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Business Hours:

8.00am to 6.00pm, Monday to Thursday

8.00am to 5.00pm, Friday

S96 No: N0225/16/S96/2

19 February 2018

**FDC Construction & Fitout Pty Ltd
22-24 Junction Street
FOREST LODGE NSW 2037**

Dear Sir/Madam

N0225/16/S96/2 Modification to consent N0225/16/S96/1 for the construction and occupation of 6 warehouses at 2 Daydream Street Warriewood NSW

Your request for modification has been considered by Council and it has been agreed to modify the Consent.

Please find attached the consent as modified.

If there are any matters that require further clarification, please do not hesitate to contact me.

Yours faithfully

**Angela Manahan
PRINCIPAL PLANNER**



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MODIFICATION OF DEVELOPMENT CONSENT NO: N0225/16

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION

OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

**FDC Construction & Fitout Pty Ltd
22-24 Junction Street
FOREST LODGE NSW 2037**

Being the applicant in respect of S96 Modification Application No N0225/16/S96/2

Pursuant to section 81 of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of this Development Application for: -

N0225/16/S96/2 Modification of consent N0225/16 for the construction and occupation of 6 warehouses

At:-

Lot 100 DP 1174851

**2 DAYDREAM STREET
WARRIEWOOD NSW 2102**

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

- Architectural drawings DA-01 issue F, DA-02 issue G, DA-03 issue F, DA-04 issue F, DA-05 issue E, DA-06 issue E, DA-07 issue E, all prepared by SBA Architects, all dated 27 April 2016;
- Civil Engineering Detail Drawings, all prepared by Northrop:
 - C1.01 revision 1, dated 30 January 2016
 - C2.01 revision 2, dated 6 April 2016
 - C3.01 revision 3, dated 6 April 2016
- Arboricultural Impact Assessment Report, prepared by Urban Forestry Australia, dated August 2007;
- Landscape Plan LC02B, prepared by Selena Hannan Design, dated 29 April 2016;
- Water Management Assessment "Proposed RMS Drainage Line Diversion", prepared by Civil Certification Pty Ltd, dated 26 September 2016;
- Proposed RMS Drainage Diversion (v2) Plan, Figure 2, issue C, prepared by Civil Certification Pty Ltd, dated 21 September 2016;
- Flood Risk Management Report, prepared by Civil Certification, dated 8 March 2016;
- Flora and Fauna Assessment Report, prepared by Conacher Travers Environmental Consultants, dated June 2007;
- Geotechnical Risk Management Report, prepared by JK Geotechnics, dated 29 April 2016;
- Bushfire Risk Management Report, prepared by Australians Bushfire Protection Planners Pty Ltd, dated 22 February 2016;
- Traffic and Parking Assessment Report, prepared by Varga Traffic Planning Pty Ltd, dated 27 April 2016;
- Access Report, prepared by Morris Goding Accessibility Consulting, dated 13 May 2016;
- Noise Assessment, prepared by Wilkinson Murray Pty Limited, dated 11 March 2016;



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As further modified by:

- Landscape Plan LP01 C, Issue C, prepared by Selena Hannan Landscape Design, dated 11 May 2017;
- Bushfire Risk Assessment Addendum Letter (Ref: B152628-1), prepared by Australian Bushfire Protection Planners Pty Ltd, dated 23 May 2017

As further modified by;

- DA-01 (Overall Site Plan), Issue H, prepared by SBA Architects, dated 05 October 2017;
- DA-02 (Site Plan – Stage 3 Proposed), Issue K, prepared by SBA Architects, dated 01 February 2018;
- DA-03 (Ground Floor Plan), Issue J, prepared by SBA Architects, dated 01 February 2018;
- DA-04 (First Floor Plan), Issue J, prepared by SBA Architects, dated 01 February 2018;
- DA-05 (Roof Plan), Issue G, prepared by SBA Architects, dated 05 October 2017.

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of these conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act, pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Note: For ease of reference, all of the previous conditions have been re-listed. Those conditions amended or deleted have been highlighted.

Endorsement of date of consent 27/10/2016, Modified 4 August 2017, Modified 15 February 2018

Mark Ferguson

CHIEF EXECUTIVE OFFICER

Per:



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CONDITIONS OF APPROVAL

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. A sign must be erected in a prominent position onsite only showing:
 - a. the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - c. that unauthorised entry to the work site is prohibited.The sign must to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
4. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.
2. The recommendations of the risk assessment required to manage the hazards as identified in Geotechnical Report referenced in this consent are to be incorporated into the construction plans.
3. At the commencement of building works and in perpetuity the entire property shall be managed in accordance with the requirements of the Bushfire Risk Assessment Report, referenced in this consent.
4. In accordance with Pittwater Councils DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape



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Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.

5. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website for noxious/environmental weed lists.
6. No environmental weeds are to be planted on the site. Refer to Pittwater Council website for environmental weed lists.
7. Any vegetation planted onsite outside approved landscape zones is to be consistent with locally native species selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Gardening available on the Pittwater Council website.
8. No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
9. Appropriate signage is to be displayed throughout the premises of the proposed development to alert staff and customers that the business premises is to be used as a shelter-in-place refuge during times of flood.
10. The minimum floor space of the shelter-in-place refuge shall be at least one square metre per person likely to be occupying the building, as the property is subject to 'short duration flooding'.
11. The shelter-in-place refuge shall be intrinsically accessible to all people on the site, plainly evident, and self-directing, with sufficient capacity of access routes for all occupants. There shall be sufficient time for all occupants to access the shelter-in-place refuge with fail safe access provided with no reliance on elevators.
12. The Flood Emergency Response Plan for the 2 Daydream Site 'Flood Emergency Response Plan – 2 Daydream Street Warriewood – Stage 2, June 2015 by Worley Parson' or its subsequent updates as a result of this development consent are to be implemented by the retail/warehouse premises and a practice of flood emergency procedures is to be undertaken at least annually.
13. The minimum floor levels for the proposed development must be as shown on the Ground Floor Plan (DA-03, issue F, dated 27 April 2016, prepared by SBA Architects) submitted with the Development Application.
14. The storage of items of plant and equipment, electrical items, hazardous materials, stock and any other items that may be susceptible to water damage are to be located above the Flood Planning Level of 34.1m AHD.
15. All new structural elements, new external finishes and new internal finishes located below the Flood Planning Level must be constructed using flood-compatible techniques and materials. Refer to Council's Flood Compatible Building Guidelines for more information at:

http://www.pittwater.nsw.gov.au/__data/assets/pdf_file/0003/131466/Flood_Compatible_Building_Guidelines_-_FINAL_-_25_July_2013.pdf



16. All new fencing, which includes boundary fencing, pool fencing, balcony balustrades and access way balustrades must be constructed to allow for the free flow of flood waters. 75% of fencing must be 'open' to a height of the Flood Planning Level of 34.1m AHD. Only 25% of the fencing below the Flood Planning Level may be 'solid'. For 'open' portions of fencing, more than 50% of the surface area must have minimum openings of 100mm.
17. Any existing electrical equipment, services, fixtures and fixtures as well as any data cabling that must remain below the level of the Flood Planning Level (34.1m AHD), must be waterproofed so as to remain functional if submerged up to a level of the Flood Planning Level for up to 6 hours. Conduits must be graded so they are free draining if covered by floodwaters. Flood proofing may involve:
- a. dry flood proofing — measures that protect the structure/equipment from the entry of floodwaters by sealing exterior walls/surfaces and other floodwater entry points
 - b. wet flood proofing — measures that are incorporated into the design of the structure/equipment to enable the structure/building to remain structurally sound and functional by withstanding the forces from the ingress or passage of floodwaters.

Waterproofing could comprise electrical cut-off switches to turn off electricity supply when floodwaters are detected.

18. A current (and regularly updated) version of the SES Business FloodSafe Tool Kit available from the SES website (<http://floodsafe.ses.org.au/floodsafe/business toolkit/>) is to be compiled and printed for each tenant and kept on the premises at all times. All employees are to be made aware of the Floodsafe Toolkit.
19. The Flood Risk Management Report as referenced in this consent and any subsequent updates shall apply for the life of the development:
20. In accordance with the arboricultural assessment referenced in this consent, the following trees are approved for removal: T3 (exempt), T4 (exempt), T5, T6 (exempt), T7 (exempt), T8, T9, T12, T13, T14, T15, T16, T17 (exempt), T18, T19, T25 (exempt), T27, T28, and T29.
21. The following trees shall be retained and protected by 1.8m high Tree Protection Fencing: T20 to T24. Retained trees from previous stages shall be protected during Stage 3 works.
22. Tree Protection Fencing in the form of 1.8m chainwire fencing shall be erected to protect the following trees as groups: Group 1 - T1 and T2; Group 2 - T10 to T24, and Group 3 - T54 to T67 as per drawing titled "Landscape Concept Plan - Stage 3", drawing number: LC02B, dated 29/04/2016. The fencing shall be erected to fully enclose the trees, with no 'openings' along the fencing to ensure no there is public or construction access. The Project Arboriculturist shall determine the location and extent of the Tree Protection Fencing.
23. The public footways and roadways adjacent to the site are to be maintained in a safe condition at all times during the construction phase. Pedestrian access is to be maintained at all times during the construction phase.
24. The adjustment of all public utilities and services is to be at the full cost of the developer.
25. All service vehicles must use the existing driveways to Daydream Street to access and leave the site.



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26. All utility services including overhead power supply and communication cables located in Daydream Street & those to service the development within the site are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.
27. A total of 44 off-street parking spaces, including 1 accessible parking space for people with a disability, shall be retained over the life of the Stage 3 development. The accessible space is to be dimensioned, signposted and designated in accordance with the requirements of Australian Standards, *AS1428 - Design for access and mobility* & *AS2890 - Parking facilities - Off-street parking with disabilities*.
28. All loading / delivery vehicles must enter and exit the site in a forward direction (unless specific approval for a one-off occasion is obtained from Council's Urban Infrastructure Unit).
29. All Traffic Control Plans associated with the CTMP (Construction Traffic Management Plan) for stages 1 & 2 (N0391/10) applies to this development and must comply with the Australian Standards and Roads and Maritime Services (RMS) Traffic Control At Work Sites Guidelines.
30. All construction vehicles associated with the development shall be parked wholly within the site. All site staff related with the works are to park in a designated off street area or be encouraged to use public transport and not park on the public road.
31. All construction loading and unloading must be within the development site or at an approved "Works Zone".
32. No water pollution shall result from the operation of any plant or equipment or activity carried out.
33. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the *Protection of the Environment Operations Act 1993*.
34. No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the premises.
35. No noise nuisance shall be caused through the operation of the business or any plant or equipment at the premises. Noise generated from the premises must not exceed the limits as specified in the *NSW Industrial Noise Policy*.
36. Sanitary facilities are to comply with the requirements set out within Table F2.3 of the BCA.
37. Structural requirements for the Garbage and Recycling room/s include:
 - a. A room/enclosure is to be dedicated for the storage of garbage and recyclables.
 - b. The room/enclosure used for the storage and washing down of garbage/recycling receptacles shall be constructed of solid material (brick, concrete, concrete blocks, structural fibrous cement or other similar homogeneous material) so as to prevent the formation of cavities which become possible harbourages for insects and vermin. Framing in timber is not permitted. The walls of the room shall be cement rendered and steel trowelled to a smooth, even surface. The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
 - c. Stormwaters are to be prevented from entering the garbage/recycling enclosure/room.



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- d. The garbage/recycling enclosure/room shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
- e. Hot and cold water hose cocks shall be located within the garbage/recycling enclosure/room or in close proximity.
- f. Clear access to the garbage/recycling enclosure/room must be available for the garbage service provider.

38. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.

39. All plumbing, electrical wiring and drainage fixtures are to be concealed and not exposed to public view on buildings over one storey in height.

40. New electrical connections are to be carried out using underground cabling.

41. ~~The external colours and finishes of the building shall be consistent with the finishes nominated on the approved plans referenced in this consent, as follows:~~

- a. ALC-1 Aluminium Cladding Type 1 – 'Champagne Metallic'
- b. ALC-2 Aluminium Cladding Type 2 – 'Indiana Copper'
- c. PC-01 Powdercoat Finish – Dulux 'Bronze Pearl'
- d. PF-01 Paint Finish Type 1 – Dulux 'Flooded Gum'
- e. PF-02 Paint Finish Type 2 – Dulux 'Raku'
- f. PF-03 Paint Finish Type 3 – Dulux 'Stowe White'
- g. GL-1 Glazing – Viridian 'Super Grey'

42. All external glazing is to have a maximum reflectivity index of 25%.

43. No plant equipment or air-conditioning units are permitted on the roof of the development.

44. Roads and Maritime has previously acquired an easement for drainage over the subject property. The applicant has been in negotiation with Roads and Maritime with regard to the relocation of the drainage line and the easement within the site. Roads and Maritime request that all costs associated with the amended easement to be met by the Application. This will include;

- a. Preparation of new easement plan
- b. Legal fees for preparation of easement documentation
- c. LPI lodgement fees for the new easement and extinguishment fees for the existing easement
- d. Any other reasonable ancillary costs

45. All pipes in the amended drainage system should be increased to 450mm diameter in size which is the minimum size off Mona Vale Road due to transverse drainage size requirements. This would also offset the potential system loss due to the flatter pipe grades post upgrade.

46. Detailed design plans and hydraulic calculations of any changes to the Roads and Maritime's stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact



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the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766

47. The developer is to submit design drawings and documents relating to the excavation of the site and support structure to Roads and Maritime for assessment in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to the commencement of any excavation at the site and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

If necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

48. A construction zone will not be permitted on Mona Vale Road.
49. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.
50. The operation hours for the development relating to delivery of goods, production and testing of equipment shall be confined to Monday-Friday 7am – 7pm, Saturday 7am – 1pm and no work on Sundays. Where it is the opinion of Council that the use will not interfere with the amenity of the neighbourhood as a result of emissions, including noise, the applicant may operate outside these hours.
51. This consent authorises the first use of the 6 individual units for the purpose of warehouses.

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
2. The Principal Certifying Authority must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
3. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the Environmental Planning and Assessment Regulation 2000:
 - a. after excavation for, and prior to the placement of, any footings, and
 - b. prior to pouring any in-situ reinforced concrete building element, and
 - c. prior to covering of the framework for any floor, wall, roof or other building element, and



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- d. prior to covering waterproofing in any wet areas, and
- e. prior to covering any stormwater drainage connections, and
- f. after building work has been completed and prior to any occupation certificate being issued in relation to the building.

To allow a Principal Certifying Authority to carry out critical stage inspections, at least 48 hours notice must be given before building work is commenced and prior to further work being undertaken.

- 4. Construction works approved by this consent must not commence until:
 - a. Construction Certificate has been issued by a Principal Certifying Authority
 - b. a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
 - c. at least 2 days notice, in writing has been given to Council of the intention to commence work.
 - 5. In accordance with section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payment Corporation or Council for any work costing \$25,000 or more.
 - 6. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.
 - 7. Details in the Construction Certificate are to reflect the recommendations of the Bushfire Risk Assessment Report, referenced in this consent.
 - 8. A monetary contribution of \$1,168,895.39 (subject to (a) below) is to be made for the provision of public infrastructure and services pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.
 - a. The monetary contribution will be adjusted at the time of payment in accordance with the latest Consumer Price Index as published quarterly by the Australian Bureau of Statistics as outlined in Council's Warriewood Valley Section 94 Contributions Plan (Plan No. 16). The monetary contribution is to be paid prior to issue of the Construction Certificate.
 - b. The Applicant may negotiate with Council for the direct provision of facilities and services in lieu of the monetary contribution above (or any portion of that contribution) through a Material Public Benefit offer to Council in accordance with the Warriewood Valley Section 94 Contributions Plan (Plan No. 15). Any Material Public Benefit agreement between the Applicant and Council must be finalised, formally signed and in place prior to payment being made.
- The Warriewood Valley Section 94 Contributions Plan (Plan No.15) may be inspected at Council's Mona Vale Office, 1 Park Street, Mona Vale or Council's website <http://www.northernbeaches.nsw.gov.au/>
- 9. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.



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10. Prior to the issue of a Construction Certificate, the Architectural Drawings and Landscape Plan are to be amended as follows;
- The area between parking spaces 15 and 16, being the north-western corner of the proposed carpark, is to comprise deep soil landscaping with at least 1 locally native canopy tree and a variety of shrubs and groundcovers.
 - The plant schedule is to be amended such that all proposed **canopy** tree plantings are installed at 75 litre pot sizes and all **small** trees are installed at 200mm pot sizes.
 - All shrub planting shall be installed at a minimum quantity of 2 per m² and all groundcovers shall be installed at a minimum quantity of 6 per m².
 - The quantity of *Angophora costata* nominated in the Plant Schedule shall be increased to 6.
 - The quantity of *Corymbia gummifera* nominated in the Plant Schedule shall be increased to 4.
 - The *Eucalyptus umbra* nominated in the Plant Schedule shall be replaced by *Eucalyptus paniculata*.

11. Prior to the issue of a Construction Certificate, the architectural drawings are to be amended as follows;

- Sanitary facilities are to be provided to each of the Warehouse units in accordance with the requirements of Part F2 of the Building Code of Australia.**

12. Prior to the issue of a Construction Certificate, certification is to be provided by a suitably qualified professional that the development complies with the requirements of the Building Code of Australia, with particular regards to the provision of sanitary facilities.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to the issue of a Construction Certificate.

- The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

Note: This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the States building laws.

- Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 The Demolition of Structures. Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
 - Protection of site workers and the general public.
 - Erection of hoardings where appropriate.
 - Asbestos handling and disposal where applicable.
 - Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or



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demolition material. The disposal of refuse is to be to an approved waste disposal depot.

3. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
4. The following facilities must be provided on the site:
 - a. toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - b. a garbage receptacle for food scrapes and papers, with a tight fitting lid.

Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

5. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
6. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
7. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
8. The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
9. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
10. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
11. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
12. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations
13. Personnel with appropriate training, or demonstrated knowledge and experience in erosion and sediment control shall be responsible for supervising the installation and maintenance of approved erosion and sediment control measures – during and after construction and until the site has been restored to the satisfaction of council.
14. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility. All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which



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facility received the material for recycling or disposal. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

15. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

Note: Separate approval is required for access driveways, paths, connections to underground services (stormwater, gas, sewer, electricity, etc.), and landscaping works within Council's Road Reserve.

16. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.

17. No skip bins or materials are to be stored on Council's Road Reserve.

18. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:

- a. The builder's name, builder's telephone contact number both during work hours and after hours.
- b. That no works are to be carried out in Council's Road Reserve without prior application and approval of a Road Opening Permit from Council.
- c. That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
- d. That no skip bins or materials are to be stored on Council's Road Reserve.
- e. That the contact number for Pittwater Council for permits is 9970 1111.

19. All construction in the public road reserve must be undertaken by a Council authorised contractor.

20. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Certifying Authority prior to the commencement of any site works. The plan is to detail:

- a. Quantity of material to be transported,
- b. Proposed truck movement per day,
- c. Proposed hours of operation,
- d. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater,
- e. Location of on/off site parking for construction workers during the construction period.

E. Matters to be satisfied prior to the issue of the Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or



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suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*, is to be forwarded to Council or the Private Certifying Authority with the Occupation Certificate.
3. Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.
4. A suitably qualified Accredited Certifier is to provide certification that the as-built development complies with the recommendations of the Bushfire Risk Assessment Report referenced in this consent.
5. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
6. Prior to the issue of an Occupation Certificate, a certificate prepared by a Registered Surveyor shall be provided to the Private Certifying Authority stating that the finished floor and surface levels have been constructed at or above the Flood Planning Level of 34.1m AHD.
7. A current version of the SES Business FloodSafe Tool Kit available from the SES website (<http://floodsafe.ses.org.au/floodsafe/business toolkit/>) is to be compiled and printed for the business and kept on the premises at all times. All employees are to be made aware of the SES Business Floodsafe Toolkit.
8. Prior to Occupation certificate the Flood Emergency Response Plan for the 2 Daydream Site 'Flood Emergency Response Plan – 2 Daydream Street Warriewood – Stage 2, June 2015 by Worley Parson' is to be updated to include this proposed development and additional warehouses.
9. Prior to issuing an occupation certificate, the structural stability of the proposal warehouses must be verified by a suitably qualified structural engineer up to the level of the PMF of 34.21m AHD. This structural assessment must consider impacts of flood depths and flow velocities from lateral flood flow, buoyancy, suction effects, and debris load impact for all floods up the PMF. The structural assessment must also confirm that the shelter-in-place refuge complies with the Building Code of Australia.
10. Prior to the issuance of an Occupation Certificate, a suitably qualified landscape architect/designer is to certify that the landscaping has been completed in accordance with the Landscape Plan referenced in this consent, as amended by any condition of consent.



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G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. Dial before you dig: Prior to excavation the applicant is advised to contact Australia's National Referral Service for Information on Underground Pipes and Cables telephone 1100 or www.1100.com.au
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the EPA Act 1979, this development consent lapses 5 years after the date from which this consent operates if the development is not commenced.
5. To ascertain the date upon which a consent operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you a right of appeal to the Land and Environment Court within 6 months of the date of endorsement of this Consent.
7. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
8. Prior Land is liable to flooding in probable maximum flood. Portions of the site may be liable to flooding and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its fixtures and contents.
9. The subject property is within an investigation area for the proposed Mona Vale Road Project. Further information can be obtained by calling 1800 633 332 or via email: monavaleroad@rms.nsw.gov.au