provision of adequate on site parking facilities to service the development. (DACGHapvp)</i>	Nil	N/A
112. Release of Subdivision Certificate To enable the lodgement of the linen plan at the NSW Land and Property Information Department the Subdivision Certificate shall not be issued until the Final Occupation Certificate for the approved development. <i>Reason: To ensure that the plans relate to approved development. (DACGHrsc)</i>	Delete the whole of Condition 112	Proposed modification is to delete Condition 112 as the development consent for the mixed use proposal issued by the NSW Land and Environment Court in Minnici v Warringah Council (2009) NSWLEC 1098 included approval of a proposed subdivision of the subject site into two (2) allotments (see Appendix B) and is as shown on the Plan of Subdivision (see Appendix D).
113. Subdivision Certificate Application Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council. Nine copies of the final plan of subdivision are to be submitted. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges. <i>Reason: Statutory requirement of the Conveyancing Act 1919. (DACGHsca)</i>	Nil	

CURRENT DESCRIPTION OF DEVELOPMENT AND CONDITIONS	PROPOSED DESCRIPTION OF DEVELOPMENT AND PROPOSED MODIFICATION TO CONDITIONS	COMMENTS
114. Lawrence St Median Strip The extension to the median strip in Lawrence Street and shown on plan DA07D, shall be constructed by the Applicant at its cost, but only if approval is granted by the local traffic committee Reason: <i>Traffic safety</i>	Nil	N/A
115. Right of Carriageway The Applicant agrees to grant Lot 8/1/10321 a right of carriageway over a triangular portion of current Lot 394/752038 measuring approximately 1m x 1m in the north western corner, subject to Lot A/256986 granting a right of way in favour of Lot 8/1/10321 Reason: <i>To preserve neighbour amenity</i>	Delete the whole of Condition 115	Proposed modification is to delete Condition 115 as the adjoining landowners, Mr Peter Davey (on behalf of the Davey Roberts family) of Lot A in DP 356986 (to the west) has advised the applicant, Frank Minnici that they are not prepared to grant a right of way from the Council's public carpark to access the adjoining Church site at Lot 1 in DP 10321 due to problems with an unlocked gate and concerns with crime prevention and safety issues (see Appendix H). Hence the applicant, Frank Minnici, requests that Council delete Condition 115 as the right of carriageway from Council's public carpark to the Church site through the rear of the adjoining commercial properties cannot be achieved and will potentially result in negative residential amenity as well as concerns regarding safety and security issues.
116. Tree Protection The brush box tree on the road reserve in Marmora Street adjacent to the proposed access driveway and depicted as tree 13 in the Tree Report dated 9 July 2007 by S Hannan Landscape Design ("tree report") shall be retained and the driveway construction works are not to cause injury or damage to the tree. To this end the driveway works shall be undertaken in accordance with the recommendations as set out in the tree report. Reason: <i>Tree protection</i>	Nil	N/A
117. Acoustic Fencing An acoustic barrier, being a lapped and capped timber fence (the fence), shall be erected at the applicant's expense on the boundary between numbers 18 and 20 Marmora Street. The fence shall be 1.8 metres in height from the southern most point of the boundary to 9 metres from the northern most point of the boundary. For the remaining 9m of the boundary, the fence shall taper down to be 1 metre in height for the majority of the 9 metre length. Reason: <i>To preserve neighbour amenity</i>	Nil	N/A