

# ANNEX A

**CONSENT NO: N0267/16**

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)**

**NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION**

---

Applicants Name and Address:

**ANTHONY & ANA GLEESON**

**C/- HAVILAND ARCHTIECTS**

**267 HIGH STREET**

**NORTH WILLOUGHBY NSW 2068**

Being the applicant in respect of Development Application **N0267/16** for:

**Demolition of all existing structures and the construction of a shoptop housing development, comprising 3 commercial units, 20 residential units and off-street parking at 2-8 Rickard Road, North Narrabeen (Lots 171, 172, 173 and 174 DP 16212).**

## **CONDITIONS OF APPROVAL**

---

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

### **A. Prescribed Conditions:**

1. The development is to be undertaken in accordance with the following documents:
  - Architectural Drawings DA01, DA02, DA03, DA04, DA05, DA06, DA07 and DA08, revision C, all prepared by Haviland Architects, dated 3 April 2017;
  - Landscape Plans L01 and L02, revision B, prepared by Space Landscape Designs, dated 30 March 2017;
  - Arboricultural Impact Assessment Report, prepared for Mr A Gleeson by Jackson Nature Works, dated 17 March 2017;
  - BASIX Certificate 382273M\_03, dated 3 April 2017;
  - Flood Risk Assessment & Flood Emergency Response Plan: 2-8 Rickard Road, North Narrabeen, reference P160521JR01V04, prepared by Martens Consulting Engineers, dated April 2017;
  - Geotechnical Risk Management Report, reference MM 27505, prepared by Jack Hodgson Consultants Pty Limited, dated 28 March 2011;
  - Schedule of Finishes, prepared by Haviland Architects, dated 3 April 2017.
2. All works are to be carried out in accordance with the requirements of the Building Code of Australia and the National Construction Code.

3. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
4. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
5. 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:
  - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - b. 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
  - c. 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.
6. 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:
  - a. in the case of work for which a principal contractor is required to be appointed:
    - i. The name and licence number of the principal contractor, and
    - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
  - b. in the case of work to be done by an owner-builder:
    - i. The name of the owner-builder, and
    - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
7. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) 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.
8. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

**B. Matters to be incorporated into the development and maintained over the life of the development:**

1. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.

2. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and the Office of Environment and Heritage are to be notified.
3. In accordance with Council's Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
4. No environmental weeds are to be planted on the site. Refer to Council's website for environmental weed lists.
5. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the *Noxious Weeds Act 1993*. Environmental weeds are to be removed and controlled. Refer to Council's website for noxious/environmental weed lists.
6. Any vegetation planted onsite outside the approved landscaping is to be consistent with:
  - a. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden guide available on Council's website.
  - b. The *Warriewood Valley Release Area Landscape Masterplan and Design Guidelines (Public Domain)*.Other plant species can only be used with written approval of Council
7. Street address numbering can only be authorised by Council. Before proceeding to number each lot, approval of the numbers must be sought from Council's Planning and Assessment Business Unit.
8. The adjustment and construction of all utilities, services and drainage systems, and the creation of appropriate easements are to be at the full cost of the developer.
9. No water pollution shall result from the operation of any plant or equipment or activity carried out.
10. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the *Protection of the Environment Operations Act 1997*.
11. No odour nuisance to the public or adjoining properties shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
12. No emissions causing air pollution shall be created by the operation of any plant equipment of any procedure carried out at the premises.
13. The layout and design of the basement carpark (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be strictly in accordance with the relevant provisions of AS2890.1-2004. Disabled parking spaces and the internal access route dimensions/gradient shall be signposted and delineated clearly to comply with AS2890.6-2009.
14. Four (4) apartments are to be designed in accordance with the Silver Level of the *Liveable Housing Guideline*. The apartments are to be nominated on the architectural drawings and identified on any resultant Strata Plan issued for the site.
15. Fifty (50) parking spaces are to be maintained for the life of the development, and are to be maintained free of obstruction and used solely for the parking of vehicles. No enclosing of car parking spaces is permitted.

16. Each one bedroom unit must have one parking space, dedicated on title.
17. Each two bedroom and three bedroom unit must have two parking spaces, dedicated on title.
18. Fifteen (15) retail visitor parking spaces are to be provided and maintained for the life of the development as common property. Access to all retail visitor spaces must be readily available to the general public during business/trading hours of the 3 tenancies.
19. Six (6) residential visitor parking spaces are to be provided and maintained for the life of the development as common property.
20. Retail and Residential Visitor parking spaces are to be clearly identified.
21. Where two spaces are in a tandem arrangement, both spaces must be dedicated to the same unit.
22. A hydraulic engineer is to prepare a plan demonstrating the provision of drip irrigation to all garden areas (including planters).
23. A stormwater engineer is to prepare a plan demonstrating the provision of adequate drainage of rainfall entering the podium level via the Atrium. The drainage should be provided to cater for the capture and disposal of the 1%AEP rainfall event with climate change. The runoff should be directed to garden areas where possible.
24. Flooring in the podium area should be suitable as a wet area and be non-slip.
25. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Certifying Authority.
26. The commitments identified in the Basix Certificate/s and on the plans or specifications are to be fulfilled and maintained for the life of the development.
27. All external glazing is to have a maximum reflectivity index of 25%.
28. Garbage enclosures/stores shall be provided and maintained in accordance with the following:
  - a. A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
  - b. The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
  - c. The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
  - d. Stormwater shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
  - e. Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
  - f. The room used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete blocks, structural fibrous cement or similar homogeneous material) so as to prevent the formation of cavities which become possible harborages for insects and vermin. Framing in timber is not permitted.
  - g. The garbage and recycling room shall be made vermin proof.

- h. Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Council's satisfaction.
  - i. Residential and commercial garbage enclosures/stores are to remain separate for the life of the development.
  - j. The enclosure shall be of adequate size to accommodate the following bins numbers and capacity per dwelling:
    - i. 80 litres per household per week of garbage, and
    - ii. 70 litres per household per week of paper recyclables, and
    - iii. 70 litres per household per week of container recyclables.
- 29. Security lighting is to be provided in accordance with the relevant provisions of AS4282 - *The control of the obtrusive effects of outdoor lighting*.
- 30. The walls and/or ceilings of attached dwellings shall comply with the fire rating provisions of the Building Code of Australia.
- 31. The walls and/or ceilings of attached dwellings shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia.
- 32. Any ramps and access ways to include stainless steel (Grade 312) hand railings to BCA and DDA specifications.
- 33. This consent does not authorise the subdivision of the resultant development.
- 34. The minimum ceiling height of all habitable rooms (as defined by the Apartment Design Guidelines), including living areas, dining rooms, bedrooms and kitchens, is to be 2.7m.
- 35. The "Vergola" roof systems are to be owned and maintained by the Owners Corporation.
- 36. The two (2) car wash bays are to be graded and are to drain to the sewerage system. The perimeter of the wash bays are to be suitably bunded to prevent stormwater entering the sewer.
- 37. Air-conditioning units, hot water systems, and other mechanical equipment shall not be located in locations that are visible from a public place. No services are permitted on the roof.
- 38. External finishes of the development are to be in accordance with the Schedule of Finishes referenced in this consent, and as modified by conditions.
- 39. Landscaping, as proposed on the landscape plans referenced in this consent and as amended by conditions of consent, is to be maintained for the life of the development by the Owners Corporation in accordance with the Landscape Maintenance Plan. Any plants that die, are destroyed or removed shall be replaced by the Owners Corporation on a regular basis.
- 40. The development is to be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment Report, as referenced in this consent.
- 41. All water management facilities proposed for the development, including rainwater tanks, stormwater quality improvement devices, on-site detention facilities, and private stormwater drainage are to remain in private ownership, be located within private property and maintained in accordance with the manufacturer's specifications. The maintenance is to be carried out by the owners of the development or the Owners Corporation over the life of the development.

42. All utility services including overhead power supply and communication cables located in the adjacent road verge & those to service the development are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.
43. The four (4) separate lots are to be consolidated into one (1) lot.
44. The Plan of Management, as required by this consent, is to be maintained for the life of the development and adopted in any Strata Plan and Strata By-laws. The Flood Emergency Response Plan as referenced in this consent and amended by the conditions of this consent must form part of this Plan of Management.
45. The flood planning level for this development is 4.25 mAHD and the Probable Maximum Flood level is 4.9 mAHD. With sea level rise the Probable Maximum Flood level will be 5.3 mAHD.
46. The Flood Emergency Response Plan referenced in this consent is to be amplified to be in accordance AS3745-2010, as recommended by fire and flood assessment prepared by AE&D Fire Pty Ltd for the development. The Flood Emergency Response Plan is to be amended to refer to the 'Owners Corporation' instead of a generic reference to 'management'.
47. Dynamic emergency signage is to be provided in the development, programmed to warn occupants of either a fire or flood risk. This shall be programmed to warn of a fire and direct occupants through the fire stairs to the exit to the street, or warn occupants of a flood and direct them to the refuge on level 01.
48. Signage is to be provided on flood doors to indicate that they are not to be opened in the event of a flood (noting they will be outward opening and therefore unlikely to be able to be opened).
49. A Strata By-law is to be drafted and incorporated in the By-Laws to ensure that under rare and extreme flood conditions (when flood levels exceed the level of the podium at 4.25 mAHD) that persons requiring refuge from the commercial portion of the building can access refuge space, water and amenities in the residential portion of the development if they are needed.
50. The Flood Emergency Response Plan as referenced in this consent and amended by the conditions of this consent is to be implemented as part of all residential and commercial tenancy agreements.
51. A plan is to be prepared by a suitably qualified engineer to demonstrate that there is a suitable inflow and outflow arrangement for floodwaters to and from the flood storage tank under the building designed in accordance with the requirements of Section C2.6 of the Australian Building Codes Board Construction of Buildings in Flood Hazard Areas Handbook (Version 2012.3).
52. A Section 88B instrument is to be placed on the title to refer to the following flood-related features of the development that are required for the life of the development:
  - a. flood storage tank and associated pump system,
  - b. flood warning system and
  - c. flood doors (on all external doors set below 4.25 mAHD).
53. The terrace garden at Level 1 is to be common property.

54. The narrow windows on the northern façade associated with Bedroom 1 of Units 5, 6, 15, and 16 and Bedroom 2 in Units 3 and 13, are to be fixed and are to comprise translucent glazing.
55. No part of the building shall exceed RL 12.95.
56. This consent does not authorise the first use of any tenancies.

**C. Matters to be satisfied prior to the issue of the Construction Certificate:**

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above, are to be submitted to the Principal Certifying Authority.
2. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

Note: Separate approval is required for access driveways, paths, connections to underground services (stormwater, gas, sewer, electricity, etc:), and landscaping works within Council's Road Reserve.

4. Construction works approved by this consent must not commence until:
  - a. Construction Certificate has been issued by a Principal Certifying Authority;
  - b. A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
  - c. At least 2 days' notice, in writing has been given to Council of the intention to commence work.
5. In accordance with section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payment Corporation or Council for any work costing \$25,000 or more.
6. An Erosion and Sediment Management Plan is to be submitted prior to the issue of a Construction Certificate. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction* (Landcom 2004). The plan is also to include specific details required to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition. The plan is to identify the TPZ of trees to be retained, and no stockpiles are to be located within the TPZ of trees to be retained.
7. Engineering plans and specifications for the construction of all drainage and other civil engineering works required by this consent are to be certified by a suitably qualified and experienced Civil Engineer who is listed as a Chartered Professional Engineer on the National Engineers Register (NER) maintained by Engineers Australia prior to the issue of a Construction Certificate.

8. A satisfactory Construction Traffic Management Plan (CTMP) prepared by a suitably qualified traffic consultant is to be submitted prior to the issue of a Construction Certificate. The CTMP is to detail:
  - a. Quantity of material to be transported;
  - b. Proposed truck movements per day;
  - c. Proposed hours of operation; and
  - d. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the local government area.
  - e. Location of on/off site parking for workers associated with construction for the whole period of construction.
9. A monetary contribution of \$320,000 is payable to Northern Beaches Council for the provision of public infrastructure and services pursuant to the Pittwater Section 94 Contributions Plan for Residential Development. The contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate (whichever occurs first) or prior to the issue of the Subdivision Certificate where no Construction Certificate is required.

The proponent may negotiate with Council for the direct provision of facilities and services specified in the Section 94 Plan, the dedication of land or another material public benefit in lieu of full or partial payment of the monetary contribution. Any agreement shall be in accordance with the Pittwater Section 94 Contributions Plan for Residential Development. The agreement must be finalised, formally signed and in place prior to payment being due.

The Pittwater Section 94 Contributions Plan for Residential Development may be inspected at Council's Mona Vale office, 1 Park Street Mona Vale or on Council's website.

Cashier Codes:

SOPS – \$128,000

SLEL – \$32,000

SCSF – \$56,000

SVSS – \$104,000

10. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.
11. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the Sydney Water Act, 1994. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. 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.

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 Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.



12. Structural Engineering details relating to the approved development are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer who is listed as a Chartered Professional Engineer on the National Engineers Register (NER) maintained by Engineers Australia and has appropriate experience and competence in the related field.
13. Civil engineering details of the proposed excavation are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who is listed as a Chartered Professional Engineer on the National Engineers Register (NER) maintained by Engineers Australia.
14. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
15. The Applicant is to provide written certification from all relevant service providers, to confirm that the residential flat building can be provided with all essential services, including water, sewer, and electricity.
16. A Landscape Maintenance Plan is to be prepared and submitted to Council that outlines the technique and frequency of maintenance tasks during the establishment of the landscaping on the subject site. The Landscape Maintenance Plan is to be implemented for a period 24 months immediately following the completion of landscape and hardscape works on site. The Landscape Maintenance Plan is to incorporate maintenance and care of hardscape elements (e.g. paving, retaining walls, secured pedestrian access paths), weeding, watering, mowing, consideration of other endemic species where plantings do not respond to the conditions as expected and a procedure for the replacement of failed plantings.
17. Prior to the issuance of any Construction Certificate, the architectural and landscape plans are to be amended, as follows:
  - a. The stairs between the terrace garden on the first floor and the ground floor courtyard are to be deleted.
  - b. The terrace garden along the northern and western boundaries at the first floor is to be non-trafficable (with the exception of access for maintenance) and is to be one continual area with no dividing walls or fences.
  - c. Lineal planting arrangements within the within the first floor terrace garden should be avoided and plants are to be arranged and spaced so that at completion of works, they present as a grown completed landscape. Plant material should be arranged through pre-order plant contracts to achieve required advanced sizes.
18. Prior to the issuance of any Construction Certificate, the architectural plans are to be amended, as follows:
  - a. The second laundry in the hallway of Units 8 and 18 is to be deleted and replaced with additional storage.
  - b. The protruding terrace 'pods' on the Rickard Road and Minarto Lane facades, associated with the Living Room of Units 3 and 13 and Bedroom 1 of Units 1, 8, 11, and 18, are not to protrude more than 500mm from the associated façade.
  - c. The cupboard/BIR in Bedroom 2 in Units 9 and 19 is to be relocated, so that the minimum dimensions of the rooms are 3m in both directions, excluding the depth of the cupboard/BIR.
19. The schedule of colours and finishes referenced in this consent is to be amended to provide more specific colour selections in accordance with following:
  - a. All concrete rendered external surfaces, indicated by 'CR' on the approved elevations, are to be finished in a dark tone, equivalent to or darker than Dulux/Colorbond "Windspray".

- b. All cladding, indicated by 'LWC' on the approved elevations, is to be painted in a dark tone, equivalent to or darker than Dulux/Colorbond "Windspray".
- c. All timber cladding, indicated by 'TIM' on the approved elevations is to be natural timber, finished with any necessary stain.
- d. Any brickwork, indicated by 'FB' on the approved elevations, is to comprise dark brown or grey bricks.
- e. Any blockwork, indicated by 'MC' on the approved elevations is to comprise dark brown or grey bricks.
- f. The roof is to be finished with pebble ballast, and the pebbles must be a mid-dark grey.

The use of red, white or light tones on any external surface is not permitted. The concrete driveway to Rickard Road is to be coloured to achieve a dark grey finish.

20. A Plan of Management (POM) is to be prepared for the development as a whole, and is to address:

- a. The management of the carpark areas, particularly the ground floor retail parking area with respect to access control, loitering and vandalism.
- b. The maintenance of all areas of landscaping, specifically planter boxes,
- c. Site cleanliness, including garbage enclosures and public/common bathrooms,
- d. Garbage collection,
- e. Rapid repair of vandalism and graffiti (including the northern side of the wall adjoining 1 Gondola Road, North Narrabeen), and
- f. Access control and security of the central atrium and residential lobby outside business/trading hours of the tenancies.

21. Applicants will be required to obtain a Section 139 Consent for Works on a Public Road Reserve issued by Council under the provisions of Section 138 of the *Roads Act 1993* for the design and construction of any works located on the road reserve including Access Driveways, and new kerb and guttering which is required for the full frontage to Minarto Lane.

**D. Matters to be satisfied prior to the commencement of works and maintained during the works:**

Note: It is an offence to commence works prior to issue of a Construction Certificate.

- 1. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2. Where site fill material is necessary, fill materials must:
  - a. be Virgin Excavated Natural Material (VENM) only, as approved under the Environment Protection Authority "General Resource Recovery Exemption;
  - b. be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.
  - c. Be the subject of testing and monitoring throughout the course of the works, and is to consist of clean fill inert material only, that is, non-contaminated excavated material and soil, and suitable material. Putrescible and non-putrescible solid waste (including demolition material) is not permitted. All imported fill must be sourced locally where practicable to reduce traffic movements.
  - d. Be deposited and works carried out in strict compliance with *Managing Urban Stormwater: Soils and Construction* (Landcom 2004).
- 3. Prior to commencement of any works, temporary sedimentation and erosion controls in accordance with the approved Erosion and Sediment Management Plan are to be installed to eliminate the discharge of sediment from the site and shall not be removed until the site

has been stabilised or landscaped to the Principal Certifying Authority's satisfaction including:

- a. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
  - b. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
  - c. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to conform to the specifications and standards quoted and to any conditions of approval of those measures.
  - d. Measures shall be applied, to the satisfaction of council, to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development.
  - e. Approved runoff and erosion controls shall be installed before site vegetation is cleared (other than that associated with the construction of the controls). These shall be as shown on an ESCP approved by council.
  - f. Topsoil shall be stripped only from approved areas and stockpiled for re-use during site rehabilitation and landscaping.
  - g. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, waters, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned. All stockpiled materials are to be retained within the property boundaries.
  - h. Uncontaminated runoff shall be intercepted up-site and diverted around all disturbed areas and other areas likely to be disturbed. Diversion works shall be adequately stabilised.
  - i. Runoff detention and sediment interception measures shall be applied to the land. These measures will reduce flow velocities and prevent topsoil, sand, aggregate, or other sediment escaping from the site or entering any downstream drainage easements or waters.
4. Personnel with appropriate training, or demonstrated knowledge and experience in erosion and sediment control shall be responsible for supervising the installation and maintenance of approved erosion and sediment control measures – during and after construction and until the site has been restored to the satisfaction of council.
  5. An all-weather accessway at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.
  6. The site must be fenced throughout construction and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
  7. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

8. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

9. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
10. No skip bins or materials are to be stored on Council's Road Reserve.
11. No native canopy trees are to be removed from Council's Road Reserve without prior approval from Council.
12. Prior to commencement of works, at least three photographs of the road reserve and footpath area adjoining the site, one front-on and one from each side of the property, are to be submitted to Council with the notification of commencement of works, showing the condition of the street trees and road reserve. The photographs must be dated, and accompanied by a statement that they are a true and accurate representation of the scene depicted.
13. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
  - a. The builder's name, builder's telephone contact number both during work hours and after hours.
  - b. That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
  - c. That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
  - d. That no skip bins or materials are to be stored on Council's Road Reserve.
  - e. That the contact number for Council for permits is 9970 1111.
14. All construction in the public road reserve must be undertaken by a Council authorised contractor. Alternatively, prior to the commencement of works, Council must be notified of each contractor undertaking works within the public road reserve. Each contractor must be able to provide/demonstrate each of the following;
  - Incorporated company/ business name and ABN;
  - Public Liability Insurance;
  - Professional Indemnity Insurance;
  - Workers Compensation Insurance;
  - Accident/ Injury Insurance Cover;
  - Other Insurances;
  - Company Licences, Registrations, Permits, Certificates etc.;
  - WorkCover Construction Industry General Induction Card;
  - WHS Documents;
  - Employee qualifications – Certificates, Licences etc.;
  - Contractor Services;
  - Client Services; and
  - WHSMS Self Evaluation.

15. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
16. The Construction Traffic Management Plan (CTMP) is to be implemented, throughout the construction phase of the development on site, including site preparation or demolition.
17. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
18. The public footways and roadways adjacent to the site are to be maintained in a safe condition at all times during the construction phase. Pedestrian access is to be maintained at all times during the construction phase.
19. As there are existing trees to be retained within 5 metres of proposed development works, the following requirements must be complied with:
  - a. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
  - b. Tree guards are to be provided to all trees to be retained, and are to be installed prior to the commencement of any work on the site;
  - c. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified AQF Level 5 arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
  - d. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.

#### **E. Matters to be satisfied prior to the issue of Occupation Certificate:**

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*, is to be forwarded to Council or the Private Certifying Authority with the Occupation Certificate.
3. All dwellings are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
4. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
5. Damage to Council's assets adjacent or near to the site that has occurred as a result of this development, including road, kerb and gutter and drainage facilities, are to be repaired to

Council's written satisfaction prior to the issue of an Occupation Certificate. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction is to occur at the full cost to the developer. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the accredited certifier with the Occupation Certificate application.

6. All infrastructure works, including drainage, landscaping and civil engineering works, required under this Consent are to be completed prior to the issue of the Occupation Certificate.
7. Certification from a suitably qualified professional is required with regard to all waterproofing and drip irrigation systems associated with all planters.
8. A qualified landscape architect is to certify that all landscaping works have been undertaken prior to the issuing of any Occupation Certificate. The landscape architect is to confirm that all plants are arranged and spaced, so that they present as a grown completed landscape.
9. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.
10. Certification is required from a suitably qualified traffic and access consultant that the layout and design of the as-built basement carpark (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) is strictly in accordance with the provisions of AS2890.1-2004 and that all disabled parking spaces and the internal access route dimensions/gradient comply with AS2890.6-2009.
11. Certification from a suitably qualified access consultant is to be provided to confirm that the four units have been constructed strictly in accordance with the Silver Level requirements of the *Liveable Housing Guideline*.
12. Documentation is to be submitted by a licensed plumber confirming that the floor of the car wash bays are graded and drain to the sewer. The documentation is also to confirm that the perimeters of the car wash bays are suitably bunded to prevent stormwaters entering the sewer.
13. Certification is to be provided by the project architect that the finishes of the as-built development are consistent with those shown in the approved plans, the approved schedule of finishes, as amended by any conditions of consent.
14. Certification is to be provided by a licenced surveyor that the flood storage offset tank has been constructed to provide the appropriate volume of flood storage (1550 m3).
15. Certification is to be provided by a suitably qualified person that all of the flood-related features of the development have been installed and are fully operable in accordance with the Flood Emergency Response Plan as referenced in this consent and amended by this consent.
16. A Section 88B instrument is to be placed on the title to refer to the following flood-related features of the development that are required for the life of the development:
  - a. flood storage tank and associated pump system,
  - b. flood warning system and
  - c. flood doors (on all external doors set below 4.25 mAHD).

17. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.

**F. Advice:**

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
7. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.