

22 December 2015



Karimbla Constructions Services (Nsw) Pty Ltd  
Level 11, 528 Kent Street  
SYDNEY NSW 2000

Dear Sir/Madam

**Application Number:** DA2015/0612

**Address:** Lot 3 DP 307937 , 896 Pittwater Road, DEE WHY NSW 2099  
Lot 1 DP 307937 , 896 Pittwater Road, DEE WHY NSW 2099  
Lot A DP 416469 , 894 Pittwater Road, DEE WHY NSW 2099  
Lot 1 DP 504212 , 892 Pittwater Road, DEE WHY NSW 2099  
Lot 10 DP 231418 , 890 Pittwater Road, DEE WHY NSW 2099  
Lot 11 DP 231418 , 888 Pittwater Road, DEE WHY NSW 2099  
Lot A DP 339410 , 884 Pittwater Road, DEE WHY NSW 2099  
Lot 7 DP 8172 , 9 Howard Avenue, DEE WHY NSW 2099  
Lot 1 DP 209503 , 11 Howard Avenue, DEE WHY NSW 2099  
Lot 1 DP 212382 , 15 Howard Avenue, DEE WHY NSW 2099  
Lot 2 DP 212382 , 17 Howard Avenue, DEE WHY NSW 2099  
Lot 3 DP 212382 , 28 Oaks Avenue, DEE WHY NSW 2099  
Lot A DP 371110 , 14 Oaks Avenue, DEE WHY NSW 2099  
Lot B DP 371110 , 16 Oaks Avenue, DEE WHY NSW 2099

**Proposed Development:** Drainage and Stormwater Management works and Installation of shoring walls and bulk excavation

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's eServices website at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on (02) 9942 2111 or via email quoting the application number, address and description of works to [council@warringah.nsw.gov.au](mailto:council@warringah.nsw.gov.au)

Regards,

Luke Perry  
Planner

**NOTICE OF DETERMINATION**

<b>Application Number:</b>	DA2015/0612
<b>Determination Type:</b>	Development Application

## APPLICATION DETAILS

<b>Applicant:</b>	Karimbla Constructions Services (Nsw) Pty Ltd
<b>Land to be developed (Address):</b>	Lot 3 DP 307937 , 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 307937 , 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 416469 , 894 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 504212 , 892 Pittwater Road DEE WHY NSW 2099 Lot 10 DP 231418 , 890 Pittwater Road DEE WHY NSW 2099 Lot 11 DP 231418 , 888 Pittwater Road DEE WHY NSW 2099 Lot A DP 339410 , 884 Pittwater Road DEE WHY NSW 2099 Lot 7 DP 8172 , 9 Howard Avenue DEE WHY NSW 2099 Lot 1 DP 209503 , 11 Howard Avenue DEE WHY NSW 2099 Lot 1 DP 212382 , 15 Howard Avenue DEE WHY NSW 2099 Lot 2 DP 212382 , 17 Howard Avenue DEE WHY NSW 2099 Lot 3 DP 212382 , 28 Oaks Avenue DEE WHY NSW 2099 Lot A DP 371110 , 14 Oaks Avenue DEE WHY NSW 2099 Lot B DP 371110 , 16 Oaks Avenue DEE WHY NSW 2099
<b>Proposed Development:</b>	Drainage and Stormwater Management works and Installation of shoring walls and bulk excavation

## DETERMINATION - APPROVED

<b>Made on (Date)</b>	22/12/2015
<b>Consent to operate from (Date):</b>	22/12/2015
<b>Consent to lapse on (Date):</b>	22/12/2020

## Detail of Conditions

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

### Note:

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

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
CV-0001 rev 6	01/10/15	Enstruct
CV-0002 rev 4	01/10/15	Enstruct
CV-0005 rev 3	01/10/15	Enstruct

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
SKC05 Issue A	23/09/15	AT&L
SKC06 Issue A	23/09/15	AT&L
1793 P02	09/11/15	Storm
1793 P03	09/11/15	Storm
1793 P04	09/11/15	Storm
1793 L05	09/11/15	Storm

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Excavation Works - Noise and Vibration Impact Assessment	31/07/2015	Acoustic Logic
Flora and Fauna Assessment	19 October 2015	Niche
Flora and Fauna Assessment - Supplementary Report	16 November 2015	Niche
Construction Traffic Management Plan (revision 6)	18 November 2015	SBMG Pty Ltd
Desktop Summary - Geotechnical, Groundwater and Contamination	15 August 2014	Coffey
Supplementary Groundwater Assessment	22 June 2015	Coffey
Arboricultural Assessment Report	21 January 2015	TALC

b) the development is to be undertaken generally in accordance with the following:

<b>Waste Management Plan</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	30/07/2015	Karimbla Construction Services

In the event of any inconsistency between conditions of this consent and the

drawings/documents referred to above, the conditions of this consent will prevail.

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

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

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

<b>Other Department, Authority or Service</b>	<b>eServices Reference</b>	<b>Dated</b>
Ausgrid	Response Ausgrid Referral	21 July 2015
NSW Office of Water	Response NSW Office of Water	14 September 2015

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

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

**3. Prescribed Conditions**

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

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
  - A. the name and licence number of the principal contractor, and
  - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
  - A. the name of the owner-builder, and
  - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative Requirement (DACPLB09)

#### 4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 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).

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20

persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

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

(g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(i) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(k) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

## FEES / CHARGES / CONTRIBUTIONS

### 5. Policy Controls

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 6,789,400		
<b>Contributions</b>	<b>Levy Rate</b>	<b>Payable</b>
Total Section 94A Levy	0.95%	\$ 64,499
Section 94A Planning and Administration	0.05%	\$ 3,395
<b>Total</b>	<b>1%</b>	<b>\$ 67,894</b>

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

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

Reason: To provide for contributions in accordance with Warringah's Development Contributions Plan.

## 6. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

## 7. Bonds

(a) Construction, Excavation and Associated Works Bond (Drainage Rediversion works)  
A Bond of \$1,000,000 as security against any damage or failure to complete the construction of the re-diverted Council stormwater drainage line in Pittwater Road and Howard Avenue as required as part of this consent.

(b) Construction, Excavation and Associated Works Bond (Pollution). A Bond of \$50,000 as

security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

(e) Construction, Excavation and Associated Works Bond (Councils Road reserve)

A bond of \$300000 as security against damage to Council's road(s) fronting the site caused by the basement excavation works and the transport and disposal of materials and equipment to and from the site.

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

The developer/applicant must lodge with Council a Maintenance Bond of \$200000 for the construction of the re diverted Council Stormwater Drainage Line. The Maintenance Bond will only be refunded on completion of the 12 Month Maintenance Period, if work has been completed in accordance with the approved plans to the satisfaction of Council.

(Note: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate for the re diverted Stormwater Drainage Works)

(g) Construction, Excavation and Associated Works Bond (Councils Stormwater Box Culvert)

A bond of \$300000 as security against damage to Council's Stormwater Box Culvert adjoining the eastern boundary of the site caused by the basement excavation works.

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

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

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

8. **Application for stormwater diversion works to be approved within Councils Roadway**  
An application under the provisions of Sections 138 and 139 of the Roads Act 1993 prior to the issue of the construction certificate for the basement excavation works is to be submitted to Council for approval .The submission is to include four (4) copies of Civil Engineering plans for the design and construction of the Council rediverted stormwater drainage line and associated footpath ,road shoulder and kerb & gutter works generally in accordance with the Concept Stormwater Diversion Plan prepared by Storm Consulting civil design (Drawing nos 1793 P02, P03 P04 and LO5 ) approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

The Fee Associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. The developer/applicant must lodge with Council a security bond against any damage or failure to complete the above works as part of this consent is required. (NOTE: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate .) The security bond is to be in the sum of \$1000,000 .The developer/applicant must also lodge with Council a Maintenance Bond for the above works in Pittwater Road and Howard Avenue.. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond will be equivalent to 20% of the above security bond.

All bonds and fees shall be deposited with Council prior to the issue of the Construction Certificate for the Council Stormwater Drainage rediversion works and excavation, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

The design must be in accordance with the following requirements:

(a) Prepared and submitted on 4 A1 size sheets, undertaken by a consulting Civil Engineer with NPER3 qualifications. The design is also to be certified by designer in accordance with Councils Auspec One Design Specification. A traffic management plan is to be submitted by a suitably qualified traffic engineer to support the application.

(b) Approved and stamped by Council prior to the issue of the Construction Certificate for basement excavation works.

(c) Upon completion of the works, the applicant is to provide to Council of copies of “work as executed plans”. The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also the applicant is to provide to Warringah Council in an approved format details of all public infrastructure created as part of the works(Reference is made to Councils website for approved format details)

(d) All Civil Engineering works including drainage re diversion and roadworks in Pittwater Road and Howard Avenue are to be fully supervised by the consultant responsible for their design, and on completion a compliance certificate is to be provided to Council certifying the approved plans, any relevant conditions of the consent and the section 138 Roads Act approval and Council’s standard specification for engineering work - Auspec 1 has been complied with. A maintenance period of twelve (12) months shall apply to the work, after it has been completed and approved. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council’s specifications, or as would reasonably be expected under the design conditions.

(e) A DRAINS Hydrological and Hydraulics Model is to be prepared to support the Engineering Plans . The model is to analyse the upstream catchment/ sub catchment to Councils existing stormwater drainage line running through the site. The re diverted drainage line is to be designed for a 1 in 10 year Average Recurrence Interval , which may require a larger pipe diameter then detailed in the concept design prepared by Storm Consulting Drawing nos 1793 P02, P03 P04 and LO5. The design is to determine the Hydraulic Grade Line of the re diverted stormwater drainage line and also take into account the tail water level of the downstream Council Box Culvert.

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for basement excavation works.

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

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

The basement area is to be permanently tanked. Details including structural plans of the tanking are to be prepared by a suitably qualified Engineer.

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

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

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

10. **Structural Adequacy and Excavation Work**

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

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

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

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

Reason: Safety. (DACENC19)

11. **Structures Located Adjacent to Council Pipeline or Council Easement**

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. Landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted).

Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACENC21)

12. **Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with engineering drawings to be prepared by a structural engineer. Council approval is required if temporary rock anchors are to be used within Council land and Road Reserves. A deed of license between Council and the applicant subject to Council's standard wording needs to be entered prior to commencing site excavation works. All costs associated with the preparation of the deed of license (2 Copies) shall be borne by the applicant and a signing fee is payable in accordance with Council's Fees and Charges.

Please note that any temporary anchors proposed to be located under a Roads and Maritime Services (RMS) road needs the concurrence of RMS prior to Council signing the Deed of License.

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

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENC05)

13. **Application for Stormwater Drainage Works within the Pittwater Road Frontage.**

An application for stormwater drainage approval under Section 68 of the Local Government Act 1993 is to be submitted with Council for the design and construction of the Council re diverted stormwater drainage line within the site frontage adjacent to the Pittwater Road as detailed in the Storm Consulting Plan (Drawing No 1793 P03). The Engineering Plans are to be prepared in accordance Councils specification for engineering works - AUS-SPEC #1 . The submission is to include four (4) copies of plans for the detailed design addressing the above requirements prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

A DRAINS Hydrological and Hydraulics Model is to be prepared to support the Engineering Plans . The model is to analyse the upstream catchment/ sub catchment to Councils existing stormwater drainage line running through the site. The re diverted drainage line is to be designed for a 1 in 10 year Average Recurrence Interval , which may require a larger pipe diameter as detailed in the concept design prepared by Storm Consulting Drawing nos 1793 P02, The design is to determine the Hydraulic Grade Line of the re diverted stormwater drainage line .

The fee associated with the assessment and approval of the Section 68 of the Local Government Act 1993 application is to be in accordance with Council's fees and charges. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Basement Excavation works.

Reason: To ensure compliance with Council's specification for engineering works (DACENCPC1)

14. **Remedial Action Plan**

A Remedial Action Plan is to be prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997

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

Reason: Protection of the environment, SEPP 55 compliance. (DACHPC01)

15. **Contaminated Land Requirements**

After demolishing, yet Prior to the issue of any excavation a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of the Certifying Authority. The plan shall detail:

a) How all the requirements and / or recommendations contained within the Contamination Reports entitled Karimbla Construction Services (NSW) Pty Ltd Proposed Dee Why Town Centre Development Desktop Summary - Geotechnical, Groundwater and Contamination, prepared by Coffey Geotechnics Pty Ltd and dated 15 August 2014 are to be implemented;

b) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;

c) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (24 hours a day), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Warringah Council and the Principal Certifying Authority.

d) A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:

(a) During construction in order to monitor water and soil quality the following is to be implemented:

- i) Water testing is to be completed in accordance with Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring
- ii) Soil Testing in order to detect contaminants is occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.

(b) The requirements of (i) and (ii) above are to be implemented from the commencement of works as follows:

- i) Fortnightly during excavation works
- ii) Monthly during building works

e) To ensure water quality is maintained runoff must be drained to an adequately bunded central collection sump and treated, to meet NSW Environment Protection Authority discharge criteria.

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

f) All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility. All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

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

- i) Protection of the Environment Operations Act 1997; and
- ii) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

g) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.

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

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

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

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

**16. Tree protection and roots**

- (a) Existing trees which must be retained (Tree Root Protection)  
Trees numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 15, 17, 18, 19, 20 and 21 in the Arboricultural Assessment Report dated 21 January 2015 prepared by TALC
- (b) Tree protection
  - i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
  - ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
  - iii) All tree protection to be in accordance with the recommendations of the Arboricultural Assessment Report dated 21 January 2015 prepared by TALC and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
  - iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees AS4970-2009 Protection of trees on development sites.
  - iv) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

**17. Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all microbat management works are carried out according to the conditions of consent and flora and fauna assessment (Niche 2015) submitted with the proposal.

The Project Ecologist will provide certification that conditions relating to the Microbat

Management Plan are carried out. The Project Ecologist will ensure that all conditions relating to microbat management are fully implemented. The Project Ecologist is to be a microbat specialist with necessary Lyssavirus immunisation and confined spaces certification.

Reason: To ensure bushland management. (DACNEC07)

18. **Pre-Construction Dilapidation Survey**

A pre-excitation / demolition Dilapidation Survey of Council's Road , Footpath and Drainage infrastructure in Pittwater Road, Howard and Oaks Avenue and Councils adjoining box stormwater culvert is to be prepared by a suitably qualified person. The Dilapidation Survey is to consist of a detailed report containing a photographic survey and descriptions detailing the physical condition of Councils Road and Footpath assets. Each image is to be labeled and numbered to identify the elements depicted and cross referenced to a site location plan.

A pre-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The report SHALL BE submitted to Council/Accredited Certifier prior to the issue of a Construction Certificate. Additionally:

- 1) On completion of the excavation and Council stormwater drainage re diversion works, a Post Dilapidation Survey/Report is to be prepared by the appropriately qualified person detailing the condition of Councils Road and Footpath assets with respect to the Pre Dilapidation survey.
- 2) If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified to the satisfaction of Council in accordance Councils standard specifications.
- 3) All costs incurred in achieving compliance with this condition and the restoration works to Councils Road ,Footpath and Drainage infrastructure shall be borne by the applicant.

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

Reason: Protection of Council's Infrastructure (DACNEC20)

19. **Microbat Management Plan**

A microbat management plan must be submitted to Council for review and approval prior to construction certificate. The microbat management plan must demonstrate how potential impacts on the roosting microbats will be avoided or mitigated in relation to the proposal. The microbat management plan must include provision of the following:

- Employment of a project ecologist for the duration of the approved works to ensure all consent conditions (pending provision and Council approval of impact assessment) in relation to microbats are implemented.
- Methods for detecting the presence of bats prior to the commencement of any works.

- Microbat monitoring and inspection to be conducted by the project ecologist pre-construction, during construction and post construction.
- Microbat monitoring 12 months post construction to determine if there has been any adverse effect on the bat colony
- Management actions to be implemented during construction including measures for altering construction methods and staging/timing should threatened bats be found roosting in the drains and culverts during the works.
- Measures to avoid impacts during the winter hibernation period including specific requirements in relation timing of the works during November to February
- Details of any proposed microbat exclusion methods (where required)
- Any contingency measures for implementation should proposed mitigation fail to prevent unforeseen events or impacts

Reason: Management of Potential Impacts on Threatened Species (DACNECPCC1)

20. **Sediment and Erosion Control Plan**

An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented, in accordance with the publication - Managing Urban Stormwater: Soils and Construction (Landcom, 2004). The ESCP must include appropriate use of erosion control devices and structures, such as bunding, sediment fencing, diversion drains upstream of stockpiles and sediment traps to be maintained for the duration of the proposed works.

Reason: Management of Water Quality (DACNECPCC2)

21. **Compliance with Standards**

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

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

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

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

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

- (n) AS 4674 Design, construction and fit out of food premises  
(o) AS1668 The use of mechanical ventilation

\*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website

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

\*\*Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

22. **Sewer / Water Quickcheck**

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

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

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

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

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

23. **Public Liability Insurance - Works on Public Land**

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

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

24. **Traffic Management Plan required**

A traffic Management should be supplied to Council prior to commencement.

Reason: Appropriate traffic management is being undertaken (DACHPDPC2)

25. **Dilapidation Survey**

A photographic survey of adjoining properties (being No.96 Ocean Street and No. 5 Albert Street) detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council/Accredited Certifier prior to the commencement of any works. This survey is to be prepared by an appropriately qualified person.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority. If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to a

final Occupation Certificate being issued.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent. In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council/Accredited Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

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

Reason: Proper management of records and protection of adjoining properties. (DACPLDPC1)

26. **Construction Traffic Management Plan**

The approved Construction Traffic Management Plan (revision 6) prepared by SBMG Pty Ltd dated 18 November 2015 is to be amended to include provisions for the following:

- No queuing and parking of the trucks waiting to enter the site to be occurred on Oaks Avenue, Howard Avenue and Avon Road.
- Details of truck scheduling to prevent trucks queuing on the road should be provided. For example a remote lay over area should be considered with radio contact between trucks and the site Manager.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works.

Reason: To minimise the impact on the existing road network caused by construction of this development. (DACPLDPC2)

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

27. **Vehicle Crossings (Temporary Construction Assess Oaks and Howard Avenue)**

The provision of 6 temporary vehicle crossings as detailed in the Construction Traffic Management Plan by SBMG (Ref SBMG01204-00R6) in accordance with Warringah Council Drawing No A4-3330/ Normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued. The location of the temporary vehicle crossings are to be at least 2m clear of existing street trees.

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

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

28. **Civil Works Supervision**

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

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

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

29. **Footpath Construction**

The applicant shall reconstruct/restore the full width footpaths in Pittwater Road and Howard Avenue to a satisfactory condition. The works shall be in accordance with the following:

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

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

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

30. **Maintenance of Road Reserve**

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

Reason: Public Safety. (DACENE09)

31. **Traffic Control During Road Works**

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

Reason: Public Safety. (DACENE11)

32. **Progress Certification (Construction of Council Stormwater Rediversion Line )**

Compliance Certification is to be supplied to the Council from a suitably qualified engineer on completion of the stormwater drainage rediversion works in Pittwater Road and Howard Avenue in regard to Council's Standards and AUSPEC #1, of the following stages of works and/or as and when requested Council.

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

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

Reason: To ensure compliance with Councils Auspec One Specification (DACENEDW1)

33. **Requirement to Notify about New Contamination Evidence**

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

Reason: To protect human health and the environment. (DACHPE01)

34. **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 the following requirements:

- *Work Health and Safety Act*
- *Work Health and Safety Regulation*
- 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)]
- Clause 42 of the Protection of the *Environment Operations (Waste) Regulation 2005*.

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

(DACHPE02)

35. **Trees Condition**

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

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

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

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

Reason: Protection of Trees. (DACLAE03)

36. **Off-site Disposal of Contaminated Soil - Chain of Custody**

'Chain of Custody' documentation shall be kept and submitted for the transport of the

excavated material from the site to the licensed waste facility.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and Council within seven (7) days of transport.

Reason: For protection of environment. (DACPHE03)

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

37. **Certification of Structures Located Adjacent to Council Pipeline or Council Easement**  
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. Landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted).

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

Reason: Protection of Council's Infrastructure (DACENF11)

38. **Acid Sulfate Soils Management Certification**

Prior to the issue of the Occupation Certificate, written certification from a suitably qualified person(s) must be submitted to the Principal Certifying Authority and Warringah Council, stating that all the works/methods/procedures/control measures/recommendations in the Acid Sulfate Soils Management Plan have been undertaken.

**Reason:** To ensure compliance with standards.  
(DACHPF04)

39. **Validation for Remediation**

A validation and site monitoring report, including a survey of all sites used for landfill disposal is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.

The plan must identify the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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

Reason: To ensure environmental amenity is maintained. (DACHPF06)

40. **Acid Sulfate Management Plan**

Prior to the issue of the construction certificate, an Acid Sulfate Soils Management Plan is to be prepared by a suitably qualified geotechnical engineer in accordance with the Acid Sulfate

Soils Manual (ASSMAC, 1998) and submitted to the Council for review.

**Reason:** *To protect the environment and private & public infrastructure*

(DACHPFPOC4)

41. **Compliance with Contamination Management Plan**

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

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

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

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

42. **Water Quality from Contaminated Sites**

Runoff must be drained to an adequately bunded central collection sump and treated, if necessary, to meet NSW Environment Protection Authority discharge criteria.

Reason: To protect the environment from contaminated sedimentation and erosion from development sites.

43. **Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets>

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

Reason: Protection of Council's Infrastructure (DACNEF11)

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

A suitably qualified Civil Engineer shall certify that the completed stormwater drainage works have been constructed in accordance with this consent and the approved Road Act Approval Plans for the stormwater drainage re diversion works in Pittwater Road and Howard Avenue. Works as Executed data certified by a registered surveyor prepared in accordance with

Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' shall be submitted to the Council for approval prior to the issue of the Occupation Certificate. Council's guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084731guidelineforpreparingworksasexecuteddataforcouncilstormwateras>:

Please note the Construction Drainage Bond (\$1,000,000) will not be refunded until all the above Works as Executed data is submitted entirely to the satisfaction of Council.

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

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

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

45. **Maintenance period for civil works under the provisions of the Roads Act 1993 and Environmental Planning and Assessment Act 1979**

A Maintenance Period of twelve (12) months shall apply to the Council stormwater drainage re diversion works located in Pittwater Road and Howard Avenue frontages as approved under the provisions of Section 139 of the Roads Act 1993 and Section 80A of the Environmental Planning and Assessment Act 1979, after it has been completed and approved in writing by the appropriate Roads Authority. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Roads Authority's specifications, or as would be reasonably be expected under the design conditions.

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

46. **Survey Monitoring of Council Road and Drainage Infrastructure**

Survey marks are to be installed on Council's footpath area in Pittwater Road, Oaks and Howard Avenue to monitor movement of the footpath area/roadway during site excavation works.

A qualified surveyor is to monitor these survey marks weekly and notify Council immediately if movement of the footpath/roadway is outside of standard construction tolerances for the extent of the excavation/shoring works.

Reason: Protection of Council's Infrastructure (DACENGOG1)

47. **Noise Impact On Surrounding Area**

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority - Environmental Noise Manual and the Protection of the Environment Operations Act 1997. (DACHPGOG5) Reason: To ensure compliance with acceptable levels of noise established under best practice guidelines.

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

48. **Easement for Drainage**

An easement for drainage minimum width 3m and not less than 5.5m high above finished surface levels (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision the accompanying 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s). The Section 88B wording is to be in accordance with Council's standard wording.

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

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919. (DACENH16)

## Right to Review by the Council

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

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

## Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

**Signed**            On behalf of the Consent Authority

Signature            \_\_\_\_\_

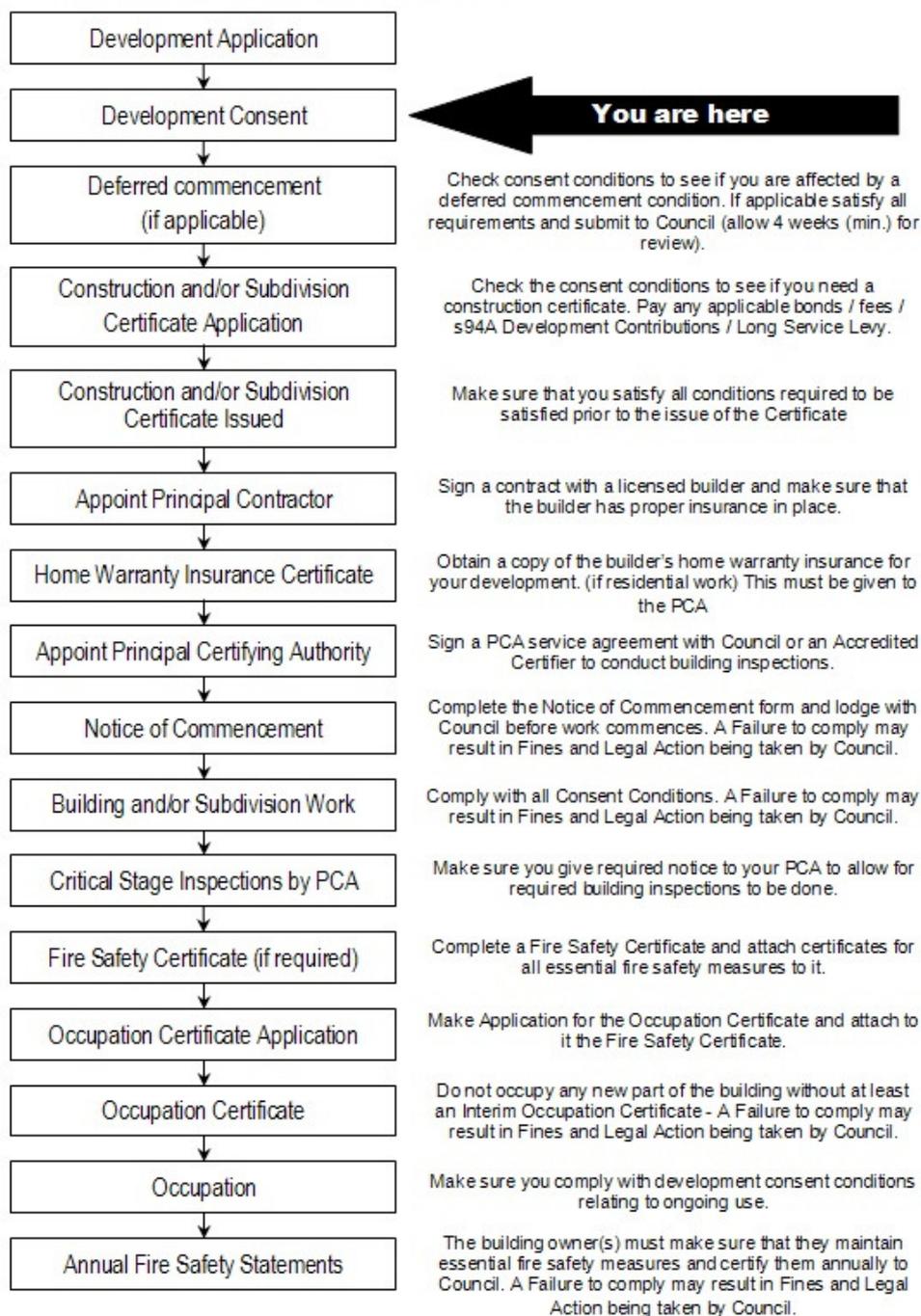
Name                Luke Perry, Planner

Date                 22/12/2015

**GENERAL ADVICE**

**Advisory Notes (General)**

Where are you in the development process?



*Note: The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team.*

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

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

### **Building Certification**

The Environmental Planning and Assessment Act 1979 provides that:

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

Please refer to process chart for more detail.

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

### **Certification Services**

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

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

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

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

### **Bonds are released after:**

1. 'Final Occupation Certificate' has been received by Council; and
2. Final inspection by a Council Officer where:
  - the development is complete
  - damage has not been caused to council assets during the works
  - conditions of development consent have been met.

The bond will be released to the person or business who paid the bond to Council (The name that appears on the original receipt)

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

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

### **Modifications to the consent**

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

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

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

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

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

- Workcover NSW for work safety and asbestos requirements
- Sydney Water – Quick Check Agent for the provision of water and sewer services
- Energy & Gas suppliers for utility services
- Department of Fair Trading for advice about builders and licensing
- Building Professionals Board for advice about private certifiers
- NSW Roads and Maritime Services for works on state roads only
- Human Rights and Equal Opportunity Commission for access issues
- NSW Land and Property Information for Land Title matters
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;

### **Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

### **Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact :Telstra's Network Integrity Team on Phone Number 1800810443.

(1) if the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and

(2) The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

### **Model**

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

### **Trade waste agreement**

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

### **Waste collection**

Liquid and solid wastes generated on the site must be collected, transported and disposed of in

accordance with the requirements of the Protection of the Environment Operations Act 1997. Records must be kept of all waste disposal from the site.

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

### **Aboriginal Heritage**

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

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

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

### **Cost of Works**

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

### **Relocation of stormwater drainage**

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

### **Tree preservation**

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

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

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

### **Protection of Public Places**

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

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

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

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

### **Road Opening Permit**

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

### **Special Permits**

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

- Permit for on-street mobile plant

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

- Hoarding Permit

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

- Storage of building materials and building waste containers (skips) on Council's property

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

- Kerbside restrictions, work zones

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone. Other permits may include out of construction hours permits.

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

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

### **Pool Access**

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

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2012;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

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

### **Dewatering**

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

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

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

### **Flood Evacuation Plan**

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

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

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

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

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

### **Utility Service Requirements**

Where development requires the installation of, or the relocation of utility services being (but not limited to) gas, water, electricity and telecommunications, the installation of, or the relocation of utility services shall be conducted in accordance with the requirements of the relevant service provider / authority (unless stipulated by any other condition of the consent or will result in damage to threatened or endangered species defined under the Threatened Species Conservation Act 1995).

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

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

### **Lighting**

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

### **Silt and Sediment Control**

During any onsite demolition, excavation and construction works, the site should be maintained in accordance with "The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction".

In managing the site provision shall be made throughout the period of works to prevent transmission of soil to the public road, drainage system, any riparian lands or off site in any manner. Upon completion of the development, any measures to prevent the transition of soil off site to remain in place until the

site is stabilised.

A failure to prevent the transmission of silt and sediment and / or causing, water pollution, air pollution, noise pollution or land pollution may result in a breach of the Protection of the Environment Operations Act and orders, penalties and prosecutions may occur.

## **OTHER MATTERS**

### **Child Care Centres**

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

### **Disability Access**

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

### **Food Premises**

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

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

### **Wheel washing facility**

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

### **Monitoring State of Roadways**

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

### **Storage of Dangerous Goods**

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

### **Storage of Flammable and Combustible Liquids**

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

### **Noise and Vibration**

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

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

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

i) A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap and paper towel.

- ii) The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
- iii) The premises must be provided with washing, drainage, ventilation and lighting that are adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.
- iv) The floor coverings must be smooth and impervious.
- v) All furniture, shelves and fittings must be constructed of, or covered with a material that is smooth, impervious to moisture and capable of being easily cleaned.
- vi) Adequate lockers must be provided for the storage of employees clothing and personal effects.
- vii) The premises must be provided with facilities that are adequate for the purpose of storing of hairdressing/beauty treatment/skin penetration appliance and utensils.
- viii) The premises must be provided with a sink sullied with hot and cold water for washing equipment.

### **Food Premises Construction Requirements**

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

Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);

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

### **Legionella Control**

Cooling towers, warm water systems, water cooling systems must be registered with the Council.

Details of registration are to be provided to the Council prior to operation.

### **Pool/Spa Safety**

Owners of properties with swimming pools and spa's must meet safety compliance and registration requirements. Provisions also apply when renting/selling properties. Details are available from the Division of Local Government.



Contact us		Office Use Only
The General Manager, 725 Pittwater Road, Dee Why NSW 2099		
Email	council@warringah.nsw.gov.au	
Fax	(02) 9971 4522	
If you need more help or information call Customer Service on (02) 9942 2111 or come in and talk to us at the Civic Centre, Dee Why.		

Bond type					
1	Access Over Council Reserves Bond	9	Property Lease Bond		
2	Concreters Bond (Authorised Vehicle Crossing Contractor) <i>(complete separate form)</i>	10	Retention Bond		
3	Demolition Bond	11	Road Damage Bond <i>(please pay inspection fee)</i>		
4	Feral Animal Trap Bond	12	Silt & Sedimentation Bond		
5	Keys for Access to Council Properties Bond	13	Stormwater Bond		
6	Maintenance Bond	14	Subdivision Bond		
7	Maintenance Environmental Works Bond	15	Work Zone Deposit Bond		
8	Other Engineering Works Bond	16	Working on Council Reserves Bond		
Type	Bond Ref. No (as per consent/permit)	Amount	Type	Bond Ref. No (as per consent/permit)	Amount

Subject Land			
Description of works			DA/CDC No.
Lot	DP/SP	Section	
Street		Suburb	
Postcode	Nearest cross street		

### Bond Depositor/Payee Details

Please note the payee is the source of funds and refunds will only be made to the payee. Details of the payee will be noted on Council's Official Receipt.

Full Name			
Street			
Suburb	State	Postcode	
Home Ph	Mobile		
Email			
Signed	Date		

### Refund Information

Please tick the preferred method of bond refund	<input type="radio"/> Cheque	<input type="radio"/> EFT
Account Name		
BSB Number	Account Number	

Refer to your Consent/Permit for further information and conditions of work. Ensure all payments including inspection fees are paid prior to the commencement of works, see councils fee & charges page on website. Failure to meet all conditions of your Consent/Permit may result in part or all of your bond not being refunded.