



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No:	2004/1647
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DEVELOPMENT APPLICATION DETAILS

Applicant Name:	Luxury Homes Pty Ltd
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Applicant Address:	Luxury Homes , Att: Barry Alcock Level 5, 285 George Street, SYDNEY 2000
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Land to be developed (Address):	Nos 17 & 19 Sturt Street and Nos 75 & 77 Forest Way, Frenchs Forest
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Proposed Development:	Construction of housing for older people and people with a disability, demolition of existing dwelling houses and consolidation of four lots into one lot.
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DETERMINATION

Made on (Date):	6 December 2005
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Consent to operate from (Date):	14 December 2005
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Consent to lapse on (Date):	14 December 2010
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Details of Conditions - (including Section 94 conditions)

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

NOTE:

If the works are to be certified by a Private Certifying Authority, then it is the 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.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

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

Drawing Number	Dated
DA01(A), prepared by Mouland Design Management	4 August 2005
DA02(B), prepared by Mouland Design Management	2 November 05
DA03(A), prepared by Mouland Design Management	4 August 2005
DA04(B), prepared by Mouland Design Management	2 November 05
DA05(B), prepared by Mouland Design Management	2 November 05
DA06(A), prepared by Mouland Design Management	4 August 2005
DA07(A), prepared by Mouland Design Management	4 August 2005
DA08(B), prepared by Mouland Design Management	2 November 05
DA09(B), prepared by Mouland Design Management	2 November 05
DA10(A), prepared by Mouland Design Management	4 August 2005
DA11(A), prepared by Mouland Design Management	4 August 2005
DA12(A), prepared by Mouland Design Management	4 August 2005
DA13(A), prepared by Mouland Design Management	4 August 2005

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

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

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

2. Plans on Site

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

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

3. Approved Landscaping Plan

Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan numbered DWG Nos. 04/905/DA Sheets 1-16 prepared by Paul Scrivener Landscape Architect dated 28/10/2005. Amended plans to be submitted to the Accredited Certifier to provide dense planting of advanced trees and shrubs along the boundary fence of 15 Sturt Street and adjacent to Dwelling 11 and within the street setback. A 1.8m high solid fence (no gaps) to be included behind the building setback and a 1.2m high solid fence forward of the building setback shall be detailed on the landscaping plans adjoining the driveway from Sturt Street (as detailed in red on the plans). All works (planting and fencing) to be completed prior to the issue of a Construction Certificate.

All landscaping to be completed prior to the issue of an Interim/Occupation Certificate.

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

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

4. 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]*

5. Submission of engineering plans

The submission to Council or an Accredited Certifier (Civil Works) of four (4) copies of Civil Engineering plans for the design of road works and stormwater drainage works required in Sturt Street including long and cross sections, details of proposed structures and specifications. A Compliance Certificate is to be issued by a Council/an Accredited Certifier in Civil Works prior to the issue of the Construction Certificate. If Council is to issue the Compliance Certificate the fee payable is to be in accordance with Council's fees and charges.

Such design shall be:

- (a) Prepared and submitted on 4 A1 size sheets, undertaken by a consulting Civil Engineer,
- (b) Approved and stamped by Council or the Accredited Certifier (Civil Works) prior to the issue of the Construction Certificate,
- (c) Upon completion of the works, the applicant is to provide to Council or

Accredited Certifier (Civil Works) 2 copies of “work as executed plans”. The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also the applicant is to provide to Warringah Council in an approved format details of all public infrastructure created as part of the works,

- (d) All Civil Engineering works in Sturt Street are to be fully supervised by the consultant responsible for their design, and on completion certified to be in accordance with the approved plans, conditions of construction and Council’s standard specification for engineering works. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council’s specifications, or as would reasonably be expected under the design conditions.

Warringah Council will require a Security Deposit/Bank Guarantee of \$60,000 prior to issue of the final Compliance Certificate or Subdivision Certificate to ensure rectification of any defects during the maintenance period. (See Schedule).

Reason: *To ensure compliance of engineering works with Council’s specification for engineering works. [C4]*

6. 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]*

7. Kerb Security Bond

A bond of \$5,000 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]*

8. Bond for Engineering Construction Works - Stormwater

A Bond of \$60,000 shall be deposited with Council against any damage or failure to complete to the relevant specification the construction of stormwater drainage works that reverts to Council’s care and control upon completion prior to the issue of any Construction Certificate. (See Schedule).



Warringah Council

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. [C19]*

9. Bond for Silt & Sediment Control

The payment of \$10,000 to account Reg 009 - TF036 prior to issue of a 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]*

10. Bond for Construction, Excavation and Associated Works

Payment to Warringah Council of a \$10,000 bond as security against damage to Council's roads caused by the transport and disposal of materials and equipment to and from the site. This amount to be paid prior to the issue of the Construction Certificate and to be verified by the accredited certifier.

Reason: *To ensure appropriate security for road damage. [C21]*

11. 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]*

12. Vehicle Crossings

Provision of 2 vehicle crossing(s) 3 wide in accordance with Warringah Council Drawing No A4-3330 normal and specifications. All redundant laybacks and crossings are to be restored to footpath/grass.

The construction of all vehicular crossings and associated works on Council's road reserve must be completed by a Council approved concrete contractors, for details see Warringah Council's website www.warringah.nsw.gov.au
<<http://www.warringah.nsw.gov.au>>, or phone (02) 9942 2111.

Prior to pouring of concrete the crossings are to inspected by Council or an Accredited Certifier (Civil Works) and certification issued to the PCA stating the crossing levels and reinforcement is in accordance with the issued levels and specifications.

If Council is to undertake the inspection, the inspection fee is to be paid 48 hours prior to pouring of concrete. (See Council's standard fees and charges)

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

13. 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]*

14. 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]*

15. Dilapidation Survey

A photographic survey of 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]

16. Structural Adequacy of Attached Buildings

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

Under no circumstances shall the party or common wall be extended without the written consent of the adjoining owner. Any such extension of the party wall shall be noted on title by way of appropriate easement or Section 88B instrument.

Reason: To ensure the protection and structural integrity of adjoining properties, and that common law property rights are recognised. [C49]

17. 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 <<http://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)]

18. 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]

19. 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]

20. Colours and Finishes

The colours, texture and substance of all external components of the building and hard surfaced areas being generally in accordance with architectural plans identified in Condition 1 as modified by any conditions of this consent/approval. Prior to issue of the Construction Certificate, Council / Accredited Certifier is to verify that the external components are in accordance with that specified above.

Reason: Amenity. [C56 (1)]

21. Acoustic Privacy for Residents

A certificate from an appropriately qualified Acoustic Engineer is to be submitted with the Construction Certificate certifying that noise levels within dwellings, with windows closed, will not exceed the following:

Location	Control
Recreation/work area	40dB(A)*
Sleeping areas	35dB(A)*

(*Readings are to be L_{Aeq} (1 hour), when measured during the noisiest 1 hour period between Day - 7am to 6pm; Evening - 6pm to 10pm and Night - 10pm to 7am).

All walls and floors separating units must have a weight sound reduction index (R_w) of not less than 55, and an impact isolation less than IIC 55 above habitable areas.

Materials with low noise penetration properties are to be used and detailed, and the location of mechanical equipment such as lift plant, air conditioning plant and pumps immediately adjacent to bedrooms is not permitted.

Reason: *To comply with best practice standards for residential acoustic amenity. [C60]*

21a Acoustic Privacy for Residents

All glazed openings to Forest Way to be acoustically treated to ensure adequate amenity is achieved.

A certificate from an appropriately qualified Acoustic Engineer is to be submitted with the Construction Certificate certifying that noise levels within dwellings, with windows closed, will not exceed the following:

Location	Control
Recreation/work area	40dB(A)*
Sleeping areas	35dB(A)*

(*Readings are to be L_{Aeq} (1 hour), when measured during the noisiest 1 hour period between Day - 7am to 6pm; Evening - 6pm to 10pm and Night - 10pm to 7am).

Reason: *To comply with best practice standards for residential acoustic amenity. [C60]*

22. 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]*

23. S94 Contributions

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

Contribution	DA Amount
6901 Open Space Links and Cycleway	\$ 221.00
6903 Libraries	\$ 4,043.00
6905 Sport Field Embellishment (290)	\$ 4,186.00
6904 Open Space Embellishment (303)	\$ 4,368.00
6922 Administration & Planning Studies	\$ 4,849.00
6906 Community Centres	\$ 4,446.00
Total	\$ 22,113.00

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

The basis for the contributions is as follows:

13 new dwellings in Medium Density Outside Medium Density Area (Older Persons).
Note: Roads & Traffic management E8 is not required in the B1 Locality.

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]

24. Security Bond Schedule

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

SECURITY BOND & FEE SCHEDULE	
Nos. 17 & 19 Sturt Street, and Nos. 75 & 77 Forest Way, Frenchs Forest	
DEVELOPMENT APPLICATION NUMBER 2004/1647	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	5,000.00
Engineering Construction Bond - Road Pavement	10,000.00
Engineering Construction Bond - Stormwater	60,000.00
Silt and Sediment Bond	10,000.00
TOTAL BONDS	\$ 85,000.00
FEEs	
Kerb Security Inspection Fee	200.00
Section 94 contribution	22,113.00
Long Service Levy	6,000.00
TOTAL FEES	\$ 28,313.00

Reason: Compliance with the development consent. [C71]

25. 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]*

26. Construction Traffic Management

A Construction Management Plan (CMP) to be submitted and approved by Warringah Traffic Committee prior to issue of the Construction Certificate. The CMP is to include, but is not limited to the following:

- (a) Identify the need and Suitability of work zones adjacent to the site fronting Forest Way and/or Sturt Street.
- (b) An application for temporary “no parking” (during the period of construction) restricting the parking of vehicles during construction hours on the North eastern side of Sturt Street generally along the frontage of 16 & 18 Sturt Street (the inside of the road curve). If the Warringah Traffic Committee consider such restriction appropriate, the applicant must install and remove the parking restriction at their own cost subject to the requirements of the Warringah Traffic Committee.
- (c) The provision of on-site parking within the basement ,once the basement and ground floor slab is completed, for all construction workers’ vehicles. All workers to be directed to utilise basement parking at all times. Street parking or alternative on site parking only to be used where vehicles are physically restricted from entering the basement or all parking spaces within the basement are occupied.
- (d) Identify appropriate delivery location on site (start on Forest Way) depicting time, size of truck, frequency etc and a strategy to ensure such deliveries are in accordance with the Construction Management Plan.

The approved Construction Management Plan is to be kept on site at all times during construction and complied with at all times.

Reason: *Traffic Safety*

27. Splay Driveway to Forest Way

The egress driveway onto Forest Way shall be splayed and channelised to physically prohibit vehicular entry into the development from Forest Way, and designed in accordance with AS 2890.1-2004. Details to be submitted to the principal certifying authority for approval prior to the issue of the Construction Certificate.

Reason: *Traffic Safety.*

28. Gutter Crossing

The design and construction of the gutter crossing shall be in accordance with RTA requirements. Details to be submitted to the principal certifying authority for approval prior to the issue of the Construction Certificate. (Details of these requirements should be obtained from RTA's Project Services Manager, Traffic Projects Section, Blacktown (Ph: 02 8814 2144)).

Reason: *Traffic safety*

29. Road traffic Noise

The proposed development should be designed such that road traffic noise from Forest Way 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 applies the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

- (a) All habitable rooms other than sleeping rooms: 45 dB(A) Leq (15hr) and 40 dB(A) Leq (9hr) and
- (b) Sleeping rooms: 35 dB(A) Leq (9hr)

Details to be submitted to the principal certifying authority for approval prior to the issue of the Construction Certificate.

Reason: *Amenity of Residents*

30. Balcony Overhang

The Dwelling 11 balcony overhang (over the pedestrian entry access) located between Dwelling 8 and Dwelling 11 is to be deleted. Details to be submitted to the Principal Certifying Authority prior to the issue of the Construction certificate.

Reason: *To assist to maintain the characteristic of Detached Buildings.*

31. Width of Balconies

All first floor balconies are to achieve a minimum width of 2.5m. Details to be submitted for approval to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: *Adequate private open space*

32. Privacy Screen to Balcony of Dwelling 12

A 1.6m privacy screen on the entire section of the balcony accessed via bedroom 1 of Dwelling 12 is to be provided. Details are to be submitted for approval to the Principal Certifying Authority prior to the issue of the Construction certificate.

Reason: Privacy to No. 73 Forest Way.

33. Privacy Screen to Balcony of Dwelling 11

A 1.6m privacy screen is to be provided to the balcony accessed via bedroom 1 of Dwelling 11. Details are to be submitted for approval to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Privacy to No. 15 Sturt Street

34. Privacy Screen to the Eastern Side of Balcony of Dwelling 8

A 1.6m privacy screen is to be provided to the eastern side of the balcony associated with Dwelling 8. Details to be submitted for approval by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Privacy of 21 Sturt Street

35. Privacy Screen to Replace Planter Box of Bedroom 1 Window of Dwelling 9

A 1.6m privacy screen is to replace the planter box associated with the window of bedroom 1 of dwelling 9. Details to be provided to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Privacy to 21 Sturt Street

36. Waterproof Protection

OSD tanks under dwellings unit 1 and 4 are to be permanently waterproofed to prevent rising damp affecting the dwellings above. Structural details addressing the above requirement are to be prepared by a Structural Engineer, and submitted to Council or an Accredited Certifier (Civil Works) for approval prior to issue of the Construction Certificate.

Reason: To ensure protection to habitable areas against rising damp [Special Condition]

37. On-Site Detention

Submission to Council / Accredited Certifier (Civil Works) for approval, drainage plans detailing the provision of On Site Detention in accordance with Warringah Council's "On Site Detention Technical Specification" and the concept drainage plans submitted by Montek Property Surveys (Reference Number 20351, Revision 2C) with the Development Application. Component certification is to be issued to the Council / Accredited Certifier certifying the above requirements, prior to the issue of the Construction Certificate. If Council is to issue the component certification, then fees are to be paid in accordance with Council's fees and charges.



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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 Council / Accredited Certifier. 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 Council / Accredited Certifier prior to occupation. Council can issue the Compliance Certificate if required subject to a prescribed fee.

Reason: *To ensure appropriate provision for disposal and stormwater management arising from the development. [C9] Special condition*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

38. 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]*

39. 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]*

40. 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]*

41. 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]*

42. 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]*

43. 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
Tree No: 23, 24, 25, 26, 29, 31, 32, 33, 34,	5m radius from trunk
36, 40, 41, 42, 43 and 44	5m radius from trunk

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

44. Trees

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

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

Reason: *Protection of trees. [D12]*

45. 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]*

46. 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]*

47. 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

48. 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]*

49. 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]

50. Progress Inspections- (Class 3 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]

51. Progress Inspections- (Class 7 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 any stormwater drainage connections.
- (c) 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. [E9]

52. 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]*

53. 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]*

54. 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 and with the following conditions of this development consent: 2004/1647.

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

55. 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]*

56. 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]*

57. 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]*

58. Protection of Trees

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

Tree Nos. 2, 4, 18, 19, 22, 23, 24, 25, 26, 29, 31, 32, 33, 34, 36, 40, 42, 43, and 44

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

59. 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) 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)]*

(2) 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)]*

60. 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]*

61. 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]*

62. 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]*

63. 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]

64. 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]**

65. 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]**

66. 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)]

67. 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]

68. 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]*

69. 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]*

70. 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)]*

71. Disposal of Polluted Site Water

Site water discharge must not exceed suspended solid concentrations of 50 mg/L, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processor facility.

Reason: *To prevent pollution of waterways*

71a Dewatering

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

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

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

72. 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]

73. 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]*

Note: Evidence of insurance required PRIOR to commencement of work.

74. 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 Coordinator, 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]*

75. 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]*

76. 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]**

77. 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]**

78. 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]**

79. 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 the 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]

80. 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]

81. 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 0.2% of the building and construction work.

Reason: *Prescribed - Statutory. [F12]*

82. 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

83. 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]*

84. Fire Safety Certificate

To ensure the safety of occupants of the building a "Fire Safety Certificate" which identifies the schedule of "Fire Safety Measures" that have been completed to satisfactory standard shall be provided to the Principal Certifying Authority prior to the issue of an "Occupation Certificate" as required in the "Environmental Planning and Assessment Act & Regulation.

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

85. 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]*

86. Conservation of Water & Energy

Compliance with Clause 68 “Conservation of Energy and Water” of Warringah Local Environmental Plan 2000 with respect to appliances. Details to be submitted with the Occupation Certificate.

Reason: *Provision of energy requirements. [G5]*

87. 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)]*

88. Street Number

Street number being affixed to building prior to occupation.

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

89. 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]*

90. Noise Impact of Plant

All sound producing plant, equipment, machinery or fittings associated with or forming part of the lift shaft, mechanical ventilation system and/or the refrigeration system, shall be sound insulated and/or isolated so that the noise emitted does not exceed 5 dB(A) above the background level in any octave band from 63.0 HZ centre frequencies inclusive, and not more than 5 dB(A) above the background level (LA90) during the day when measured at the nearest affected residence. For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with EPA guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1 - 1989.

Prior to the issue of a Construction Certificate, a report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Certifying Authority demonstrating compliance with this condition.

Reason: *To ensure that noise generated from the development does not result in offensive noise to any other party. [G12]*

91. 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]*

92. Covenant for Maintenance of Stormwater Pump-out System

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

Warringah Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument, and Warringah Council's official seal shall be affixed to these documents, prior to submission to the Land & Property Information Department. Evidence of the lodgement of the instrument referred to in this condition is to be provided to Council with a copy of the Occupation Certificate.

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

93. 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.

94. 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]*

95. 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]*

96. Waste Bin Storage

- (a) Access doors to both bin bays are not to have locks and are able to be latched in the open position.
- (b) There are to be no steps between the bin storage bays and the kerbside collection area.

Reason: *Access to Waste Bin Bays.*

97. All Traffic Left Sign and Exit Only (Forest Way)

- (a) The provision of an "All Traffic Left" sign on the property at the exit driveway to Forest Way.
- (b) The driveway at Forest Way shall be signposted "Exit Only".
- (c) The installation of automatic garage doors on the basement, to incorporate a physical restriction to vehicles exiting to Sturt Street. In this respect electronic management of door operations (swipe tags and location of tag reading devices are to preclude traffic movements from entering off Forest Way and exiting off Sturt Street. Such devices to be installed prior to Interim/Final Occupation.

Reason: *Traffic Safety*

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION

98. Sound Insulation

All sound-producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system shall be sound insulated and/or isolated so that the noise emitted does not exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary.

Certification from an accredited acoustic practitioner shall be provided to the Principal Certifying Authority, to the effect that the development complies with the above condition of consent, prior to the issue of any Occupation Certificate.

NOTE: The method of measurement of sound shall be carried out in accordance with the "NSW Environment Protection Authority, **Industrial Noise Policy**, January 2000".

Reason: Health & amenity. [H1]

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

99. No Cost to RTA

All works associated with the development are to be at no cost to the RTA

Reason: Applicant to bear costs

100. Community Services Directory

A Community Services Directory is to be provided by the Body Corporate to all new residents of dwellings.

Reason: Adequate information regarding Community Services

SCHEDULE 1: SENIORS LIVING

101. Age Criteria

The housing is to be occupied by older people (55 years and older) or people with a disability. (S91 [3B] of the Environmental Planning and Assessment Act)

Reason: Statutory requirements. [S1 (1)]

102. Occupation Criteria

The strata plans for the proposed development shall incorporate a covenant restricting occupation of the units to aged and disabled persons in accordance with the provisions of State Environmental Planning Policy (seniors living) WLEP 2000. Council shall be nominated as a party to the covenant. Details shall be provided prior to the release of the strata plan)

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

103. 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)]*

104. 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)]*

105. 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)]*

106. 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)]*

107. 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)]*

108. 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)]*

109. 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)]

110. 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)]

111. 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
 - (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



Warringah Council

- (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)]

112. 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)]

113. 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)]

114. 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)]

115. 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)]

116. 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)]

117. 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)]

118. 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)]

119. 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)]*

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

Date 14 December 2005