



NOTICE OF DETERMINATION

Application Number: DA2012/1235

APPLICATION DETAILS

Applicant Name and Address: QPS Developments Pty Ltd
10/281 Pacific Highway
NORTH SYDNEY NSW 2060

Land to be developed (Address): Lot 1, DP 830423, 22-26 Albert Street
FRESHWATER NSW 2096

Proposed Development: Demolition works and Construction of a mixed use development comprising commercial and residential

DETERMINATION - APPROVED

Made on (Date): 13 February 2013

Consent to operate from (Date): 19 February 2013

Consent to lapse on (Date): 19 February 2018

Details 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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA02(B) Basement 2 & Basement 1 Plan	31 October 2012	Jack Taylor Architects Pty Ltd
DA03(F) G/Floor & Level 1 Plan	30 November 2012	Jack Taylor Architects Pty Ltd
DA04(D) Level 2 & Roof Plan	30 November 2012	Jack Taylor Architects Pty Ltd
DA13(C) Urban Elevations	3 December 2012	Jack Taylor Architects Pty Ltd
DA14(A) Sections	31 October 2012	Jack Taylor Architects Pty Ltd
DA15(A) Elevations 1	31 October 2012	Jack Taylor Architects Pty Ltd
DA16(A) Elevations 2	31 October 2012	Jack Taylor Architects Pty Ltd
Finishes Board	Undated	Jack Taylor Architects Pty Ltd

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
M-DA-00(A) - Cover Sheet, Legend and Details	5 October 2012	ITM Design Pty Ltd
M-DA-02(A) - GF/Site Stormwater Drainage	5 October 2012	ITM Design Pty Ltd
M-DA-03(A) - Catchment Area Calculations	5 October 2012	ITM Design Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report	Dated	Prepared By
Preliminary Environmental Site Assessment (Re-Issue)	March 2010 (re-issued 5 October 2012)	Environmental Investigation Services
Geotechnical Investigation	8 October 2012	JK Geotechnics
Access Report	8 October 2012	Accessibility Solutions (NSW) Pty Ltd
Construction Management Plan (Version 3.0)	December 2012	SX Projects Pty Ltd
Acoustic Assessment (Rev 2)	12 December 2012	Renzo Toning & Associates (NSW) Pty Ltd
Tree Report	3 December 2012	Evergreen Tree Services

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



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

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	eServices Reference	Dated
Roads and Maritime Services	Referral Response - Roads and Maritime Services	27 November 2012
NSW Office of Water	Referral Response - NSW Office of Water	22 November 2012

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

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

3. No Approval for any Signage

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2011 and State Environmental Planning Policy No.64).

A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

4. 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:



Warringah Council

- (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)

5. 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).



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- (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.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (h) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (i) 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)



6. Unit Numbering for Multi Tenancy Commercial or Industrial and Multi Dwelling Residential Developments

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

Reason: Correct address information for emergency services.

FEES / CHARGES / CONTRIBUTIONS

7. 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		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 152,460
Section 94A Planning and Administration	0.05%	\$ 8,024
Total	1%	\$ 160,484

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

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

8. Bonds

(a) 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.

(b) Construction, Excavation and Associated Works Bond (Crossing/Kerb)

A Bond of \$10,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

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

A Bond of \$10,000 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.

(d) Construction, Excavation and Associated Works Bond (Failure to Remove Waste)

A bond of \$40,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

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

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

Reason: To ensure adequate protection of Council's infrastructure. (DACENZ01)

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

9. Bicycle parking

Inverted U-Rail bicycle parking facilities shall be provided for 16 bicycles at the western edge of the development within the pedestrian ramp. The bicycle parking shall comply with AS 2890.3-1993 Parking Facilities – Bicycle parking facilities.

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

Reason: To encourage an alternative mode of transport and enhance amenity. (DACBCCPCC1)

10. On-site Stormwater Detention Compliance Certification

An On-site Stormwater Detention (OSD) system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification, and generally in accordance with the concept drainage plans prepared by itm design, drawing number 11/ 249 H-DA-00, 01, 02, 03, revision A dated 5 October 2012.

Detailed drainage plans are to be 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.

The drainage plans must address the following:

- (a) OSD tank is to be structurally waterproofed such as to protect the habitable areas above the OSD tank from dampness and other water related damages. False void chamber(s) with adequate ventilation between the OSD tank and the habitable areas must be provided.
- (b) Unobstructed external access to the onsite stormwater detention tank must be provided at all times.

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with Council's current On-site Stormwater Detention Technical Specification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.



Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

11. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with AS/NZS 3500.3:2003 - Plumbing and Stormwater drainage . Engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer.

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

Reason: To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site. (DACENC04)

12. 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. 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. (DACENC09)

13. Vehicle Crossings Application Formwork Inspection

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

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

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

14. Waterproofing/Tanking of Basement Level - Design

The basement area is to be permanently tanked or waterproofed in accordance with the Sydney Coastal Councils Group : Groundwater Management Handbook, A Guide for Local Government, First Edition, dated September 2006. Details of the waterproofing/ tanking and certification certifying that that the basement level is permanently tanked or waterproofed to prevent the ingress of sub-surface flows / groundwater into the basement area are to be prepared by a suitably qualified Engineer.

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

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

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

15. Utilities Services

Prior to the issue of the Construction Certificate, evidence is to be submitted to the Certifying Authority that:

- (a) A letter from the telecommunications service provider confirming that satisfactory arrangements have been made for the provision of underground telecommunications for the approved development have been made; and
- (b) Evidence that notification has been received from an Electricity Service Provider of electricity supply requirements for the development can be provided.

Reason: To ensure that services have been provided as required by this consent. (DACENC15)

16. 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)

17. Shoring of Adjoining Property

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.

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

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENCO5)

18. Installation of a speed hump

A Type 2 speed hump is to be installed within the exit side of the driveway. The device is to be installed 3.0m back from the intersection of the driveway and the footpath/crossover and is to satisfy AS 2890.1: 2004 - 'Parking Facilities'.

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

Reason: To ensure pedestrian safety. (DACHECPCC1)

19. Deletion of communal outdoor terrace

The communal outdoor terrace located between Units 103 and 104 on Level 1 is to be deleted from the plans and replaced with landscaping with a soil depth of no less than 1.0m. The landscaped area is to be made accessible only for maintenance purposes.

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

Reason: To protect privacy. (DACHECPCC2)

20. Trees and / or Landscaping

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

(a) Construction Certificate Plans

Where applicable the Construction Certificate plans must include reference to:

- (i) Trees to be removed coloured or shaded in the colour red
- (ii) Trees to be retained coloured or shaded in the colour green
- (iii) Trees to be pruned coloured or shaded in the colour blue
- (iv) Trees to be transplanted coloured or shaded in the colour yellow

(b) Trees which may be pruned

This consent includes approval under Council's Tree Preservation to prune the following trees:

All Recommendations Arborist Report		
Report Number	Dated	Prepared By
Trees A , B & C	3 December 2012	Evergreen Tree Services

Species	Location
Schefflera actinophylla (Tree A)	Rear of 18 Marmora Street Freshwater
Eucalyptus scoparia (Tree B)	Rear of 20 Marmora Street Freshwater
Jacaranda mimosifolia (Tree C)	Rear of 20 Marmora Street Freshwater

(c) Existing trees which must be retained

Approval is NOT granted for the removal of the following trees, which Council has determined to be significant landscape elements.

(i)

All Recommendations Arborist Report		
Trees	Dated	Prepared By
Trees A , B & C	3 December 2012	Evergreen Tree Services

(ii)

Species	Location
Schefflera actinophylla (Tree A)	Rear of 18 Marmora Street Freshwater
Eucalyptus scoparia (Tree B)	Rear of 20 Marmora Street Freshwater
Jacaranda mimosifolia (Tree C)	Rear of 20 Marmora Street Freshwater

- (iii) All tree protection is to be in accordance with the Recommendations of the Arborist's Report dated 3 December 2012 prepared by Evergreen Tree Services and AS4973-2009 'Protection of trees on development sites.'
- iv) No tree roots greater than 50mm diameter are to be cut unless authorised by a qualified Arborist on site.
- v) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- vi) Details of demonstrating compliance shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

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

21. Amended Landscape Plans

Landscape Plan Nos. L01 and L02 dated 25 September 2012 as prepared by Habitation is to be amended to provide for the following:

- (i) The construction of the Level 1 planters located along the northern boundary to be a minimum of 2 metres in width and 1 metre in depth and planted with species capable of attaining a minimum height of 2 metres at maturity.
- (ii) The provision of climbing plants on wire frame or similar to cover the retaining wall leading to the service bay along the boundary adjacent to the properties at No. 28 Albert St and No. 22 Marmora St.
- (iii) The deletion of the communal outdoor terrace between Units 103 and 104 on Level 1 and replacement planting.

Reason: To maintain local environmental amenity.(DACLACPCC1)

22. 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/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (j) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (k) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (l) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (m) AS 1055 - Acoustics, Description and. Measurement of Environmental Noise



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(n) AS 1668 (Parts 1 and 2) - The Use of Ventilation and Air Conditioning in Buildings

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

**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)

23. External Colours and Materials

- (a) External Glazing - The reflectivity index of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20% (expressed as a per centum of the reflected light falling upon any surface).
- (b) External Roofing - The external finish to the roof, including to roof of the waste storage room and the awning, shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.
- (c) Anti Graffiti Coating - The finishes of the walls adjoining Albert Street and the driveway, including the external wall of the waste storage room, must be finished in heavy duty long life, ultra violet resistant coating with a high resistance to solvents and chemicals as an anti-graffiti coating easily cleaned by solvent wipe.
- (d) The external facade of the ground floor walls facing Albert Street is to be finished in sandstone cladding.
- (e) The external facade of the north-facing boundary wall adjacent to Nos. 18, 20 and 22 Marmora Street is to be finished in stone render as indicated on the Finishes Board for MWR2.
- (f) The external facade of the walls to the waste storage room located behind the transformer is to be finished in stone render as indicated on the Finishes Board for MWR2.

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

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

24. Privacy treatments

- (a) A 1.65 metre privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost edge of the balcony located off the Family Room of Unit 106. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement in design of the approved development.
- (b) The sill height of the north-east facing window to the Family Room of Unit 206 is to be increased to 1.65m above the finished floor level.
- (c) A 1.0m high fixed acoustic screen is to be installed along the length of the north-facing wall at the outer edge of the planter boxes to Units 101, 102, 103 and 105. The fixed acoustic screen is also to be installed along the north-eastern outer-edge of the terrace to Unit 105, above the loading dock.

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

Reason: To protect visual and acoustic privacy. (DACPLC06)



25. Provision of lighting to the awning

Down-lighting is to be installed at regular intervals for the entire length of the underside of the awning. Lighting is to satisfy AS4282:1997 'Control of the Obtrusive Effects of Outdoor Lighting'.

Reason: To provide security to the public domain.

26. 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 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)

27. Loading dock vehicle space

The internal space and the vehicle turntable within the loading dock off Dowling Street is to be designed to accommodate a Medium Rigid Vehicle (MRV) while the main sliding entry door is closed.

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

Reason: To ensure suitable vehicular access is provided and to protect neighbouring amenity (DACTRCPC1)

28. Driveway separation and direction arrow

Separation lines are to be provided within the middle of the proposed driveway for the length of the driveway to the property boundary.

A UA-2 (L+R) pavement direction arrow is to be positioned on the exit lane between the proposed speed hump and the site boundary.

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

Reason: To signify that the exit is a single lane with vehicles turning in either left or right onto Albert Street and to ensure pedestrian safety. (DACTRCPC2)

29. Waste/Recycling Requirements to comply with Policy

Details demonstrating compliance with Warringah Council's Policy Number PL 850 – Waste, including the required 'Waste Management Plan' are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with Warringah Council's Policy Number PL 850 – Waste, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans a modification(s) to the development may be required.



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

29A Amended Construction Management Plan

The Construction Management Plan (Version 3.0) dated December 2012 as prepared by SX Projects Pty Ltd is to be amended to include the following:

- (a) A clearly defined route for the movement of demolition and construction trucks to and from the site which requires drivers to use main roads only and which avoids the use of sideroads, in particular, Soldiers Avenue and Marmora Street.
- (b) A provision to manage the timing of truck movements to ensure that the queuing of demolition and/or construction trucks does not occur on any main road or side road.

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

Reason: To maintain traffic flow and to protect amenity.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

30. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for 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)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

31. Property Boundary Levels

The property boundary levels shall match the existing levels except where modified for the vehicular crossing. The applicant shall design and construct having regard for the existing levels. No approval is granted for any change to existing property alignment levels to accommodate the development. In this regard, the footpath levels along the front boundary must not be altered and any transitions for pedestrian access into the development must be located wholly within the property.

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

Reason: To maintain the existing profile of the nature strip/road reserve. (DACENE01)

32. Vehicle Crossings

The provision of one vehicle crossing 8.5 metres wide in accordance with Warringah Council Drawing No A4-3330/1 Normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve to match the existing pavement. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

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

33. Layback Construction

A layback 8.5 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

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

34. 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)

35. 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)

36. Waterproofing/Tanking of Basement Level - Certification

Certification certifying that the basement level is permanently tanked or waterproofed to prevent the ingress of sub-surface flows / groundwater into the basement area. Certification is to be provided by an Accredited Certifier suitably accredited with the Building Professionals Board in the relevant area of expertise.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to pouring of concrete for the ground floor level of the building.

Reason: To prevent the ingress of sub-surface flows / groundwater into the basement area. (DACENEDW1)

37. 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)

38. Dewatering

Any water being discharged from the site to stormwater must not cause pollution and must comply with the ANZECC 2000 guidelines and meet the following requirements:

- (a) Suspended sediment must be less than 50mg/L
- (b) Turbidity must be less than 150 NTU
- (c) Oil & Grease must be less than 10mg/L
- (d) BOD 5 must be less than 30
- (e) pH must be between 6.5 -8.5

Any discharged water must be routinely analysed (at least once per fortnight) by an independent NATA accredited laboratory and records of water quality discharge must be kept on site. Water must be discharged in a manner that does not cause safety nuisances.

Reason: Environmental Protection. (DACHPEDW5)

39. 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. (DACLAEO3)

40. Off-site Disposal of Contaminated Soil

All contaminated material 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:

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

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.

Reason: For protection of environment and human health and to ensure compliance with the legislation. (DACPHE03)



Warringah Council

41. Installation and Maintenance of Sediment Control

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

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

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

42. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with Sections 1 (On-Going Waste Management) and 2 (Demolition and Construction Waste) of Council's Draft Waste Management Plan as submitted to Council and dated 21 November 2012.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided. (DACWTE01)

43. Installation of a net screen to scaffolding during demolition and construction works

A net screen, sufficient to suppress the transfer of dust and to prevent the overlooking into neighbouring residential properties, is to be installed along the entire length and height of the external side of the scaffolding for the duration of the demolition and construction phase.

Reason: To protect residential privacy and to prevent the transfer of dust.

44. Concealment of downpipes and services

All downpipes and services are to be concealed from view by installing them within the exterior fabric of the wall.

Reason: To minimise visual clutter.

45. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling – timber – bricks – tiles – plasterboard – metal – concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible. (DACWTE02)

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

46. Provision of Give-Way Line to Loading Dock

The applicant is to provide a give way line at the entry/exit to the loading dock indicating that traffic entering the general carpark area have right of way.

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

Reason: To minimise conflicts between vehicles on the site.

47. Loading Dock Signal System

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

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

Reason: To ensue that heavy vehicles are not required to reverse from the site.(DACBCFPOC2)

48. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

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

49. Registration of Encumbrances for On-site Stormwater Detention

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To identify encumbrances on land. (DACENF02)

50. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

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

51. Restriction as to User for On-site Stormwater Detention

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

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

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

52. Stormwater Disposal

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

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

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

- (a) Australian/New Zealand Standard AS/NZS 3500.3 - 2003 - Plumbing and drainage - Stormwater drainage
- (b) Australian/New Zealand Standard AS/NZS 3500.3 - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

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

53. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a “work as executed” (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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

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

54. Positive Covenant for the Maintenance of Stormwater Pump-out Facilities

A Positive Covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the property title to ensure the on-going maintenance of the stormwater pump-out facilities on the property being developed.

Warringah Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Warringah Council’s delegate shall sign these documents prior to the submission to the Land & Property Information Department.

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

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. (DACENF11)

55. Positive Covenant for On-site Stormwater Detention

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council’s standard requirements, (available from Warringah Council), at the applicant’s expense and endorsed by Warringah Council’s delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.



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

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

56. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

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

Reason: To identify encumbrances on land. (DACENF14)

57. Waterproofing/Tanking of Basement Level - Certification

Certification stating that the basement level is permanently tanked or waterproofed to prevent the ingress of sub-surface flows/groundwater into the basement area. Certification is to be provided by an Accredited Certifier suitably accredited with the Building Professionals Board in the relevant area of expertise.

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

Reason: To ensure compliance with State Government Requirements. (DACENFPO1)

58. Allocation of Parking Spaces

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

- 26 – Residential
- 5 - Residential (Visitors)
- 57 – Commercial

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

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

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACHEFPOC1)

59. Sydney Water Approval

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

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

Reason: Statutory requirement of Sydney Water (DACHPF05)

60. Compliance with Contamination Report

Prior to the issue of occupation certificate provide certification from a suitably qualified environmental consultant certifying that all the recommendations detailed in EIS Contamination report dated March 2010 (Ref E22337KBrpt3) have been complied with and the site is safe for its intended purpose.

Reason: To ensure environmental compliance and safety for occupants. (DACHPF06)

61. Mechanical Ventilation

Prior to issue of Occupation Certificate provide certification from a suitably qualified person certifying that the mechanical ventilation system complies with Australian Standard 1668.2.

Reason: Demonstrate compliance with applicable standards (DACHPFPOC1)

62. Food Premises

The Retail Market shall comply with the requirements of Australian Standards 4674 (Design, Construction and Fit Out of Food Premises).

Reason: To ensure compliance with the applicable food standards. (DACHPFPOC2)

63. Noise Control - Certification

Prior to occupation certificate provide certification from a suitably qualified acoustic consultant certifying that the recommendations in the Acoustic Assessment Report prepared by Renzo Tonin & Associates dated 7 October 2012 have been complied with and that all sound producing plant, equipment, machinery or fittings complies with the Industrial Noise Policy (NSW 2000).

Reason: To ensure that noise generated from the development does not result in offensive noise to any other party. DACHPFPOC6)

64. Required Planting

The tree/s listed in the following schedule shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Min Pot Size
All trees	As indicated on Landscape Plans Dwg Nos L01 D and L02 C dated 25 September 2012 prepared by Habitation and;	As indicated on the Landscape Plan	As indicated on the Landscape Plan
3	<i>Elaeocarpus reticulatus</i>	Between the waste storage room and the boundary adjacent to the dwelling at No. 28 Albert St	100 litre

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

Reason: To maintain environmental amenity. (DACLAF01)

65. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management. (DACPLF01)

66. Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

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

Reason: To prevent pollution of the environment and to protect the amenity of the area. (DACPLF03)

67. Building Number

The building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings. (DACPLF04)

68. Intercom

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

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

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

69. Undergrounding of Telecommunications Services

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

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

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

70. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

71. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

72. Vehicle Egress Signs

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to come to a complete stop before proceeding onto the public way.

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

Reason: To ensure pedestrian safety. (DACTRFPOC1)

73. Visitor Car parking

Visitor car parking must be permanently available, freely accessible and clearly marked / signposted. The visitor car parking spaces area not to be allocated to individual units / tenancies.

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

Reason: To ensure visitor carparking is available at all times and is clearly identified. (DACTRFPOC2)

74. Waste/Recycling Certificate of Compliance with Policy

The proposal shall be constructed in accordance with Warringah Council's Policy Number PL 850 – Waste.

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

Reason: To ensure waste and recycling facilities are provided. (DACWTF01)

75. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled. (DACWTF02)



76. Positive Covenant for Waste Services

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities (DACWTF03)

77. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (Department of Lands standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land. (DACWTF04)

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

78. Operation of Residential Bin Storage Room

The relocation of residential bins from the Refuse Area next to the Loading Dock to the bin storage room adjacent to Albert Street is to occur no later than 6.30pm on the night prior to Council waste pick-up. The bins are to be returned to the Refuse Area from the bin storage room no later than 6.30pm on the night of Council waste pick-up.

The bin storage room is to be locked everyday except on the day of Council waste pick-up.

Reason: To protect the amenity of neighbouring properties. (DACHEGOG1)

79. Garbage and Recycling Facilities

Physically separated commercial and residential waste storage rooms that are designed so they are easy to clean, suitably ventilated and managed to prevent pests shall be provided within the premises for the storage of all garbage bins and recycling containers and all other waste and recyclable material generated by this premises. All internal walls of the garbage storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning. The commercial and residential garbage rooms must be adequately labelled.

Reason: To prevent pollution of the environment and to protect the amenity of the area. (DACHPGOG1)

80. Use of Premises

- (a) This consent approves the use of the ground floor tenancies as Commercial Premises as defined under the Warringah Local Environmental Plan 2011 subject to any combination of uses complying with the on-site car parking provision of 57 spaces as required by Appendix 1- 'Car Parking Requirements' under the Warringah Development Control Plan.
- (b) Separate Development Consent is required for the use of any of the premises identified in (a) above if the proposed use is not a Commercial Premises.

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

81. Visitors Sign

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors. (DACPLG04)

82. Hours of Operation

The hours of operation for any Commercial Premises are to be restricted to (inclusive):

7.00am to 10.00pm Monday to Sunday.

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

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

83. Commercial Waste Collection

Waste and recyclable material, generated by the commercial premises, must not be collected between the hours of 10.00pm and 6.00am Monday to Saturday and between 7.00pm to 7.00am Sundays and Public Holidays.

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

84. Commercial Waste and Recycling Storage

- (a) Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans.
- (b) No waste or recyclable material is to be stored, temporarily or permanently, within the driveway or outside the loading dock with exception to the residential waste temporarily stored in the approved residential waste collection room on waste pick-up days only.

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

85. Loading dock operations

- (a) All loading and unloading operations shall be carried out wholly within the confines of the the approved loading areas, at all times.
- (b) All operations within the loading dock are to cease between 10.00pm and 6.00am Monday to Saturday and between 7.00pm to 7.00am Sundays and Public Holidays.
- (c) During all loading and unloading operations, the door to the loading dock is to be closed to minimise noise impact upon neighbouring residential properties.

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

86. Delivery Hours

Delivery and service vehicles must not enter the loading dock between 7.00pm to 6.00am Monday to Saturday and 7.00pm to 7.00am Sundays and Public Holidays.

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

87. Commercial Waste and Recycling Storage

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed. (DACPLG25)

88. Parking Enclosure

No parking spaces, or access thereto shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure that minimum dimensions for parking spaces are not reduced or that vehicle manoeuvring is compliant with relevant standards. (DACTRGOG1)

89. Planting adjacent to the driveway

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway must not exceed a height of 1,200mm.

Reason:To maintain sight distance for vehicles exiting the site.(DACTRGOG2)

90. Allocation of Parking Spaces

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

- 26 – Residential
- 5 - Residential (Visitors)
- 57 – Commercial

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACHEFPOC1)



Right to Review by the Council

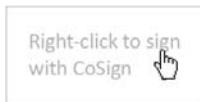
You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

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

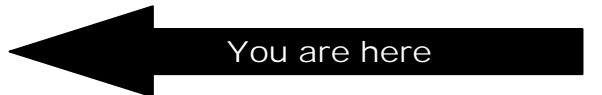
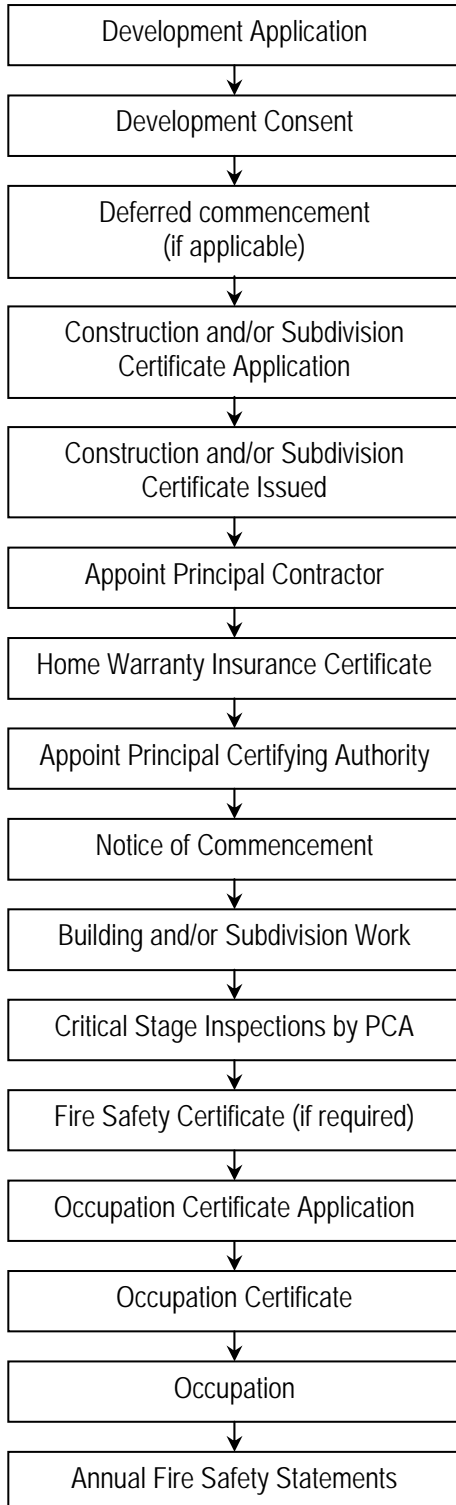


Signature _____
Name Rod Piggott, Development Assessment Manager
Date 19 February 2013

Notice of Determination

Advisory Notes (General)

Where are you in the development process?



Check consent conditions to see if you are affected by a deferred commencement condition. If applicable satisfy all requirements and submit to Council (allow 4 weeks (min.) for review).

Check the consent conditions to see if you need a construction certificate. Pay any applicable bonds / fees / s94A Development Contributions / Long Service Levy.

Make sure that you satisfy all conditions required to be satisfied prior to the issue of the Certificate

Sign a contract with a licensed builder and make sure that the builder has proper insurance in place.

Obtain a copy of the builder's home warranty insurance for your development. (if residential work) This must be given to the PCA

Sign a PCA service agreement with Council or an Accredited Certifier to conduct building inspections.

Complete the Notice of Commencement form and lodge with Council before work commences. A Failure to comply may result in Fines and Legal Action being taken by Council.

Comply with all Consent Conditions. A Failure to comply may result in Fines and Legal Action being taken by Council.

Make sure you give required notice to your PCA to allow for required building inspections to be done.

Complete a Fire Safety Certificate and attach certificates for all essential fire safety measures to it.

Make Application for the Occupation Certificate and attach to it the Fire Safety Certificate.

Do not occupy any new part of the building without at least an Interim Occupation Certificate - A Failure to comply may result in Fines and Legal Action being taken by Council.

Make sure you comply with development consent conditions relating to ongoing use.

The building owner(s) must make sure that they maintain essential fire safety measures and certify them annually to Council. A Failure to comply may result in Fines and Legal Action being taken by Council.

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..



Warringah Council

General Advice

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

(Note: A failure to comply is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)

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 being taken, and orders for demolition.)

Certification Services

Construction Certificates / Occupation Certificate / Subdivision Certificates / Strata Certificate, 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 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, Long Service Levy detailed within the Notice of Determination are required to be paid prior to the issuing of any Construction Certificate.

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 being taken, and orders for demolition.)

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 Traffic Authority for works on state roads only
- ☐ Human Rights and Equal Opportunity Commission for access issues
- ☐ NSW Land and Property Information Service for Land Title matters

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- ☐ **Australia Post** for the positioning and dimensions of mail boxes in new commercial and residential developments;

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.

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(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 2009;
- (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.

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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).

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.

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 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.

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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:

- i. Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);
- ii. 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.
- iii. Hand wash basins must be provided with warm water delivered through a common spout with taps that are hands free operation;
- iv. Coving with a radius of 25mm must be provided between all floor and wall joints in food handling areas;
- v. The open space between the top of the coolroom and the ceiling must be fully enclosed and kept insect and pest proof;
- vi. 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;
- vii. The doors to the toilet air lock and toilet compartment must be tight fitting and self closing;
- viii. The rear external door must be self closing or be provided with a fly screen that is self closing;
- ix. 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.

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