



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2006/807

DEVELOPMENT APPLICATION DETAILS

Applicant Name: FKP Limited Pty Ltd

Applicant Address: C/- Hassell Ltd GPO Box 5487 Sydney NSW 2001

Land to be developed (Address): Lot 2, DP 6953, 914 Pittwater Road Dee Why & Lot C, DP 307103, 8 Dee Why Parade Dee Why & Lot 3, DP 6953, 916 Pittwater Road Dee Why & Lot 4, DP 6953, 918 Pittwater Road Dee Why & Lot 5, DP 6953, 920 Pittwater Road Dee Why & Lot 76, DP 634746, 930 Pittwater Road Dee Why

Proposed Development: Lot consolidation, demolition of all onsite structures, construction of a new residential flat development for older people or people with a disability, ancillary facilities, basement car parking and associated landscape works

DETERMINATION

Made on (Date): 5 July 2007

Consent to operate from (Date): 9 July 2007

Consent to lapse on (Date): 9 July 2010

Details of Conditions

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

NOTE:

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

Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.



Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans

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 other conditions of this consent:

Architectural Plans			
Plan (revision)	No.	Designer	Date
DA01.01(C)		Marchese & Partners Architects	23.04.07
DA01.02(D)		Marchese & Partners Architects	01.05.07
DA01.03(E)		Marchese & Partners Architects	04.07.07
DA01.04(C)		Marchese & Partners Architects	04.07.07
DA01.05(C)		Marchese & Partners Architects	04.07.07
DA01.06(B)		Marchese & Partners Architects	16.03.07
DA01.07(B)		Marchese & Partners Architects	16.03.07
DA02.01(B)		Marchese & Partners Architects	16.03.07
DA02.02(B)		Marchese & Partners Architects	16.03.07
DA02.03(B)		Marchese & Partners Architects	16.03.07
DA03.01(B)		Marchese & Partners Architects	16.03.07
DA03.02(C)		Marchese & Partners Architects	23.04.07

Engineering Plans			
Plan (revision)	No.	Designer	Date
SKH-001 (P4)		AWH	01.06.07
C01(8)		Robert Bird Group	04.06.07
C02(7)		Robert Bird Group	04.06.07
C03(6)		Robert Bird Group	04.06.07
C04(6)		Robert Bird Group	04.06.07
C05(6)		Robert Bird Group	04.06.07
SKC04 (2)		Robert Bird Group	05.06.07

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. Approved Landscaping Plan

Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan detailed hereunder except where amended by other conditions of this consent:

Landscape Plans		
Plan Name (revision)	Designer	Revision Date
Landscape Plan (C) (sheet 1 of 2)	360	15/3/07
Landscape Section and Elevation (C) (sheet 2 of 2)	360	15/3/07

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

3. 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]

4. Signage

Approval is not granted for the erection of any advertising or business identification signage. A separate Development Application is required to be submitted and approved by Council/Consent Authority for any advertising or business identification signage.

Reason: To ensure statutory compliance with food regulations.

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

5. No Tree Planting On Council Verge

All street tree planting upon the Pittwater Road verge, detail upon the approved landscape plan shall be deleted. Details demonstrating compliance with this requirement shall be submitted to the satisfaction of Council or an accredited certifier Prior to the issuing of any construction certificate.

Reason: Street Planting to occur by Council

5a. Garbage Enclosure

The garbage enclosure located adjacent to the Dee Why Parade vehicle and pedestrian access point is to be redesigned, to provide pedestrian access off the driveway. The area fronting Dee Why Parade shall be redesigned to provide a one (1) metre in depth landscaped area for the full width of the enclosure. Full details demonstrating compliance with condition are to be shown on the plans to the satisfaction of Council or and accredited certifier prior to the release of any construction certificate.

Reason: *To improve streetscape amenity."*

5b. AMENDED Landscape Plan

Landscaping works on the site are to be undertaken generally in accordance with the landscaping plans detailed within Condition No 2 of this Notice of Determination. These landscape plans shall be amended to incorporate the overall concept detailed upon the Landscape Concept Plan dated 04 Jul 2007 by Marchese & Partners Architects. Full details are to be submitted to the satisfaction of Council or an accredited certifier prior to the release of any construction certificate.

Reason: *Consistent Landscape Detail*

6. Construction Management Program (residential)

A Construction Management Program shall be submitted to the satisfaction of Council or an accredited certifier prior to the issue of any Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;

- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- (i) Proposed protection for Council and adjoining properties;
- (j) The location and operation of any on site crane; and
- (k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

Reason: *To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community. [B1]*

7. Construction Traffic Management Program

A construction traffic management program, which addresses construction vehicle access to and from the site during excavation and building works, is to be submitted for Council's consideration and approval. The need for a work zone adjacent to the site frontage in Dee Why Parade or Pittwater Road 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 4 weeks prior to work commencing). Details demonstrating compliance are to be submitted to the satisfaction of Council or and accredited certifier prior to the release of any construction certificate.

Reason: *To be approved by Local Traffic Committee.*

8. Driveway Design

The entry and exit driveways should be designed as separate driveways with 0.5 metre splay on either side of each driveway. Details demonstrating compliance are to be submitted to the satisfaction of Council or and accredited certifier prior to the release of any construction certificate.

Reason: *Traffic Requirement*

9. Provision of Services

Certification must be obtained from the relevant statutory authority that adequate services are available to satisfy the demands of the proposed development. Such certification is to be provided to the Council / Accredited Certifier prior to the issue of the Construction Certificate.

Reason: *To ensure that services have been provided as required by this Consent. [B4]*

10. 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

11. 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]*

12. 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 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]*

13. Design for Access & Mobility

Access/egress/services and facilities including external and interior access are required in accordance with the provisions of AS 1428.1 (2001) - Design for Access and Mobility.

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 1428.1 (2001) - Design for Access and Mobility
- (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]*

14. 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]*

15. 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]*

16. Design and Survey for Public Infrastructure

The applicant shall engage an appropriately qualified person to undertake the survey, design and preparation of plans for all works located within Council's property or all works that revert to Council's care and control upon completion of the development. The design plans are to be certified by an appropriately qualified and practising Civil Engineer to confirm compliance with appropriate Australian Standards prior to the issue of a Construction Certificate.

Reason: *To ensure the provision of public infrastructure of an appropriate standard, and record keeping purposes. [C15]*



16a. Kerb Security Bond

A bond of \$10,000.00 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]*

16b. Bond for Engineering Construction Works - Kerb and Gutter, Footpaths, Vehicular Crossing

A Bond of \$10,000.00 shall be deposited with Council against any damage or failure to complete to the relevant specification the construction of any vehicular crossings, kerb and gutter and any footpath paving works required as part of this consent prior to the issue of any Construction Certificate. (See Schedule). An inspection fee is to be paid to Council prior to the issue of a Construction Certificate so that the site may be inspected prior to commencement of works.

The bond will only be refunded upon the completion of a six (6) month maintenance period, if the work has been completed in accordance with the approved plans, conditions to the satisfaction of the Principal Certifying Authority. Requests for refunds must be made in writing to Council.

Reason: *To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure. [C17]*

16c. Bond for Silt & Sediment Control

The payment of \$5,000.00 shall be submitted to Council prior to issue of any construction certificate a 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.

Reason: *To ensure appropriate for works and environmental protection. [C20]*

17. 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]*

17a. Vehicle Crossings

Provision of two (2) vehicle crossing/s 3.0 metres wide in accordance with Warringah Council Drawing No A4-3330/ normal profile and specifications. An Application for Street Levels is to be made prior to the issue of the Construction Certificate. Vehicle crossings and associated works within the road reserve shall be constructed in **plain concrete** by an Authorised Vehicle Crossing Contractor, for details see Warringah Council's website <http://www.warringah.nsw.gov.au> or phone (02) 9942 2111. All redundant laybacks and crossings are to be restored to footpath/grass.

Prior to the pouring of concrete, the vehicle crossing/s are to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

Reason: *To facilitate suitable vehicular access to private property. [C32]*

18. Line Marking

All 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 practicing 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]*

19. Pruning

Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified arborist. Details prepared by an appropriately qualified person, on measures to be employed during construction indicating the nature of the pruning and the long term effects on the tree shall be submitted to the Council / Accredited Certifier for approval with the Construction Certificate

Reason: *To ensure the protection and longevity of existing significant trees. [C41]*

20. Cleanliness and Maintenance of Food Preparation Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises at Level B1 detailed as kitchen / bar / dining / indoor adjacent to courtyard A detailed on Plan No DA01.02 prepared by Marchese Partners Architects for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:

- (a) the Food Act (as amended)
- (b) the Food Regulation (as in force);
- (c) Council's Code for the Construction and Fitout of Food Premises;
- (d) Sydney Water Corporation - Trade Waste Section;



- (e) the Clean Air (Plant and Equipment) Regulation, ;
- (f) AS 1668 Part 1;
- (g) AS 1668 Part 2;
- (h) the Protection of the Environment Operations Act; and
- (i) the Building Code of Australia;
- (j) The ANZ Foods Standards Code

The relevant matters to be taken into account under this approval relate to:

- (k) construction, materials and finishes;
- (l) installation of fixtures, fittings and equipment;
- (m) washing facilities, other facilities and special requirements;
- (n) mechanical ventilation and exhaust discharges; and
- (o) temperature control.

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

Reason: *To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation. [C42]*

21. Noise and Vibration from Road - Residential Only

To minimise the impact of noise from the adjoining major road or on the occupants of the building it shall be acoustically designed and constructed to meet the requirements of AS 2107, and the Environment Protection Authority's Guidelines for Acoustic Privacy within Premises.

Certification from an appropriately qualified person that these acoustic and vibration design requirements have been met shall be provided with the Construction Certificate.

Reason: *To ensure a suitable level of residential amenity not affected by excessive noise and vibration from surrounding activities. [C44]*

22. 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]

23. Dilapidation Survey

A photographic survey of all adjoining properties detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council / Accredited Certifier prior to the issue of a Construction Certificate. This survey is to be prepared by an appropriately qualified independent person agreed to in writing by both the applicant and the owner of the adjoining property.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the person agreed to by the parties to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.

If damage is identified by the person agreed to by the parties which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to occupation of the development.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council / Accredited Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

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

Reason: Proper management of records. [C47]

24. Structural Adequacy of Adjoining Properties

A certificate prepared by an appropriately qualified and practising Structural Engineer, at no cost to the Council, detailing the structural adequacy of all adjoining properties, and certifying their ability to withstand the proposed excavation and any measures required to be incorporated into the work to ensure that no damage will occur to adjoining properties during the course of the works, shall be submitted to the Council / Accredited Certifier with the Construction Certificate application.

Reason: *To ensure the protection and structural integrity of adjoining properties. [C48]*

25. Asbestos & Hazardous Material

(1) In relation to the demolition of the existing building (or part of a building) on the site:

- (a) A report prepared by a WorkCover licensed asbestos removalist is to be submitted to the Council / Accredited Certifier, with the Construction Certificate application, detailing whether any hazardous materials exist on the site (eg lead in paints and ceiling dust or asbestos).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the following conditions, including dust control and WorkCover requirements.

- (b) Should any hazardous materials be identified as per item (i), a Work Plan shall be submitted to Council in accordance with AS2601 - Demolition of Buildings. The report shall contain details regarding:
 - (i) The type of hazardous material
 - (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
 - (iii) Proposed methods of containment; and
 - (iv) Proposed methods of disposal.
- (c) Where unacceptably high levels of lead are found in a premises to be demolished, item (ii) is to be followed, and the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition. This will determine whether remediation of the site is necessary.
- (d) The demolition must be undertaken in accordance with AS2601.
- (e) Any works involving asbestos cement sheeting must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice.
- (f) All work involving lead paint removal must not cause lead contamination of air or ground. Particular attention must be given to the control of dust levels on the site.

Details demonstrating compliance with these requirements are to be approved by the Council / Accredited Certifier and submitted with the Construction Certificate.

(Note: Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at www.lead.org.au)

Reason: *To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. [C53 (1)]*

- (2) 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.

Reason: *To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. [C53 (2)]*

26. Reflectivity Index of Glazing

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. 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]*

27. 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]*

28. Colours & Finishes

The colours, texture and substance of all external components of the building and hard surfaced areas being generally in accordance with Section 3.4 of the Statement of Environmental Effects prepared by Hassell dated 21 August 2006 and generally in accordance with all other documentation submitted with the application (with particular reference to the photo montages in this respect the Photo Montage annotated as 'Amendments to Building Form, Materials and Colour dated 04 July 2007 shall take precedent over other documentation). Full details of the final colours and finishes shall be submitted to the satisfaction of Council or an accredited certifier prior to the issue of any construction certificate. Prior to issue of the Construction Certificate, Council / Accredited Certifier is to verify that the external components are in accordance with the details specified above.

Reason: *Amenity. [C56 (1)]*

29. 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. No services, structures or air conditioning units are to be located on the roof. Details demonstrating compliance are to be provided in the Construction Certificate.

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

30. Underground Electricity and Other Services

All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Details to be shown on plans submitted with the Construction Certificate

Reason: *To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground. [C61]*

31. Exhaust Fumes from Car Park

Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

Reason: *To preserve community health and ensure compliance with acceptable standards. [C62]*

32. Location of Plant

All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application.

Reason: *Minimise impact on surrounding properties, improved visual appearance and amenity for locality. [C64]*

33. 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.

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

34. Pool Access

Access to the pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992 and Swimming Pools Regulations, 1998:

- (a) The pool shall not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed; and
- (b) The barrier is to conform to the requirements of AS 1926 Fences and Gates for Private Swimming Pools.

Details demonstrating compliance with this requirement are to be approved by the Council / Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the safety of children and make applicant aware of the need to comply with applicable pool fencing legislation. **[C68]**

35. S94 Contributions

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

Contribution	DA Amount
6901: E1 Open Space Links and Cycleway	\$ 1,682.00
6902: E2 Children's Services	\$ 297.00
6903: E3 Libraries	\$30,170.00
6904: E4 Sport Field Embellishment	\$31,258.00
6922: E12 Administration & Planning Studies	\$36,204.00
6906: E5 Community Centres	\$33,236.00
6912: E6 Local Open Space	\$638,708.00
6915: E8 Roads & Traffic Management	\$ 23,246.00
Total	\$794,799.00

(Note: calculations are based on 93 new dwellings and credits have been included within the base calculation)

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.

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]**

36. Bonds

Council will accept a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council and shall be in place prior to the issuing of any Construction Certificate and shall remain in place until the submission of the certificate required prior to the occupancy of the completed works. To be provided prior to issue of Construction Certificate.

Reason: *Information, Protection of infrastructure and the environment. [C72]*

37. High Quality Lighting

Details demonstrating high quality external lighting for security without adverse affects on public amenity form excessive illumination levels are to be submitted with the Construction Certificate.

Reason: *To ensure lighting provides security and amenity. [C78]*

38. Noise from Plant in Residential Zone

A certificate from an appropriately qualified Acoustic Engineer is to be submitted with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm -6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority Industrial Noise Policy.

Reason: *To comply with best practice standards for residential acoustic amenity. [C79]*

39. Design Verification Certification

Prior to the issue of the Construction Certificate, certification is to be provided by the architect/design consultant to the Council / Accredited Certifier in accordance with Clause 143A of the EPA Regulation 2000.

Reason: *Legislative Requirement*

39a. Footpath Construction

The applicant shall reconstruct the 1.2m wide concrete footpath in Pittwater Road and Dee Why Parade for the full length of the proposed development. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's minor works policy
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath.
- (c) The footpath and grass verge shall be placed on a single straight grade of 3% rising from the top of kerb.

Reason: *To ensure compliance of footpath works with Council's specification for engineering works. [Special condition – cut and paste]*

39b. Security Bond and Fees 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:

SECURITY BOND & FEE SCHEDULE	
SECURITY BONDS	AMOUNT (\$)
Development/Construction Security Bond	\$ 10,000.00
Engineering Construction Works – Kerb and Gutter, Footpath and Vehicular Crossings	\$ 10,000.00
Silt and Sediment Control	\$ 5,000.00
TOTAL BONDS	\$ 25,000.00
FEES	
Section 94 contribution	\$794,799.00
Long Service Levy	\$ 77,000.00
Vehicular Crossing Application Fee	\$ 200.00
TOTAL FEES	\$871,999.00

Council will accept cash or a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Bank guarantees are to be in the a form acceptable to the Council and shall be in place prior to the issuing of any Construction Certificate and shall remain in place until the issue of an Occupation Certificate, Linen Plan or the works are completed to the satisfaction of Council

Reason: *Compliance with the development consent.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

40. 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]*

41. 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]*

42. 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.

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

43. 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]

44. Road opening permit

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

Reason: Statutory requirement (Roads Act 1993) [D6]

45. Special Permits (Traffic)

An application for a 'Construction Zone' from Council adjacent to the site frontage be lodged prior to work commencing, together with the required deposit and rental charges.

Reason: Traffic Control. [D7]

46. Special permits (Hoarding)

Hoardings/fences 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.

Reason: To ensure public safety of the footpath area and road. [D8]

47. 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]

48. Protection of Trees During Works

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Protection methods shall be provided to the Principal Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

Reason: To ensure compliance with the requirement to retain significant planting on the site. [D10]

49. Temporary Fences and Tree Protection

All protected trees on-site shall be tagged with luminous tape or the like for purposes of identification prior to excavation or construction, and no materials or builder's waste are to be stored in the vicinity of the tree / trees.

Appropriate fencing or barricades, not less than the distance shown in the schedule hereunder, shall be installed to the satisfaction of the Principal Certifying Authority prior to demolition or commencement of any building works and maintained for the duration of the works:

SCHEDULE

Description of Tree	Distance
All trees identified upon the approved landscape plans to be retained.	Minimum 3 metres, as site conditions allow

Reason: To protect the trees to be retained on the site during construction works. [D11]

50. 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 general decline in health and vigour.
- Damaged, crushed or dying roots due to poor pruning techniques.
- More than 10% loss or dieback of roots, branches and foliage.
- Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- Yellowing of foliage or a thinning of the canopy untypical of its species.
- An increase in the amount of deadwood not associated with normal growth.
- An increase in kino or gum exudation.
- Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- 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]

51. 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]*

52. Inspection Fees

Where Council is acting as the Principal Certifying Authority and where an inspection of building, civil or landscape work is required by these conditions, inspection fees and component certification fees must be paid to Council before Council will undertake any inspections. These fees may be paid at the time of submission of the required Notice of Commencement of works. This condition applies regardless of whether a Certification fee is also payable.

Note: The submission of a Notice of Commencement of works form to Council at least two (2) days prior commencing works is a statutory requirement.

Reason: *Statutory requirement and information. [D14]*

53. Cigarette Butt Receptacle - Residential

A cigarette butt receptacle is to be provided on the site for the duration of demolition/construction process, for convenient use of site workers.

Reason: *To ensure adequate provision is made for builders' waste. [D16]*

54. 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]*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

55. Consolidation of Lots

After to the demolition of all onsite structures and prior to the commencement of building works, Lot 2 in DP 6953, No. 914 Pittwater Road Dee Why; Lot 3 in DP 6953, No. 916 Pittwater Road Dee Why; Lot 4 in DP 6953, No. 918 Pittwater Road Dee Why; Lot 5 in DP 6953, No. 920 Pittwater Road Dee Why; Lot 76 in DP 634746 No. 930 Pittwater Road Dee Why; and Lot C in DP 307103, No. 8 Dee Why Parade Dee Why shall be consolidated as one single allotment. Lot consolidation is required to be registered by survey plan with the NSW Land and Property Information Service (NSW Department of Lands).

Reason: *Required by the Land and Property Information Division (Department of Lands).*

56. Notification of Inspections

If Council is the Principal Certifying Authority, Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level/basecourse level
- (f) Sealing road pavement

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.

Reason: *Appropriate notice for works to be carried out. [E1]*

57. Protection of Trees

The following tree/trees are required to be retained as part of the development consent:

- All trees which are not listed as exempt or noxious in Warringah that are not indicated for removal on – Landscape Plan Sheet 1 of 2 and 2 of 2 issue C prepared by 360 dated 15.3.07.

Reason: *Protection of existing environmental infrastructure and community assets. [E22]*

58. Sign on Site

A visually prominent sign to be erected and maintained on-site adjacent to the property's access point, for the duration of the landfill works. This condition must be complied with during demolition and building work.

Reason: *Proper identification of landfill works. [E2]*

59. 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]*

60. No Changes To Openings

The windows / doors / fenestration shall not be enlarged or relocated on any elevation of the development. The use of rooms served by windows shall not be altered from that detailed on the approved plans.

Reason: *To ensure compliance with the terms of this development consent. [E5]*

61. Progress Inspections- (Class 2, 3 and 4 Buildings)

The Principal Certifying Authority (PCA) SHALL BE given a minimum of two (2) working days notice for inspection of the following, where applicable:

- (a) At the commencement of the building work.
- (b) Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building.
- (c) Prior to covering any stormwater drainage connections.
- (d) After the building work has been completed and prior any Occupation Certificate being issued in relation to the building.

The appointed Principal Certifying Authority MUST do the first inspection at the commencement of building work, and at completion of building work.

Notes:

- (1) The appointed Principal Certifying Authority has a discretion to determine additional inspections, or nominate other Accredited Certifiers to undertake inspections other than the first and last inspections, which are required to ensure compliance or otherwise with relevant codes and standards. In any event, the Principal Certifying Authority MUST be advised at all of the stages of construction identified above.
- (2) The PCA must advise the person with the benefit of the consent of the mandatory critical stage inspections referred to in the EP & A Regulations.
- (3) Where Warringah Council is acting as the Principal Certifying Authority for the project, notice is to be given by telephoning Council on 9942 2111 and requesting the relevant inspection. Failure to advise Council at the stages of construction identified above may result in fines being imposed.
- (4) Failure to advise the Principal Certifying Authority of the need for MANDATORY INSPECTIONS at the critical stages of construction detailed above may result in fines being imposed, works being required to be demolished, or delays experienced in obtaining final certification and occupation of the development in order to resolve issues.

Reason: *Prescribed mandatory inspections under legislation. [E8]*

62. Replacement of Principal Certifying Authority

If the person exercising the benefits of a development consent changes or replaces the Principal Certifying Authority (PCA) during works on the site, the replacement PCA must notify Warringah Council within two (2) days of appointment. If the original PCA was Warringah Council, written approval from Council must be obtained for any change to the PCA role.

(Note: Special legislative provisions in the Environmental Planning and Assessment Act 1979 apply to the procedure for replacing a PCA)

Reason: *Statutory requirement. [E11]*

63. Replacement of Builder- (Class 1, 2, 3 and 4 buildings)

If the builder is replaced while residential building work is being carried out, the Principal Certifying Authority (PCA) must give Warringah Council written notice of the name, licence number, and insurer of head contractor (or name and permit number of the owner-builder) within two (2) days of their appointment/replacement.

Reason: *Statutory requirement. [E12]*

64. Final Compliance Certificate

Within seven (7) days of completion of the building works and prior to occupation or the issue of an Interim/Final Occupation Certificate, a Certificate of Compliance under Section 109C (1) (a) of the Environmental Planning and Assessment Act 1979 must be provided by the Principal Certifying Authority. This Compliance Certificate must certify that the completed work complies with the relevant plans and specifications with the conditions of this development consent.

Reason: *To ensure compliance with the terms of this development consent. [E13]*

65. 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 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]*

66. 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]*

67. Dust Emission and Air Quality

Materials must not be burnt on the site.

Vehicles entering and leaving the site with soil or fill material must be covered. Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity. [E18]*

68. 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]*

69. No Removal of or Planting of Trees on Public Property

No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in its consent shall be removed or damaged, or planted during construction including for the erection of any fences, hoardings or other temporary works.

Reason: *Protection of existing environmental infrastructure and community assets. [E21]*

70. Benchmarks

All permanent survey markers shall be retained, undamaged, and not relocated.

Reason: *Protection of existing environmental infrastructure and community assets.*
[E23]

71. Special Permits

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to S138 of the Roads Act. A minimum of forty-eight (48) hours notice is required for any permit:

(1) On-street mobile plant

Eg. cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

Reason: *Proper management of public land.* **[E24 (1)]**

(2) Hoardings

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

Reason: *Proper management of public land.* **[E24 (2)]**

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

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

Reason: *Proper management of public land.* **[E24 (3)]**

(4) Kerbside restrictions, construction zones

The applicant's attention is drawn to the existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

Reason: *Proper management of public land.* **[E24 (4)]**

72. Noxious Plants

All lantana, privet, rubber trees, parateria, and other declared noxious plants on the site, shall be eradicated before the commencement of landscape works.

Reason: *To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality-landscaping outcome. [E25]*

73. Construction Hours

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E26]*

74. Out of Hours Work Permits

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

(Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.)

Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E27]*

75. 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]*

76. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries. This Condition shall be complied with during demolition and building work.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the Internet at www.WorkCover.nsw.gov.au.

Reason: *To ensure the health and safety of the community and workers on the site.*
[E30]

77. Aboriginal Heritage

If in undertaking excavations or works, any Aboriginal site or relic is, or is thought to have been found, all works are to cease immediately and the applicant is to contact Aboriginal Heritage Officer for Warringah Council, and the National Parks and Wildlife Service (NPWS). Any work to a site that is discovered to be the location of an Aboriginal relic, within the meaning of the National Parks and Wildlife Act, requires a permit from the Director of the NPWS.

Reason: *Aboriginal Heritage Protection.* **[E34]**

78. Prohibition on Use of Pavements

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

Reason: *To ensure public safety and amenity on public land.* **[E35]**

79. Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.

Reason: *To ensure public safety and amenity on public land.* **[E36]**

80. Trees

- (1) Tree roots of 50mm or greater in diameter encountered during excavation, shall only be cut following consultation with a qualified Arborist. Tree roots between 10mm and 50mm in diameter, severed during excavation, shall be cut cleanly by hand.

Reason: *Protection of trees.* **[E37 (2)]**

- (2) Underground services should use common trenches as far away from tree roots as possible. If the services need to be run within the protection zone, all utility pipes are to be laid using appropriate directional boring techniques. Directional Boring shall be carried out at least 600mm beneath natural ground to avoid damage to tree/trees root system. Entry and exit points are to be located outside the protected area. No tree roots are to be severed, or damaged during this work. Should problems arise, work is to cease until those problems are resolved and confirmed in writing by Council's Tree Management Officer and Assigned DA Officer.

Reason: Protection of trees. [E37 (3)]

- (3) All overhead utility services are to be located outside the canopies of existing trees.

Reason: Protection of trees. [E37 (4)]

- (4) The following guidelines are to be complied with at all times:
- (a) The applicant shall ensure that at all times during the development period no activities, storage or disposal of materials shall take place beneath the canopy of any tree covered under Council's Tree Preservation Order unless specifically approved by Council.
 - (b) Trees marked for retention are not to be damaged or used to display signage, or as fence or cable supports for any reason.
 - (c) Siting of sheds, stockpiles and vehicle parking should be sited so that they are remote from trees.
 - (d) Site personnel are to be made aware of tree requirements and protective measures. Paving materials placed within the dripline of any tree should be of a porous material.

Reason: Protection of trees. [E37 (5)]

- (5) During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:
- (a) A general decline in health and vigour.
 - (b) Damaged, crushed or dying roots due to poor pruning techniques.
 - (c) More than 10% loss or dieback of roots, branches and foliage.
 - (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
 - (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
 - (f) An increase in the amount of deadwood not associated with normal growth.
 - (g) An increase in kino or gum exudation.
 - (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
 - (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

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. [E37 (6)]



81. 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]*

82. 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]*

83. Sediment and Erosion Control Signage

A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites. [E41]*

84. Surveyor's Report

Registered Surveyor's identification report indicating the finished ground floor levels to a nominated fixed datum point are in accordance with the levels indicated on the approved plans. Surveyor's report is to be submitted for confirmation to The Principal Certifying Authority prior to pouring of the slab or construction of the floor platform.

Reason: *To determine the height of buildings under construction comply with levels shown on approved plans. [E42]*

85. Survey Certificate

Where Council is the Principal Certifying Authority a survey certificate prepared by a registered Surveyor being submitted at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Reason: *To determine the height of buildings under construction comply with levels shown on approved plans. [E43]*

86. Tree Preservation Order

The land is subject to a Tree Preservation Order and no trees other than those expressly granted permission as a result of this development consent, may be removed without the prior consent of Council.

Reason: *Protection of trees. [E44 (1)]*

87. Requirement to notify about new contamination evidence

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

Reason: *To protect human health and the environment.*

88. Imported Fill

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported onto the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Reason: *To ensure that imported fill is of an acceptable standard.*

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

89. 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]*

90. Home Building Act

- (1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of the Home Building Act, or
 - (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was gazetted, that amount was \$3,000. As those regulations are amended from time to time, that amount may vary.
- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Reason: Prescribed - Statutory. [F2]

91. 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, 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. Details of any requirements of Sydney Water are to be provided with the Construction Certificate documentation.

The final Section 73 Certificate must be submitted to the Council / Accredited Certifier prior to release of any linen plan for subdivision or prior to occupation of the development. Alternatively, if Sydney Water advises that a Section 73 Certificate is not required for the proposed development, written confirmation of this advice is to be provided.

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

92. Lead

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.

Reason: *Safety. [F4]*

93. 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]*

94. Demolition

Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

Reason: *To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. [F6]*

95. 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]*

96. Protection of Public Places

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

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

97. 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
 - (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]

98. 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 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.



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.

public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

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

99. 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. This payment is not required where the value of the works is less than \$25,000.

The Long Service Levy is calculated on 0.35% of the building and construction work.

Reason: *Prescribed - Statutory. [F12]*

100. Retaining Walls & 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 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

101. Waste collection services.

An section 88B instrument is to incorporate Council's standard wording for waste collection (indemnifying Council entering and collecting waste from the site). The draft 88B instrument is to be submitted to Council for approval prior to the issue of an occupation certificate.

Reason: *To provide satisfactory waste collection services.[Special condition]*

102. 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.

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

103. 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 any "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]*

104. 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]*

105. Termite Control

- (1) Termite control measures being installed in accordance with AS 3660.1-2000 "Termite Management: New Building Work."

Reason: *Termite control. [G6 (1)]*

- (2) A durable notice is to be permanently fixed to the building in a prominent location, such as the meter box or the like, indicating: The method of termite protection; date of installation; life expectancy of chemical barrier (if used); and installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

Reason: *Termite control. [G6 (2)]*

106. Street Number

Street number being affixed to building prior to occupation.

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

107. Reinstatement of Kerb

All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the applicant, and works shall be completed prior to the issue of an Occupation Certificate.

Reason: *To facilitate vehicular access to private sites, without disruption to pedestrian and vehicular traffic, and the preservation of on street parking spaces. [G9]*

108. Access for People with Disabilities

Prior to occupation provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Parts 1 and 4. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment (AS 1428.4).

Reason: *Equitable access for people with a disability. [G10]*

109. Disabled Access from the Public Realm- Tactile Surface Indicators

Tactile ground surface indicators complying with AS1428.4 shall be provided at the point of common public access to the building and at the vehicular access points to assist people with visual impairments in gaining access to and from the public way and the premises prior to occupation. Such works are to be undertaken wholly within the boundaries of the site.

Reason: *To ensure public safety, and equitable access for people with a disability. [G11]*

110. Undergrounding of Telecommunications Services

The developer shall submit to the Principal Certifying Authority a letter from Telstra and/or Optus confirming that satisfactory arrangements have been made for the provision of underground telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of any Occupation Certificate.

Reason: *Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. [G16]*

111. Swimming Pool Water to Sewer

The swimming pool including overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of wastewater shall be obtained and compliance with any conditions imposed in connection therewith.

Reason: *Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system. [G17]*

112. Pool Access

Access to the pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992 and Swimming Pools Regulation 1998;

- (a) The pool shall not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed; and
- (b) The barrier is to conform to the requirements of AS 1926 Fences and Gates for Private Swimming Pools.

Reason: *To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act, to prevent young children from accidental death by drowning. [G18]*

113. Pool Safety Requirements

The owner of the pool shall display a notice showing:

- (a) Appropriate instructions of artificial resuscitation methods.
- (b) A warning stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL'.

Note: This notice shall be kept in a legible condition and at the poolside.

Reason: *To ensure an adequate level of safety for young pool users. [G19]*

114. Swimming Pools

The filtration motor, pump and moving parts shall be enclosed in a sound-proofed structure of masonry or similar materials, with the noise level of any filtration equipment or pumps to not exceed 5dBA above the ambient background noise level measured at the nearest property boundary.

Reason: *Noise control [G20]*

115. Pool Fencing (Gates)

In accordance with Australian Standards any gates in the fence shall open outwards away from the pool area and be self closing and fitted with a latch which shall be automatic and of a type which cannot be easily manipulated by small children. Latches must be on the inside of the gate and as near as possible to the top.

Reason: *To ensure compliance with the relevant standards. [G21]*

116. Mechanical Exhaust Ventilation

The mechanical exhaust system shall be installed in accordance with AS1668, and be operated in such a way so as to minimise/prevent the creation of odours, fumes and excessive noise which may adversely affect the amenity, or interfere unreasonably with the comfort or repose of occupants of the building and adjoining premises.

Certification, from an appropriately qualified and practising Mechanical Engineer, is to be submitted to the Principal Certifying Authority, detailing that the exhaust ventilation system has been installed in accordance with AS1668, prior to completion and the issue of any Occupation Certificate.

Reason: To ensure compliance with acceptable standards for the construction and operation of mechanical plant. [G22]

117. 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]

118. 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]

118a. On-Site Stormwater Detention Compliance Certification

The on-site detention system and associated drainage works are to be in accordance with the drainage plans prepared by Robert Bird Group, 06242 (CO1Rev.8, CO2 Rev.7, CO3 Rev.6, CO4 Rev.6, 21679 SKH-001 Rev.P4, dated 04-06-07) On completion of works a works as executed drawing and certification of the works by the design engineer is to be submitted to the Principal Certifying Authority. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the above approved plans and Council's "On-site detention technical specification", the compliance certificate is to be submitted to the Principal Certifying Authority prior to occupation. Council can issue the Compliance Certificate if required subject to prescribed fee.



Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded. [G27]

118b. Creation of Positive Covenant and Restriction as to User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as to user, the original completed request forms shall to be submitted to Warringah Council for authorisation. A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "NSW Land and Property Information Department" prior to occupation.

Reason: To identify encumbrances on land. [G28]

118c. Restrictions as to User

Restrictions as to User shall be created over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction is to be prepared to Warringah Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with the "NSW Land and Property Information Department". Warringah Council shall be nominated as a party to release, vary or modify such restriction.

Reason: To ensure no modification of the stormwater detention structure without Council's consent. [G29]

118d. Positive Covenant (Onsite Detention Structure)

Creation of a Positive Covenant of the Title of the land requiring the proprietor of the land to maintain the 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. The positive covenant is to be endorsed by Council prior to its lodgement with the 'NSW Land and Property Information Department'.

Reason: To ensure ongoing maintenance of the stormwater detention structure. [G32]

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION

119. Intercom

An intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking prior to final completion of the development

Reason: To ensure convenient access is available for visitors to the building. [H4]

119a. Unpaved Verge to be Grassed

The applicant shall construct/reconstruct the unpaved verge area adjacent to the development site with grass prior to completion of the subject works.

Reason: *To ensure that community assets are presented in accordance with reasonable community expectations. [H3]*

120. Carparking Layout

All car spaces being line marked in accordance with the carparking layout on the approved plans.

Reason: *To clearly identify carparking spaces in accordance with the approved plans. [H5]*

121. Allocation of Spaces

Car parking spaces provided shall provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:

103	-	Residential
10	-	Residential - Visitors
1	-	Bus Space
1	-	Ambulance Space

Such spaces are to be identified on-site by 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 individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building.

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

122. Waste Management

The Village Caretaker / Building Manager / Body Corporate shall be responsible for the relocation of garbage bins from within the site to the collection point for Council's Waste Collection Service.

Reason: *To ensure waste collection is carried out*

123. No Commercial Use

Nothing in this consent shall authorise the use of the residential dwelling/s for non-residential purposes.

Reason: *Information and clarification of terms of this consent. [I1]*

124. Ancillary Use

The use of the office, workshop, TV room, craft room, activities area, consulting rooms dining area pool and gym area as detailed on Plan No DA01.02 (B) prepared by Marchese and Partners Architects amendment date 16.03.07 shall be ancillary to the use of the premises, at all times. At no time shall these areas be open for use to the general public for commercial gain.

Reason: *To ensure that the primary use of the premises is the approved use under this application, and that any other uses are ancillary to the approved use. [I4]*

125. Parking Station

The off-street car parking area shall not be used as a Public Car Parking Station.

Reason: *Clarification of the terms of this consent. [I9]*

126. Visitors Sign

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

Reason: *To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors. [I10]*

127. Space Enclosure

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

Reason: *To ensure that minimum dimensions for parking spaces are not reduced or that vehicle manoeuvring is compliant with relevant standards. [I11]*

128. Loading Within Site

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times.

Reason: *To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity. [I13]*

129. Vehicle Egress Signs

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

Reason: *To ensure pedestrian safety. [I14]*

130. Minimum Headroom for Car Parking

Minimum headroom of 2.1m shall be provided over all car parking areas.

Reason: *To ensure compliance with relevant standards and provide appropriate headroom. [I15]*

131. No Illumination

The external façade of the building shall not be illuminated or floodlit.

Reason: *To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. [I18]*

132. Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: *To ensure the acoustic amenity of surrounding properties. [I31]*

133. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: *To ensure the acoustic amenity of surrounding properties. [I32]*

134. Visitor Carparking

Visitor carparking being permanently available; not reallocated and clearly marked.

Reason: *To ensure visitor carparking is available at all times and is clearly identified. [I45]*

135. Landscaped Open Space

Landscaped open space within the front, side and rear setbacks shall not be fenced / divided to provide exclusive use for any individual occupancy beyond that detailed upon the approved plans listed within Condition No 2 of this Notice of Determination.

Reason: *Ensure common landscaped open space is maintained. [I48]*

136. Loading and Unloading

Loading and unloading shall not take place outside approved loading areas.

Reason: *Safety. [I51]*

SCHEDULE 1: SPECIAL CONDITIONS FOR HOUSING FOR OLDER PEOPLE OR PEOPLE WITH A DISABILITY

137. Age Criteria

The housing is to be occupied by older people (55 years and older) or people with a disability as defined under the WLEP 2000 Dictionary.

Reason: *Statutory requirements. [S1 (1)]*

138. Occupation Criteria

Prior to the issuing of an occupation certificate a covenant shall be placed upon the title of the land, being registered with the NSW Land and Property Information Service (NSW Department of Lands) restricting occupation of the units to older people (55 years and older) or people with a disability as defined under the WLEP 2000 Dictionary. Council shall be nominated as a party to the covenant and shall be listed as the sole authority to release or modify the covenant.

Reason: *Statutory requirements. [S1 (2)]*

139. Letter Boxes

- (a) Must be lockable, and
- (b) must be located together in a central location adjacent to the street entry, and
- (c) must be situated on a hard standing area and have wheelchair access by a continuous path of travel (within the meaning of AS 1428).

Details to be provided prior to Occupation.

Reason: *Amenity and convenience. [S1 (3)]*

140. Private Car Accommodation

- (a) Each car parking space must be not less than 6 metres x 3.2 metres or the design of the development must be such as to enable the size of the car parking space to be increased to an area of not less than 6 metres x 3.2 metres, and
- (b) any garage or carport must have an internal clearance of at least 2.5 metres as measured from the finished floor level of the garage or carport, and
- (c) any garage must have a power-operated roller door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

Details to be provided prior to the issue of the Construction Certificate.

Reason: *Safety and convenience. [S1 (4)]*

141. Accessible Entry

Every entry (whether a front entry or not):

- (a) must not have a slope that exceeds 1:40, and
- (b) must comply with clauses 4.3.1 and 4.3.2 of AS 4299, and
- (c) must have an entry door handle and other hardware that complies with AS 1428.

Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (5)]

142. External Door

All external doors to any one dwelling must be keyed alike.

Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (6)]

143. Internal Door

- (a) Internal doors must have a clearance of at least 820 millimetres.
- (b) Internal corridors must have a width of at least 1,000 millimetres.
- (c) The width at internal door approaches must be at least 1,200 millimetres.

Details to be provided prior to Occupation.

Reason: Access and safety. [S1 (7)]

144. Living room and dining room

- (a) a circulation space:
 - (i) of at least 2,250 millimetres in diameter, and
 - (ii) as set out in clause 4.7 of AS 4299, and
- (b) a telephone adjacent to a general power outlet.
- (c) A living room and dining room must have a potential illumination level of at least 300 lux.

Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (8)]

145. Kitchen

A kitchen in a self-contained dwelling must have:

- (a) a width of at least 2.7 metres and a clear space between benches of at least 1,450 millimetres, and
- (b) a width at door approaches of at least 1,200 millimetres, and
- (c) benches that include at least one work surface:
 - (i) that is at least 800 millimetres in length, and
 - (ii) the height of which can be adjusted from 750 millimetres to 850 millimetres, and

- (d) a tap set:
 - (i) that is located within 300 millimetres of the front of the sink, and
 - (ii) that is a capstan tap set or that comprises lever handles or a lever mixer, and
- (e) a thermostatic mixing valve for the hot water outlet, and
- (f) cook tops:
 - (i) with either front or side controls, and
 - (ii) with controls that have raised cross bars for ease of grip, and
 - (iii) that include an isolating switch, and
- (g) a work surface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
- (h) an oven that is located adjacent to a work surface the height of which can be adjusted, and
- (i) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- (j) general power outlets:
 - (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
 - (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (9)]*

146. Main Bedroom

At least one bedroom within a self-contained dwelling must have:

- (a) an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1,200 millimetres wide at the foot of the bed, and
- (b) 2 double general power outlets on the wall where the head of the bed is likely to be, and
- (c) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
- (d) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
- (e) a potential illumination level of at least 300 lux.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (10)]*

147. Bathroom

A bathroom must have:

- (a) an area that complies with AS 1428, and
- (b) a slip-resistant floor surface, and
- (c) a shower:
 - (i) the recess of which is at least 1,160 millimetres x 1,100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and



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- (ii) the recess of which does not have a hob, and
- (iii) that is waterproofed in accordance with AS 3740, and
- (iv) the floor of which falls to a floor waste, and
- (v) that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
- (vi) that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
- (vii) that has the tap set positioned so as to be easily reached from the entry to the shower, and
- (viii) that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
- (ix) that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
- (d) thermostatic mixing valves for all hot water outlets, and
- (e) a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
- (f) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
- (g) a mirror, and
- (h) a double general power outlet beside the mirror.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (11)]*

148. Toilet

Each residence must have a toilet:

- (a) that is a visitable toilet within the meaning of clause 1.4.12 of AS 4299, and
- (b) that is installed in compliance with AS 1428, and
- (c) that has a slip-resistant floor surface, and
- (d) the WC pan of which is located from fixed walls in accordance with AS 1428, and
- (e) that can accommodate a grab rail that complies with Figure 4.5 of AS 4299 and AS 1428.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (12)]*

149. Laundry

A self-contained dwelling must have a laundry:

- (a) that has provision for the installation of an automatic washing machine, and
- (b) that has provision for the installation of a clothes dryer, and
- (c) that has a clear space in front of appliances of at least 1,300 millimetres, and
- (d) that has thermostatic mixing valves for all hot water outlets, and
- (e) that has a slip-resistant floor surface, and
- (f) that has an accessible path of travel to any clothesline provided in relation to the dwelling.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (13)]*

150. Storage

A self-contained dwelling must be provided with a linen cupboard:

- (a) that is at least 600 millimetres wide, and
- (b) that has adjustable shelving.

Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (14)]

151. Doors

Door hardware provided as the means for opening doors must be:

- (a) able to be operated with one hand, and
- (b) located between 900 millimetres and 1,100 millimetres above floor level.

Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (15)]

152. Surface Finishes

Balconies and external paved areas must have slip-resistant surfaces.

Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (16)]

153. Ancillary Items

Switches must be located between 900 millimetres and 1,100 millimetres above floor level.

General-purpose outlets must be located at least 600 millimetres above floor level.

Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (17)]

154. Access for People with Disabilities

Provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Parts 1 and 4 prior to occupation. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment (AS 1428.4).

Details to be provided prior to Occupation.

Reason: Equitable access for people with a disability. [S1 (18)]

155. Disabled Access from the Public Realm- Tactile Surface Indicators

Tactile ground surface indicators complying with AS1428.4 shall be provided at the point of common public access to the building and at the vehicular access points to assist people with visual impairments in gaining access to and from the public way and the premises prior to occupation. Such works are to be undertaken wholly within the boundaries of the site.

Details to be provided prior to Occupation.

Reason: *To ensure public safety, and equitable access for people with a disability. [S1 (19)]*

156. Allocation of Parking and Visitor Parking

Carparking provided shall only be used in conjunction with the units and tenancies contained within the development in the event of subdivision, car parking spaces shall be individually allocated to residential units as part of their unit entitlement.

Visitor parking facilities, the ambulance, loading and bus bay required by this consent are to be designated as common property on any strata plan, and under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building.

Reason: *Provision of adequate on site parking facilities to service the development. [S2 (20)]*

157. Upgrading Of The Building

This approval does not prejudice any action Council may take in respect of the upgrading of the building pursuant to the provisions of the EPA Act.

Reason: *Fire Safety. [S2 (21)]*

EXTERNAL AUTHORITY REQUIREMENTS

158. NSW Department of Water and Energy

The following requirements have been provided by the NSW Department of Water and Energy under Part V of the Water Act 1912:

A. General and Administrative Issues.

- a. Groundwater shall not be pumped or extracted for any purpose other than **temporary construction dewatering**.
- b. Tailwater shall not be allowed to discharge off-site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.



Warringah Council

- c. The licensee shall allow (subject to Occupational Health and Safety Provisions) the Warringah Council or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the Warringah Council for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- d. If a work is abandoned at any time the licensee shall notify the Warringah Council that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the Warringah Council.
- e. Suitable documents are to be supplied to the Warringah Council of the following:
 - A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
 - A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
 - Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/ weeks), the amount of lowering of the water table and the anticipated quality of the extracted water.
 - Descriptions of the actual volume of tailwater to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/ weeks) and anticipated quality of treated tailwater to be reinjected.
 - Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

B. Specific Conditions.

- i. The design of the structure must preclude the need for permanent dewatering.
- ii. The design of the structure that may be impacted by any watertable must require a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of watertable levels. (It is recommended that a minimum allowance for a watertable variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.



Warringah Council

- iii. Construction methods and material used in and for construction are not to cause pollution of the groundwater.
 - iv. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the Warringah Council on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- C. Groundwater quality testing must be conducted (and report supplied to the Warringah Council). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the Warringah Council for both extraction and reinjection activities, if required). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- D. Discharge of any contaminated tailwater **that is not to be reinjected**, must satisfy all requirements of any controlling authority (i.e. the Department of Environment and Climate Change, Council and Sydney Water). The method of disposal of excess tailwater (i.e. street drainage to the stormwater system or discharge to sewer) and written advice from the relevant controlling authority, indicating that the proposed/actual quality of tailwater is acceptable, must be presented to the Warringah Council and the consent authority.
- E. Discharge of any contaminated tailwater, **if reinjection is proposed**, must satisfy all requirements of the Department of Environment and Climate Change and the Warringah Council. The quality of any tailwater reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. The following must be demonstrated in writing:
- The treatment to be applied to the tailwater to remove any contamination.
 - The measures to be adopted to prevent redistribution of any contaminated groundwater.
 - The means to avoid degrading impacts on the identified beneficial use of the groundwater.
 - Written advice from the Department of Environment and Climate Change indicating their approval for the methodology of handling and treating the groundwater.
- F. Written advice be provided from the Certifying Authority to the Warringah Council to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
- Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
 - Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
 - Locations of settlement monitoring points, and schedules of measurement.

159. RTA Conditions

- a. The applicant shall construct the proposed entry/exit driveway off Dee Why Parade in accordance with Council's requirements, with all vehicles entering and leaving the property in a forward direction.
- b. Any redundant driveways along the Pittwater Road frontage of the development site will need to be removed and kerb gutter (Type SA) reinstated to match existing.
- c. Council should be satisfied that the parking provision for the proposed development is adequate and all off-street parking associated with the proposed development (including: driveways, grades, aisles widths, aisle lengths, turning paths, parking bay dimensions and sight distance requirements) should be designed in accordance with AS 2890.1 - 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
- d. Council should ensure that post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development discharge.
- e. Detailed design plans and hydraulic calculations of "any changes" to the RTA's stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
PO Box 558
BLACKTOWN NSW 2148

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8814-2114 or Fax: 8814-2111.

- f. Subject to Council's Local Traffic Committee's approval, a full time "No Stopping" restriction should be installed along the northern side of Dee Why Parade starting from Pittwater Road, covering the proposed site entrance and extending to the raised pedestrian crossing.
- g. The proposed development should be designed such, that road traffic noise from Pittwater Road is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met, the RTA recommends that Council apply the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms, 45 dB(A), Leq(15hr) and 40 dB(A) leq(9hr) and;
 - Sleeping rooms, 35 dB(A) Leq(9hr)
- h. All works/regulatory signposting associated with the proposed development will be at no cost to the RTA."



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.

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

Right of Appeal

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

Signed on behalf of the consent authority

Signature
Name _____
Peter Robinson
Manager Major Developments

Date 9 July 2007