

Notice of Determination of Development Application

Development Application No: 2003/0574

Development Application Details:
Applicant Name: IPM Pty Ltd
Applicant Address: PO Box 42
BALMAIN NSW 2041

Land to be developed (Address): Lots A and B, FP 371110, No. 14 and 16 Oaks Avenue,
Dee Why

Proposed Development: Demolition of existing buildings and construction of a
shop-top housing development, comprising 30
apartments, 3 retail shops, 51 carparking spaces and
strata subdivision.

Determination:
Made on (Date): 29 January 2004 *See note 1*
Determination: **Consent 2003/0574** granted subject to conditions
described below
Consent to operate from (Date): 20 February 2004
Consent to lapse on (Date): 20 February 2009
Details of Conditions *See note 2*
(including Section 94 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 certifiers 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.

GENERAL CONDITIONS

1. Development being generally in accordance with plans numbered as follows:

2642, DA-01A, dated Nov 03, submitted 8.12.2003
2642, DA-02A, dated Nov 03, submitted 8.12.2003
2642, DA-03A, dated Nov 03, submitted 8.12.2003
2642, DA-04A, dated Nov 03, submitted 8.12.2003
2642, DA-05A, dated Nov 03, submitted 8.12.2003
2642, DA-06A, dated Nov 03, submitted 8.12.2003
2642, DA-07A, dated Nov 03, submitted 8.12.2003
2642, DA-08A, dated Nov 03, submitted 8.12.2003
2642, DA-09A, dated Nov 03, submitted 8.12.2003
2642, DA-10A, dated Nov 03, submitted 8.12.2003
2642, DA-11A, dated Nov 03, submitted 8.12.2003

as amended in red and as modified by any conditions of this consent/approval. (C1)

2. Compliance with Building Code of Australia
 - a. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
 - b. This clause does not apply to the extent to which an exemption is in force under Clause 80H or 80I, subject to the terms of any condition or requirement referred to in Clause 80H (6) or 80I (4).
 - c. Specifically, the Access and Egress from the building is to be in accordance with the building consultants report by Anthony Protas Consulting Pty Ltd, dated 16 May 2003 and supplementary report dated 15 July 2003. (See Condition 43)
 - d. Specifically, the Protection of Openings in the building are to in accordance with the supplementary report by Anthony Protas Consulting Pty Ltd, dated 15 July 2003. (See Condition 44) (C375)

3. Compliance Certificates are required at the following stages of construction:-
 - a. Preliminary - immediately following the setting out of the development footprint prior to excavation and/or formation of footings or slabs with environmental protection measures and toilet facilities installed.
 - b. Floor Plan and Elevation – 6 inspections are required, one for each floor level to ensure compliance with set out of each floor level.
 - c. On Site Detention System – prior to occupation.
 - d. Final - prior to occupation/use, the satisfactory completion of the building works with respect to:-
 - (i) Compliance Certificates as nominated
 - (ii) Compliance Certificates (components) as nominated (C396)

4. The following component certificates are required to be submitted to Council where Council is the nominated principal certifying authority prior to occupation/use of the building, to ensure compliance with the Building Code of Australia and relevant Australia Standards:(C399)
 - a. Structural Engineer / Accredited Certifiers certificate covering the supervision of all structural work and adequacy of the building.
 - b. Geotechnical Engineers report certifying the foundation material/stability of site excavation.
 - c. Accredited Certifiers certificate which states the structural components of the building have a fire resistance level in accordance with the requirements of Part C of the Building Code of Australia for a Type A construction /and / the approved plans.
 - d. Acoustic Engineer / Accredited Certifiers certificate stating the installed wall between the Units complies with: the requirements of Part F5 of the building Code of Australia /and / the approved plans.
 - e. Electrical contractor's certificate stating the smoke alarm system has been installed in accordance with AS 3786-1993 "Fire Alarms".
 - f. Plumbing and Drainage contractors' certificate indicating that sewer/waste water system has been installed and completed in accordance with the Sydney Water requirements.
 - g. Accredited waterproof installers certificate which certifies the waterproofing system has been applied in accordance with the manufactures recommendations and AS 3470-1994 "Waterproofing of Wet Areas in Residential Buildings".
 - h. Mechanical Engineers certificate which certifies the air handling system has been designed, installed and is operational in accordance with the requirements of AS 1668-1991 "The use of mechanical ventilation and air-conditioning in buildings, Part 1: Fire and smoke control" / Part 2: Mechanical ventilation for acceptance indoor-air quality".
 - i. Registered Surveyors, Identification Survey report indicating the location of the

- completed development on the site in relation to all boundaries.
 - j. Registered Surveyors identification report indicating the finished site floor / roof / ridge levels in relation to a nominated fixed datum point / are in accordance with the levels indicating plans.
 - k. Glazing installation contractor certificate stating all glazing has been selected and installed in accordance with AS 1288-1994 and the appropriate terrain category classification.
 - l. Drainage contractors Certificate certifying that the stormwater drainage system has been satisfactorily installed and completed.
 - m. Hydraulic Engineer's certification (and Works as Executed plans where departure from approved plans has taken place) indicating that the on-site detention system has been installed in accordance with the approved plans and will perform in accordance with Warringah Council's publication "On-Site Stormwater Detention - Technical Specification, March 1998".
 - n. Certification that the development is in accordance with the Building Code of Australia (Part D and F – disabled access and facilities).

- 5. Excavations and Backfilling
 - a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 - b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property. (C378)

- 6. Support for Neighbouring Buildings
 - a. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (i) must preserve and protect the building from damage, and
 - (ii) if necessary, must underpin and support the building in an approved manner, and
 - (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.
 - b. 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.
 - c. In this clause, allotment of land includes a public road and any other public place. (C380)

- 7. Protection of Public Places
 - a. If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
 - b. 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.
 - c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - d. Any such hoarding, fence or awning is to be removed when the work has been completed. (C381)

8. Your attention is directed to the need to seek advice of your obligations from the Work Cover Authority. (C331)
9. Prior to finalising detailed designs of the proposed development, the applicant should check all existing public service utilities adjacent to the site and ensure that where necessary appropriate arrangements are made for the relocation and/or adjustment of any services at the applicant's expense. (C96)
10. Construction of approved kerb laybacks in accordance with the details shown on Warringah Council Plan A4-2276. (C90)
11. All design and construction of road drainage works within any road or public reserve shall comply with the Standard Specifications of Council. (C95)
12. Plant and demolition materials shall not be placed or stored within the public road reserve and shall be stored within the boundaries of the site during demolition works. Failure to comply with this condition may result in Council taking action to remove the offending items from the public reserve, and all costs incurred by Council will be deducted from any deposit moneys held in relation to the subject property. (C522)
13. All construction and restoration work on Council's road and footpath area is to be carried out in accordance with the approved drawings and Council's Standard Specifications. (C110)
14. The total cost of all construction and restoration works on Council's road and footpath shall be borne by the developer/applicant. (C112)
15. All demolition work shall be carried out in a safe and responsible manner, with minimal harm to the surrounding natural environment under the supervision of a licensed contractor, and within the boundaries of the private property. (C524)
16. All demolitions are to be carried out in accordance with the guidelines contained in the Australian Standard AS2601-1991 - "The Demolition of Structures". (C525)
17. In accordance with Part 7B of the EPA Act the owner of a building is to provide Council with an Annual Fire Safety Statement for the building (Form 15A). (C394)
18. For the protection of the health and safety of workers, adjoining property owners, the public and the environment, any person renovating or demolishing any building built before the 1970's should be aware that any surfaces may be coated with lead based paint. Lead dust is a hazardous substance. The requirements of the Environmental Protection Authority are to be followed in this regard. (C535)
19. Mechanical ventilation systems shall comply with the requirements as set out in AS53666 and the "Code of Practice for the Control of Legionnaire's Disease" - where applicable. (C249)
20. The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. (C305)
21. External glazing is to have a low reflectivity to minimise the impacts of glare nuisance on nearby residential properties.

22. Stormwater being piped to Warringah Council's street drainage system.
23. Buildings being located clear of any pipeline, natural watercourse or Warringah Council easement. Footings of any building adjacent to an easement or pipeline to be a minimum of 300mm below the invert of the pipe and may rise by 300mm for each 300mm removed there from. (C71)
24. All new construction and services to a minimum level of 18.00m AHD shall be designed to withstand flooding in accordance with the requirements specified in the New South Wales Floodplain Development Manual. Buoyancy, flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed. (C76)
25. The minimum finished floor level shall be 300mm above the predicted 1 in 100 year water surface level for the site and public drainage system. The minimum finished floor level shall be 18.00m AHD.
26. Provision of an on-site detention facility to control the rate of stormwater runoff from the site to be in accordance with the current version of Warringah Council's publication "Onsite Stormwater Detention – Technical specification". (C68)
27. Restrictions as to User shall be created over the onsite detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction to be prepared to Warringah Council's standard requirements at the applicant's expense. Warringah Council shall be nominated as a party to release, vary or modify such restriction. (C53)
28. The disabled carparking space shown on the Ground Floor Level carpark is to be provided in accordance with the requirements under AS 1428.1-1993.
29. All visitor parking, disabled carparking and loading areas are to be clearly signposted, suitable markings painted on the ground surface and available at all times for the allocated purpose. No visitor carparking spaces or disabled carparking spaces are to be allocated to individual units.
30. A truck turntable is to be provided on the ground floor level to facilitate the turning of a small rigid truck in the "loading dock" area. The loading dock is only to be used by vehicles up to and including a small rigid truck. Larger trucks are not to be used for deliveries/receiving from this site.
31. A separate Development Application is to be submitted for any proposed external signage which requires consent under Warringah Local Environmental Plan 2000.
32. All vehicles, including delivery trucks are to enter and leave the site in a forward direction (see also Condition 25).
33. The layout of the carpark, including ramp grades, sight distances, aisle widths, parking bay dimensions and loading dock is to be in accordance with AS 2890.1-1993 and AS 2890.2-1989.
34. Any security roller doors and boom gates separating the commercial and residential carparking areas are not to deny access to the visitor carparking spaces allocated for the residential component, nor the retail spaces.
35. The floor plans of Units 16 and 24 are to be amended to provide a 2.5m wide balcony across the full width of these units as shown generally in red on the consent plans. Therefore, the

layout of Units 16 and 24 is to be similar to Unit 19.

36. The existing trees at the front of the site, one on the front boundary of the site and the other on Council's land are to be removed to facilitate better pedestrian access across on the footpath in front of the site. See Conditions 60 and 68.
37. Restoration and maintenance to approved levels and safe condition of the footway reserve adjoining the site in Oaks Avenue to Warringah Council's standard specification for engineering works. (C85)
38. All disturbed areas adjacent the works on Council's road and footpath shall be borne by the developer/applicant. (C112)
39. Kerb, footpath and street tree planting within the road reserve area being reinstated to the redundant driveway location. (C294)
40. The creation of a Right of Carriageway 3.0 metres wide in favour of Warringah Council over Lots A and B, FP 371110. This Right of Carriageway is to provide access to Council's pipeline located along the northern boundary of the site. All costs associated with the creation of the Right of Carriageway are to be borne by the applicant.
41. The creation of easements to drain water 3 metres wide in favour of Warringah Council over Lots A and B, FP 371110. All costs associated with the creation of the easement are to be borne by the applicant.

PRIOR TO RELEASE OF THE CONSTRUCTION CERTIFICATE

42. The access and egress from the building is to be in accordance with the building consultants report by Anthony Protas Consulting Pty Ltd, dated 16 May 2003 and supplementary report dated 15 July 2003. Full details of the design to satisfy the provisions of Section D of the Building Code of Australia are to be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.
43. The Protection of Openings in the building are to in accordance with the Supplementary Report by Anthony Protas Consulting Pty Ltd, dated 15 July 2003. Full details of the measures to satisfy the provisions of Section C of the Building Code of Australia are to be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.
44. Payment of the Long Service Leave Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. This payment is not required where the value of the works is less than \$25,000. (C3)
45. The payment of the following developer contributions prior to the approval/release of the construction certificate.

(i) Section 94 estimation for 30 new medium density dwellings in Dee Why

- \$ 480 Open Space Links & Cycleway (6901)
- \$ 90 Childrens Facilities (6902)
- \$ 8,910 Libraries (6903)
- \$ 9,270 Sport Field Establishment (6904)
- \$ 10,740 Administration and Studies (6922)
- \$ 9,840 Community Facilities (6906)

\$ 189,120 Local Open Space (6912)

\$ 6,900 Roads and Traffic (6915)

Total Residential = \$ 235,350.00

(ii) Section 94 Estimation for 217 increased Sqm - Shops

\$ 635.81 Total (Account 6924)

Total Commercial = \$635.81

These amounts have been calculated using the Warringah Section 94 Contributions Plan. They are current at the time of issue of this Consent. They will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). An updated schedule of Council's contribution rate is issued each quarter and is available at Council's office. Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated. (C7)

46. The fee(s) required for a Council Compliance Certificate is \$990.00 and it is to be paid prior to Council issuing the Construction Certificate. NOTE: Each Compliance Certificate fee is \$110. Where external accredited certifiers issue construction certificates and compliance certificates the above fee is not required. (C397)
47. The payment of an on-site detention checking fee of \$300.00 to Account WCP 20340 U351, prior to issue of the Construction Certificate. (C512)
48. Payment to Warringah Council of a \$15,000.00 bond as security against damage to Council's roads caused by the transport and disposal of materials and equipment to and from the site. This amount to be paid prior to the issue of the Construction Certificate and to be verified by the accredited certifier. (C108)
49. Submission at the Construction Certificate stage of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, and such fire safety schedule shall specify the minimum standard of performance for each fire safety measure. (C371)
50. The payment of \$3,000.00 to account Reg 009 - *TF 036 prior to issue of a construction certificate as security to ensure that:
 - a. all silt and sediment control measures are installed and maintained;
 - b. there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems; and
 - c. maintenance of all facilities in accordance with Council's Specification for Erosion Control and Sediment Control. (C42)
51. Adequate shoring to be provided to support the road reserve or other property during construction. Engineering drawings of this work are to be provided and approved by Council prior to commencement of any excavations, likely to affect the stability of such road, reserve or property. (C94)
52. Provision of 1 vehicle crossing, 6.0 metres wide in accordance with Warringah Council Drawing No.A4-3330 to approved levels and specifications. An application for street levels is to be made prior to issue of the Construction Certificate. (C89)
53. All works on the site shall be undertaken to prevent erosion and transport of soil and sediment off the site and onto adjoining properties or road reserves. Measures shall be taken in

accordance with the requirements of Warringah Council's Specification for Erosion and Sediment Control. A plan shall be submitted to the council / or certifier prior to issue of the Construction Certificate. (C41)

54. Access/Egress/Services including water closets, showers, stairways, lifts where required and carparking for the disabled are to be in accordance with the provisions of AS 1428.1.-1993 "Design for Access & Mobility". Details being submitted with the Construction Certificate. (C329)
55. A Geotechnical Engineers Report addressing the methods of excavation and stabilisation of the excavation and structural support and protection of adjoining properties, buildings and road reserves is to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
56. An Acid Sulphate Soils Management Plan is to be prepared and submitted to the Principal Certifying Authority prior to release of the Construction Certificate addressing measures to minimise the environmental risk associated with disturbance of acid sulphate soils and the disposal of such soils.
57. Full details of the external finishes of the proposed development, including a sample board showing the colour, texture and substance of all external components (all external walls, roof covering, guttering and downpiping, balustrading, footpath awning, glazing, paving and front setback retaining walls) are to be submitted to Council for approval prior to release of the Construction Certificate.

The pavement colour and texture for the access driveway is to contrast with the remainder of the footpath treatment to clearly delineate this zone for the safety of pedestrians. Also, in order to clearly delineate the centre of the two access driveways (ie. the one serving 10-12 Oaks Avenue and the one serving this development) the mid point between the access driveway's is to be clearly delineated with a 1 metre wide "safe zone" for pedestrians.
58. Construction of full width footpath paving consisting of the Boral "Abbey Road" pattern along the full frontage to Oaks Avenue in accordance with Warringah Council's standard specification for engineering works. (C83)
59. Street planting is to be installed in the footpath area in Oaks Avenue, generally in accordance with Council's "Dee Why Town Centre Study". Two (2) replacement street trees are to be provided within the road reserve area in front of the site. The location of the trees is to be shown on the landscape and engineers plans. The species is to be discussed beforehand with Council's Landscape Branch. The plants are to be "super advanced" in height at the time of planting. Full details are to be submitted to Council for approval prior to release of the Construction Certificate. (See also Conditions 36, 62 and 67).
60. A Dilapidation Report addressing adjoining properties, including photographic evidence of the physical condition of adjoining properties and prepared by a suitably qualified person, is to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
61. All demolition and excavation material from the site shall be disposed of to a site suitable for the receipt of such materials. Prior to issue of the Construction Certificate, Council or the accredited certifier shall verify that appropriate arrangements have been put in place to ensure that such materials are disposed of in an environmentally suitable location and manner. The

site is to be a registered landfill site and suitable in terms of the recommendations of the EPA Site Auditor. Full details of the location of the disposal site for the demolition and excavation material is to be submitted.

62. Full details of the treatment of the front setback area and the internal courtyards and rear communal courtyard at Level One, including planting, paving, wall/step/access ramp materials, handrailing/balustrading are to be submitted to Council and approved prior to release of the Construction Certificate. The plan is to include the replacement street tree planting, see Condition 60.
63. Access to vehicles except at the constructed entrance is to be denied by a physical barrier erected adjoining the road alignment. The certifier is to ensure that this is provided prior to issue of the Construction Certificate. (C103)
64. The developer/applicant must lodge with Council, prior to release of the Construction certificate, a security deposit/bank guarantee of \$5,000.00 to ensure compliance with the approved engineering plans and Council's standards and specifications. The deposit/guarantee will only be refunded on completion of the Maintenance Period, if the work has been completed in accordance with the approved plans, conditions and to the satisfaction of the Principal Certifying Authority.
A maintenance period of six (6) months shall apply to the work, after it has been completed and approved in writing by Council. In that period, the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications for engineering works, or as would reasonably be expected under the design conditions.

65. The basement carpark is to be permanently water proofed or tanked. Details of the waterproofing or tanking of the basement must be provided to the Principal Certifying Authority for assessment and approval prior to release of the Construction Certificate. Any pump-out systems are to be directly connected to Council's drainage pit or pipe system.
66. The roller shutter door situated along the drainage easement is to be a minimum of 3.5m high. The Principal Certifying Authority is to verify that this requirement has been satisfied prior to release of the Construction Certificate.
67. Realignment of the kerb, extension of the footpath and street planting are required in the road reserve fronting Oaks Avenue in accordance with the "Dee why town centre Study", Drawing No. 98/158/SK – 04E, dated November 1998.
Engineering drawings for the above works are to be in accordance with Council's standards specification for civil works – "Auspec", and are to be submitted to Council's Team Leader – Development Engineering for assessment prior to release of the Construction Certificate.
68. Access is to be provided for Council's construction vehicles to access council's drainage pipe located in the rear of the site. The access shall extend 3m wide and 3.5m high, commencing from the Oaks Avenue frontage and terminating at the proposed drainage easement. The architectural plans are to be amended, where required, to comply with this requirement.
69. The submission to Council's Senior Development Engineer of four (4) copies of Civil Engineering plans for the design of footpath works required in Oaks Avenue, including long and cross sections, details of proposed structures and specifications.
Such design shall be:
 - a. Prepared and submitted on A1 size sheets,
 - b. Undertaken by a Consulting Civil Engineer (or by such other person as may be approved by Council),
 - c. Approved and stamped by Council prior issue of the construction certificate,
 - d. Subject to the prescribed Engineering Development Fees paid to Council prior to the release of the Construction Certificate (to be paid into Account WCP 20340 0999),
 - e. Upon completion of the works, the applicant is to provide to Council 2 copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also the applicant is to provide to Council in an approved format details of all public infrastructure created as part of the works,
 - f. All Civil Engineering works in the site are to be fully supervised by the consultant responsible for their design, or by such person as may be approved by Council, and on completion certified to be in accordance with the approved plans, conditions of construction and Council's standard specification for engineering works,
 - g. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved in writing by Council or the Principal Certifying Authority. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

Council will require a Security Deposit/Bank Guarantee prior to issue of the final compliance certificate or subdivision certificate to ensure rectification of any defects during the maintenance period. (C93)

70. A traffic management plan is to be prepared by a traffic consultant to address the movement of vehicles between the entry point on the ground floor to the internal ramps providing access to

the ground floor and basement car parks. The plan is to include appropriate signage and installation of other traffic control measures (such as signalisation) to avoid conflict within this area, particularly as it relates to the use of the loading dock turntable and crossing over of vehicles.

PRIOR TO THE COMMENCEMENT OF WORKS

71. A Construction Certificate is required to be approved by either Council or an Accredited Certifier, prior to the commencement of any works on the site. (C165)
72. At least 2 days prior to work commencing on site Council must be informed, by the submission of Form 7 of the Environmental Planning and Assessment Regulation 1998 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence. (C168)
73. The sediment and erosion control facilities are to be installed, and approved by the Principal Certifying Authority, prior to the commencement of any other works on the site. These facilities are to be maintained in working order during the construction works and up to the completion of the Maintenance Period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site. (C116)
74. Toilet Facilities
 - a. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 - b. Each toilet provided:
 - (i) must be a standard flushing toilet, and
 - (ii) must be connected:
 - A. to a public sewer, or
 - B. if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
 - C. if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by Council.
 - c. The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
 - d. In this clause:
 - (i) accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in Clause 95B of the Regulation.
 - (ii) approved by the council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.
 - (iii) public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.
 - (v) sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993. (C383)
75. 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. (C113)

76. Hoardings shall be installed before any work is commenced on site including construction/demolition, and shall remain in place for the duration of the work. A separate application to be made to Council for this purpose and appropriate fee paid. No construction access is permitted other than at the approved vehicle crossing/s. All loading, unloading and storage of materials for works within the site shall take place within the hoarding enclosure. (C87)
77. A “Work Zone” is to be provided in Oaks Avenue prior to the commencement of construction and maintained during the period of construction. The applicant/developer is to consult with Council’s Traffic Engineer regarding the installation and location of signage.
78. No excavation or construction work is to commence onsite until all silt/sediment control measures are in place. (C317)
79. An application for a Construction Zone adjacent to the site frontage be lodged prior to work commencing, together with the required deposit and rental charges. (C104)
80. 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.Before excavation, the responsible person must notify his intention to the adjoining owner/s and shall at the same time furnish to such owner/s particulars of the work proposed to be carried out. (C324)
81. 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, to the satisfaction of the Principal Certifying Authority, and in accordance with Council’s Standard specifications for engineering works. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works. (C117)

DURING WORKS

82. Hours of construction being restricted to 7am to 5pm Monday to Friday, Saturday 7am to 1pm if audible at residential premises. No audible construction work to take place outside these hours. (C326)
83. Hours of excavation being restricted to 7am to 5pm Monday to Friday, Saturday 7am to 1pm. No excavation is to take place outside these hours.
84. Hours of demolition being restricted to 7am to 5pm Monday to Friday, Saturday 7am to 1pm. No demolition is to take place outside these hours.
85. Provision shall be made throughout the period of construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site. (C44)

86. Dust control measures shall be undertaken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment. (C529)
87. A person taking down, demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Work Cover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with. (C530)

88. Signs to be Erected on Building and Demolition Sites. (C382)
- a. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) stating that unauthorised entry to the work site is prohibited, and
 - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - b. Any such sign is to be removed when the work has been completed.
 - c. This clause does not apply to:
 - (i) building work carried out inside an existing building, or
 - (ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
89. Adequate protection measures are to be employed to retain excavated areas during the construction process. (C37)
90. All vehicle access for the construction period shall be confined to a stabilised entry/exit/crossing and driveway 6.0 metres wide installed and maintained to the reasonable satisfaction of Council or the principal certifying authority to prevent damage to the Council road. (C107)
91. Footpath and roadway being kept free of obstruction by building materials and plant. All concrete trucks, pumps and/or agitators being kept wholly within the building site. No concrete or slurry being discharged onto Council's street surfaces, nature strips, drains/gutters, reserves parks etc. (C321)
92. The requirements of the condition ending in code C68 shall be designed and supervised during the works by an Engineer with qualifications and expertise recognised by the Institute of Engineers Australia as being adequate for the purpose. The Engineer shall certify prior to occupation or release of Linen Plan of Subdivision that the works have been completed strictly in accordance with the approved design and to appropriate standards of workmanship. (C98)
93. Retaining Walls and Drainage.
If the soil conditions require it:
- a. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - b. adequate provision must be made for drainage. (C379)
94. Retail goods, product and advertising are to be kept within the confines of the building at all times, unless otherwise approved under this or another consent. (C30)
95. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition. (C88)
96. Council's Development Engineer is to be given 24 hours notice when the works reach the following stages:
- ✱ Pouring of kerb and gutter

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification as conditioned above. Council approval or acceptance of any stage of the work must be obtained in writing, and

will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification. (C127)

PRIOR TO OCCUPATION

97. The building shall not be occupied until an Occupation Certificate has been issued. (C162)
98. To ensure the safety of occupants of the building a “Fire Safety Certificate” which identifies the schedule of “Fire Safety Measures” that have been completed to satisfactory standard shall be provided to Council prior to the issue of an “Occupation Certificate” as required in Part 7B of the “Environmental Planning and Assessment Amendment Act 1997”. (C387)
99. The onsite detention plans and associated drainage works are to be strictly in accordance with the drainage plan prepared by Bewsher Consulting Engineers, numbered J1202-SW1 and SW2, dated 29 July 2003. On completion of works, a compliance certificate is to be issued by an accredited certifier in civil works with the Institute of Engineers, stating that the works are in accordance with the above approved plans and Council’s “Onsite Detention Technical Specification”. The compliance certificate is to be submitted to the Principal Certifying Authority prior to occupation. (C510)
100. Creation of a Positive Covenant on the title of the land requiring the proprietor of the land to maintain any water quality control and/or stormwater detention structures required by this Consent, in accordance with the standard requirements of Council. The Positive Covenant is to be prepared by the applicant using terms acceptable to, and which are available from Warringah Council. (C51)
101. Street number being affixed to building prior to occupation. (C322)
102. Where any conditions of this Consent require dedication, consolidation, easement or covenant, the number allocated by the Land Titles Office to the documents and/or plans referred to shall be advised in writing to Warringah Council, together with a letter of intent to proceed with the creation of the Right of Carriageway and Positive Covenant, prior to Occupation. A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the Land Titles Office. (C57)
103. Reinstatement of redundant crossings and laybacks prior to issue of the final Compliance Certificate. (C91)
104. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator; for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.
Following application, a “Notice of Requirements” will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development. (C58)
105. The applicant/developer is to consult with Council’s Traffic Engineer and the Warringah Traffic Committee regarding the implementation of period parking restrictions along the Oaks Avenue frontage of the subject site prior to the occupation of the development.

Building Code of Australia - Classification

The building is Class 2 (Residential Units), Class 6 (Shops) and Class 7 (Carpark) for the purposes of the Building Code of Australia.

Right to Review by the Council

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice. A fee of 50% of the original Development Application will apply.

Right of Appeal

If you are dissatisfied with this decision Section 97* of the Environmental Planning & Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

* Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

Signed on behalf of the consent authority

Signature _____

Name Steve Pinn

Date 20 February 2004

Note 1 *Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.*

Note 2 *Clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under Section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.*