

8 March 2007

Simmat & Associates Architects Pty Ltd  
6 Brolga Place  
BELROSE NSW 2085

2005/0602 MOD 1  
LP (PAS)

Dear Sir/Madam,

**RE: NO. 2 TILLEY LANE, FRENCHS FOREST  
MODIFICATION OF DEVELOPMENT CONSENT NO. 2005/0602DA  
GRANTED FOR AN OFFICE, CHILD CARE CENTRE AND  
CHILDREN'S PLAYLAND BUILDING, TO AMEND CONDITION 1  
AND 35 (MAXIMUM HEIGHT OF THE BUILDING AND FLOOR TO  
CEILING HEIGHT OF LEVEL 4) AND CONDITION 17 (MAXIMUM  
REFLECTIVITY OF EXTERNAL GLAZING)**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 5 March 2007 and determined as follows:

➤ **Condition 1 be amended to read:**

**1. Approved Plans And Supporting Documentation**

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by plans below and by other conditions of consent:

<b>Drawing Number</b>	<b>Dated</b>
DA 01 to DA 07, Rev. F	06/06/05
DA 08 to DA 14, Rev. F	20/06/05

***The above plans are modified by the following plans for only those sections marked in clouded outline:***

<b><i>Drawing Number</i></b>	<b><i>Dated</i></b>
<i>DA 10, Rev. G</i>	<i>23/02/2007</i>
<i>DA 11, Rev. G</i>	<i>23/02/2007</i>
<i>DA 12, Rev. G</i>	<i>23/02/2007</i>
<i>DA 13, Rev. G</i>	<i>23/02/2007</i>
<i>DA 14, Rev. G</i>	<i>23/02/2007</i>

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

**Note:** Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

**Reason:** *To ensure the work is carried out in accordance with the determination of Council and approved plans. [A1 (1)]*

**2. Condition 17 be modified to read:**

**17. Reflectivity Index of Glazing**

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) *of walls or roof finishes of the proposed development is to be no greater than 20% and external glazing is to have a reflectivity index no greater than 23%.* Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

(Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

**Reason:** *To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. [C54]*

**3. Condition 35 be amended to read:**

**35. Height**

The maximum RL of the proposed development shall be RL 161.65 AHD measured at the Ridge Point.

**Reason:** *To ensure compliance with the terms of this development consent. [E3]*

This letter should therefore be read in conjunction with Development Consent 2005/0602DA dated 9 February 2006 and Modification No. 1 dated 5 March 2007. Please find attached a consolidated set of conditions incorporating both modifications of consent.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 97(1) of the Environmental Planning and Assessment Act confers on the applicant who is not satisfied with the determination of the Consent Authority has a right of appeal to the Land and Environment Court exercisable within 12 months of receipt of this notice.

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.

Should you have any further enquiries in connection with this matter, please contact the referred to Enquiry Officer.

Please note that if you nominate Council to assess your Construction Certificate, associated forms and information regarding what to submit is also enclosed in the determination kit.

Work must also be in accordance with the relevant MODIFIED conditions of the Development Consent.

Should you require any further information on this matter, please contact **Steve Findlay** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our DA's Online System at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au).

Yours faithfully,

Peter Robinson  
**Manager, Major Developments  
Planning and Assessment Services**

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

➤ **Condition 1 be amended to read:**

**1. Approved Plans And Supporting Documentation**

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by plans below and by other conditions of consent:

<b>Drawing Number</b>	<b>Dated</b>
DA 01 to DA 07, Rev. F	06/06/05
DA 08 to DA 14, Rev. F	20/06/05

*The above plans are modified by the following plans for only those sections marked in clouded outline:*

<b><i>Drawing Number</i></b>	<b><i>Dated</i></b>
<i>DA 10, Rev. G</i>	<i>23/02/2007</i>
<i>DA 11, Rev. G</i>	<i>23/02/2007</i>
<i>DA 12, Rev. G</i>	<i>23/02/2007</i>
<i>DA 13, Rev. G</i>	<i>23/02/2007</i>
<i>DA 14, Rev. G</i>	<i>23/02/2007</i>

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

**Note:** Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

**Reason:** *To ensure the work is carried out in accordance with the determination of Council and approved plans. [A1 (1)]*

**2. Plans on Site**

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

**Reason:** *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance. [A2]*

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

**3. Approved Landscaping Plan**

Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan numbered Job Ref. 2003/735/DA1 and 2003/735/DA2, sheets 1 and 2, Issue B prepared by Paul Scrivener Landscape Architect dated 19/12/04.

***Reason:** To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development. [A4]*

**CONDITIONS THAT REQUIRE 'ANCILLARY' MATTERS TO BE  
COMPLETED TO THE SATISFACTION OF COUNCIL OR ANOTHER  
NOMINATED PERSON PRIOR TO ISSUE OF CONSTRUCTION  
CERTIFICATE**

**4. Undergrounding of Telecommunications Services**

The developer shall submit to the Council / Accredited Certifier a letter from Telstra and/or Optus confirming that satisfactory arrangements have been made for the provision of underground telephone and cable television services from the utility to the proposed development, prior to the release of the Construction Certificate.

***Reason:** Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. [B5]*

**CONDITIONS THAT REQUIRE SUBSIDIARY MATTERS TO BE  
COMPLETED PRIOR TO ISSUE OF A CONSTRUCTION  
CERTIFICATE**

**5. Fire Safety Measures**

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.

***Reason:** Fire Safety [C1]*

**6. Buildings located clear of pipeline, natural watercourse or Council easement**

Buildings to be 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

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

300mm for each 300mm removed there from. Structural details prepared by a suitably qualified Civil Engineer are to be submitted to the Council / Accredited Certifier for approval prior to the issue of the Construction Certificate.

**Reason:** *Protection of Council's Infrastructure. [C2]*

**7. Design for Access & Mobility**

Access/egress/services and facilities including external and interior access are required in accordance with the provisions of AS 1428.2.

The building being adequately adjusted where required complying with the provisions of the *Disability Discrimination Act (1992)*. Note that any approval granted by Council does not necessarily guarantee compliance or otherwise with the *Disability Discrimination Act (1992)* and the applicant should investigate their liability under the Act. You are directed to the following sources to achieve compliance with the DDA:-

- (a) AS 1428.2
- (b) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998)
- (c) Disability Discrimination Act (1992)

Details being submitted and approved by Council / Accredited Certifier prior to the issue of a Construction Certificate.

**Reason:** *To ensure equitable access to members of the community to all public facilities. [C5]*

**8. Damage to Public Infrastructure**

The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

**Reason:** *To ensure the protection of existing built public infrastructure. [C6]*

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

**9. Shoring for Adjoining Private Property**

Where it is proposed to provide shoring to support an adjoining property, or Council road reserve, which involves encroachment of ancillary structural elements onto adjoining land to provide structural support of the shoring via rock anchors or the like, Council and/or owner's consent for the encroachment from the affected property owner shall be provided with the engineering drawings. Details being submitted with the Construction Certificate.

***Reason:** Council owners consent for ancillary works, and to ensure the protection of adjoining properties and the road reserve. [C7]*

**10. Stormwater Disposal**

Plans certified by an appropriately qualified and practising Civil Engineer, indicating all details relevant to the site regarding the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate, adjacent catchments, shall be submitted with the application for Construction Certificate. Stormwater shall be conveyed from the site to interallotment drainage system. The completed works shall be certified as compliant with Australian Standard 3500.3.2, National Plumbing and Drainage Code upon completion.

***Reason:** To ensure appropriate provision for disposal and stormwater management arising from the development. [C8]*

**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 the following criteria:

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm.
- (b) The pump system shall be regularly maintained and serviced, every six (6) months.
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Engineering details demonstrating compliance with these criteria, and certified

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

by an appropriately qualified and practising Civil Engineer shall be provided to the Council / Accredited Certifier for approval with the Construction Certificate.

***Reason:** To ensure adequate provision is made for the discharge of sub-surface stormwater from the excavated parts of the site. [C10]*

**12. Kerb Security Bond**

A bond of \$2200 shall be deposited with Council and inspection fees paid, prior to the issue of any construction certificate, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process. (See Schedule)

***Reason:** To ensure appropriate security is in place for the protection or repair of Public Infrastructure. [C16]*

**13. Protection of Footpaths and Roadways**

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.

***Reason:** Protection of footpath and roadways. [C22]*

**14. Tanking Basement Carparking**

The basement car park area is to be permanently tanked or waterproofed.

Details of the waterproofing/ tanking are to be prepared by a suitably qualified Structural Engineer and submitted and approved by the Council / Accredited Certifier prior to the issue of the Construction Certificate.

***Reason:** To prevent ingress of sub-surface flows into the basement area. [C34]*

**15. Line Marking**

119 off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted with the Construction Certificate.

***Reason:** To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles. [C38]*



## **16. Sediment Control**

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council / Accredited Certifier accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Warringah Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

***Reason:*** *To protect the environment from the effects of sedimentation and erosion from development sites. [C46]*

## **17. Reflectivity Index of Glazing**

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) *of walls or roof finishes of the proposed development is to be no greater than 20% and external glazing is to have a reflectivity index no greater than 23%.* Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

(Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

***Reason:*** *To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. [C54]*

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

**18. Roofing Materials - Reflectivity**

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. Details being submitted with the Construction Certificate.

***Reason:** To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. [C55]*

**19. No External Service Ducts**

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

***Reason:** To ensure quality built form of the development. [C57]*

**20. Cigarette Butt Receptacle - Commercial**

That provision be made for cigarette butt receptacles on the site to minimise littering. Cigarette butt receptacles must be provided during building works on any site, and permanently provided to any restaurant/bar/retail/commercial component of the development after construction. Details of the size and the location of the receptacle are to be provided in the Construction Certificate.

***Reason:** To ensure that adequate provision is made for builder's waste and waste upon completion of the development. [C58]*

**21. Geo-technical Report**

A certificate prepared by an appropriately qualified Geo-technical Engineer shall be submitted with the documentation for the Construction Certificate certifying that the existing rock formations and substrate on the site are capable of withstanding:

- (a) the proposed loads to be imposed;
- (b) the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- (c) protection of adjoining properties;
- (d) the provision of appropriate subsoil drainage during and upon completion of construction works.

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

***Reason:** To ensure the structural integrity of the subject site and adjoining sites during the excavation process. [C65]*

**22. S94 Contributions**

The payment of the following developer contributions prior to the approval/release of the Construction Certificate.

***Contribution - Commercial and Industrial Development***

<b>Plan Number</b>	<b>Amount</b>
6924: Office Premises	<b>\$5,590</b>

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.

The basis for the contributions is as follows:

1809 square metres of office floorspace

***Reason:** To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. [C70]*

**23. Security Bond Schedule**

All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

<b>SECURITY BOND &amp; FEE SCHEDULE</b>	
2 Tilley Lane, Frenchs Forest	
DEVELOPMENT APPLICATION NUMBER 2005/602	
<b>SECURITY BONDS</b>	<b>AMOUNT (\$)</b>
Builders Road/Kerb Security Bond	\$2,200
<b>TOTAL BONDS</b>	<b>\$2,200</b>
<b>FEES</b>	
Section 94 contribution	\$5,590
Long Service Levy	\$19,250
<b>TOTAL FEES</b>	<b>\$24,840</b>

***Reason:** Compliance with the development consent. [C71]*

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

**24. Landscaping**

The landscape area to the north west of the site adjoins remnant bushland and as such details relating to ground treatment shall be provided to and approved by Council/Accredited Certifier prior to the issue of a construction certificate. In this regard species selected should be reflective of those of the Duffys Forest Community.

*Reason: To ensure adequate ground treatment is provided.*

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY  
COMMENCEMENT**

**25. Silt & Sediment Control**

Provision shall be made throughout the period of demolition / Excavation & Construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

*Reason: To avoid siltation to adjoining properties and waterways. [D1]*

**26. Dewatering**

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

*Reason: Compliance with the requirements of Department of Sustainable Natural Resources. [D2]*

**27. Construction Certificate**

A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.

*Reason: Legislative requirements. [D3]*

**28. Notice of Commencement**

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with section 81A of EP & A Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

*Reason: Legislative requirement for the naming of the PCA. [D4]*

**29. WorkCover**

Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

*Reason: Statutory requirement. [D5]*

**30. 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.

Before excavation, the responsible person must notify their intention to the adjoining owner/s and shall at the same time furnish to such owner/s particulars of the work proposed to be carried out.

*Reason: Safety. [D9]*

**31. Trees**

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.

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

- (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.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

***Reason:** Protection of trees. [D12]*

**32. Excavation/Building Works**

No excavation or building works shall be carried out until a Construction Certificate has been issued.

***Reason:** To ensure compliance with statutory provisions. [D13]*

**33. 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.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

***Reason:** To ensure the community is protected from the cost of any claim for damages arising from works on public land. [D17]*

**34. Construction Management Program**

The submission of a construction management program addressing construction vehicle access to and from the site during excavation and building works. The need for a work zone adjacent to the site frontage is to be considered as part of the construction program. (The provision of a work zone will require approval from Warringah Traffic Committee. Applications for work zones are available from Customer Service and should be lodged at least 6 weeks prior to work commencing).

***Reason:** Safe workzones.*

**CONDITIONS THAT MUST BE COMPLIED WITH  
DURING DEMOLITION AND BUILDING WORK**

**35. Height**

The maximum RL of the proposed development shall be RL 161.65 AHD measured at the Ridge Point.

*Reason: To ensure compliance with the terms of this development consent. [E3]*

**36. Road Reserve 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, 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. This Condition must be complied with during demolition and building work.

*Reason: Public Safety. [E4]*

**37. Progress Survey - Major Development**

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) prior to placement of concrete at each fifth floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary;
- (e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

Progress certifications in response to points (a) through to (e) shall be provided to the Principal Certifying Authority at the time of carrying out relevant

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

***Reason:** To ensure compliance with approved plans. [E15]*

**38. Noise and Vibration**

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

***Reason:** To ensure residential amenity is maintained in the immediate vicinity. [E17]*

**39. No Work on Public Open Space**

The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

***Reason:** Protection of existing public infrastructure and land and to ensure public safety and proper management of public land. [E19]*

**40. Construction Access Over Public Reserve**

No building, demolition, excavation or material of any nature is to be placed on a public reserve and no vehicular or other access is to be gained over a public reserve.

A separate application for access is to be made only in circumstances where direct access from a street frontage is not reasonable.

***Reason:** To ensure the proper management of public land. [E20]*

**41. Installation and Maintenance of Sediment Control**

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council guidelines. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised. This Condition must be complied with during demolition and building work.

***Reason:** To protect the environment from the effects of sedimentation and erosion from development sites. [E28]*



**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

**42. Applicant's Cost of Work on Council Property**

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

*Reason: To ensure the proper management of public land and funds. [E38]*

**43. Maintenance of Road Reserve**

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.

*Reason: Public Safety [E39]*

**OPERATIONAL CONDITIONS IMPOSED UNDER EP&A ACT AND  
REGULATIONS AND OTHER RELEVANT LEGISLATION**

**44. Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

*Reason: Prescribed - Statutory. [F1]*

**45. 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](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be build 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.

*Reason: To ensure compliance with the statutory requirements of Sydney Water. [F3]*

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

**46. Excavation / Backfilling**

(1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

(2) 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.

***Reason:** To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. [F5]*

**47. Support for Neighbouring Buildings**

(1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

(a) must preserve and protect the building from damage;

(b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent; and

(c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

***Reason:** To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage. [F7]*

**48. 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

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

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

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout.

Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given.

Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

***Reason:*** *To ensure public safety and the proper management of public land.*  
**[F8]**

#### **49. Site Sign**

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (a) stating that unauthorised entry to the work site is prohibited;
  - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

(c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

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

(3) This condition does not apply to building works being carried out inside an existing building.

***Reason:*** Statutory requirement. [F9]

**50. Toilets**

(1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

(2) Each toilet provided:

(a) must be a standard flushing toilet, and

(b) must be connected:

(i) to a public sewer; or

(ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or

(iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

(3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

(4) In this clause:

**accredited sewage management facility** means a sewage management facility to which Part 2 Division 4 of the Local Government Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in of the Regulation.

**approved by the Council** means the subject of an approval in force under the Local Government Regulation 2005.

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

**public sewer** has the same meaning as it has in the Local Government Regulation 2005.

**sewage management facility** has the same meaning as it has in the Local Government Regulation 2005.

**Reason:** *To ensure adequate facilities are provided for workers on the site.*  
**[F10]**

**51. Long Service Levy**

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation.

Advisory note: The rate of the Long Service Levy at the time of consent is 0.35% of the building construction works. At the time of consent, payment is not required where the value of the works is less than \$25,000. For works that are \$25,000 or over, a fee is required at the prescribed rate. 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 and is based on the building construction works identified in the Construction Certificate.

**Reason:** *Prescribed - Statutory.* **[F12]**

**52. Retaining Walls & Drainage**

If the soil conditions require it for approved excavations:

- (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 in accordance with the provisions of AS3500.3.2.

**Reason:** *To ensure appropriate measures are in place to address site conditions and provide appropriate site drainage.* **[F13]**

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

**53. Occupation Certificate Required**

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

***Reason:** To ensure compliance with the provisions of the Environmental Planning and Assessment Act. [G1]*

**54. Fire Safety Certificate**

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 the Principal Certifying Authority prior to the issue of an “Occupation Certificate” as required in the “Environmental Planning and Assessment Act & Regulation.

***Reason:** To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants. [G3]*

**55. Annual Fire Safety Statement for the building**

In accordance with the EPA Act & Regulation the owner of a building is to provide Council with an Annual Fire Safety Statement for the building.

***Reason:** To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants. [G4]*

**56. Street Number**

Street number being affixed to building prior to occupation.

***Reason:** Proper identification of buildings. [G7]*

**57. Certification- Civil Works**

- (a) An appropriately qualified and practising Civil Engineer shall certify to the Principal Certifying Authority that the stormwater drainage system was constructed in accordance with this consent and the provisions of AS3500.3.2. The applicant shall, upon completion of the development works and prior to the issue of any Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.
- (b) An appropriately qualified and practicing Civil Engineer shall certify to the Principal Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent. The applicant shall, upon completion of the development works and prior to the final inspection/s, submit to Council a copy of the aforementioned letter of certification.

***Reason:** Compliance with the Consent. [G14]*

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

**58. Utility Services**

All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to final completion and the issue of any Occupation Certificate.

***Reason:** To ensure compliance with the terms of this consent. [G23]*

**59. Regulated Systems- Air Handling**

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- (a) The Building Code of Australia,
- (b) AS 1668 Part 1 & 2,
- (c) The Public Health Act,
- (d) Public Health (Microbial Control) Regulation,
- (e) Work Cover Authority,
- (f) AS 3666 Air Handling and water system of building microbial control:
  - Part 1 - Design installation and commissioning
  - Part 2 - Operation and maintenance
  - Part 3 - Performance based maintenance of cooling water systems

An application to register any regulated system installed must be made to Council prior to commissioning of the system and the issuing of any Occupation Certificate.

***Reason:** To ensure public health is maintained, statutory requirements for record keeping. [G24]*

**60. Covenant for Maintenance of Stormwater Pump-out System**

A Positive Covenant (under the provisions of Section 88B of the Conveyancing Act) 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, and Warringah Council's official seal shall be affixed to these documents, prior to submission to the Land & Property Information Department. Evidence of the lodgement of the instrument referred to in this condition is to be provided to Council with a copy of the Occupation Certificate.

**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

***Reason:** To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. [G26]*

**61. Bushland Management**

The bushland remnant in the south-west corner of the block and the surrounds of the detention basin within the landscaped open space is to be regenerated by trained bush regenerator staff prior to the issue of a Final Occupation Certificate. In this regard a Council Bushland Management Officer (9942 2910) is to approve the standard of bush regeneration work prior to the issue of a Final Occupation Certificate.

***Reason:** Adequate protection of bushland.*

**CONDITIONS THAT MUST BE COMPLIED WITH  
PRIOR TO FINAL COMPLETION**

**62. Allocation of Carparking**

Of the 119 spaces provided the 97 required car parking spaces shall be provided and maintained at all times on the subject site. The 97 spaces shall be allocated in the following proportions:

18 spaces	-	Child Care Centre
33 spaces	-	Lollipops Playland – Recreational Facility
46 spaces		Offices

Such spaces are to be identified on-site by signposting, line-marking and numbering upon the completion of the works. Car-parking provided shall only be used in conjunction with the uses contained within the development and in the case of strata subdivision, shall be allocated to relevant uses and each office shall have at least one (1) car space.

The 18 spaces for the Child Care Centre shall be located at Basement 1 Level to ensure ease of access to the facility.

***Reason:** To ensure that adequate parking facilities to service the development are provided on site. [H6]*

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

**63. Childcare Places**

The maximum number of children permissible at any time shall be limited to 70 in accordance with the requirements of the Department of Community Services.



**Consolidated Conditions of Modification No.1 Approved 5 March 2007,  
of Development Consent 2005/0602 Approved 9 February 2006**

In this regard no more than 30 children shall be under the age of 2.

*Reason: Department of community services requirements.*

**SCHEDULE 2.  
CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF  
ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE**

**64. Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au/customer/urban/index](http://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 Warringah Council prior to issue of the Subdivision Certificate.

*Reason: To ensure compliance with Sydney Water requirements. [S2 (14)]*