



Warringah Council

NOTICE OF DETERMINATION

Application Number: DA2009/0392

APPLICATION DETAILS

Applicant Name and Address: Plan 4 Property And Planning
PO Box 527
Gordon NSW 2072

Land to be developed (Address): Lot 19, SP 81336. 19/9-13 Winbourne Road,
Brookvale

Proposed Development: Demolition of the existing building and construction of a building for storage and sale of steel reinforcing products (builders' supply and hardware establishment), including ancillary offices, open carparking and landscaping

DETERMINATION – DEFERRED COMMENCEMENT CONSENT

Made on (Date): 23 October 2009

Consent to operate from (Date): Once Council is satisfied as to those matters specified in the Deferred Commencement Conditions, Council will nominate by way of written notice to the Applicant, the date from which the consent operates.

Consent to lapse on (Date): 3 years from operative date as notified in writing by Council.

Details of Conditions

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

NOTE:

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

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

Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying



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development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

DEFERRED COMMENCEMENT CONDITIONS

Diversion of Council's stormwater pipeline Compliance Certification

Drainage plans detailing the provision of the diversion of Council's stormwater pipeline in the area immediately adjacent to the development lot in accordance with Warringah Council's AUS-SPEC #1, Council's "Building Over or Adjacent to Constructed Council Drainage system and Easements" Policy, PAS-PL 130 and specifications are to be submitted to Council for assessment and approval prior to the activation of the consent. The capacity of the new drainage system is to be equivalent to the existing stormwater system traversing the subject site.

Reason: Ensure engineering works are designed in accordance with relevant standards. (DACENC17)

Evidence required to satisfy these conditions must be submitted to Council within 24 months of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA02 2904 Issue A Sections and Elevations	03.04.09	Wolski, Lycenko & Brecknock
DA03 2904 Issue A Landscape Plan	26.03.09	Wolski, Lycenko & Brecknock
09499-04/04 Issue A Flood Evacuation Plan	12.06.09	Insight Architecture
DA01 2904 Issue A Ground Floor Plan	27.03.09	Wolski, Lycenko & Brecknock
0904 DA05 External Finishes	03.04.09	Wolski, Lycenko & Brecknock
DA04 2904 Site Analysis Plan	03.04.09	Wolski, Lycenko & Brecknock



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Reports / Documentation		
Report	Dated	Prepared By
Preliminary Acid Sulfate Soil Management Plan	23 April 2009	Environmental Investigation Services
Any documentation submitted (and endorsed by Council) to satisfy a Deferred Commencement Condition requirement is to be fully complied with.		

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department or Service name	Letter Reference	Dated
Energy Australia	G:\Planning\ Correspondence\ CJP	07 October 2009

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Body's. (DACPLB02)

3. No Approval for Any Signage

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environmental Plan 2000 and State Environmental Planning Policy No.64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is 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.



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- (c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) 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.

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

Reason: Legislative Requirement. (DACPLB09)

5. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material, demolition and excavation works hours are restricted to:

7.00 am to 5.00 pm inclusive Monday to Friday

8.00 am to 1.00 pm inclusive on Saturday,

No work on Sundays and Public Holidays.

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.



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- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) All permanent survey markers shall be retained, undamaged, and not relocated.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

6. Amended Plans (Carparking)

The tree at the northwestern corner of the site is to be retained. This is to be achieved by way of deleting the two carparking spaces to the east and south of the garden bed at the northwestern corner of the site.

Amended Plans are to be submitted to the satisfaction of a Certifying Authority prior to the issue of a Construction Certificate.

Reason: To provide for tree retention.

7. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of		\$	1,750,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$16,625	6923
S94A Planning and Administration	0.05%	\$875	6924
Total	1.0%	\$17,500	

Details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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. (DACPLC01)

8. Compliance with Standards

The development (where applicable) is to be carried out in accordance with relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Standards applied:

- (a) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
- (b) AS2601.2001 - Demolition of Structures
- (c) AS4361.2 - Guide to lead paint management - Residential and commercial buildings
- (d) AS 1428.2 - 1992, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities
- (e) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting
- (f) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

9. External Colours and Materials

External Roofing

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC04)

10. Bonds

a. Security Bond

(A bond (determined from cost of works) of \$10,000 and an inspection fee paid of \$210.00 as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

b. Construction, Excavation and Associated Works Bond (Drainage)

A Bond of \$50,000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

c. Construction, Excavation and Associated Works Bond (Pollution)

A Bond of \$2,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.



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d. Construction, Excavation and Associated Works Bond (Maintenance for civil works)

The developer/applicant must lodge with Council a Maintenance Bond of \$10,000 for the construction of Council's stormwater drainage pipeline. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council.

(NOTE: All bonds may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Occupation Certificate.)

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Council infrastructure. (DACENC01)

11. Structures Located Adjacent to Council Pipeline or Council Easement

All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. Structural details demonstrating compliance are to be prepared by a suitably qualified Civil Engineer.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure. (DACENC09)

12. Flooding

In order to protect occupants from flood inundation the following is required:

a) Minimum Floor Level

The finished floor level to the area annotated on the approved plans as the entire office and retail area to the east of the warehouse area shall be modified to be Reduced Level 9.0 m AHD (300 mm above the predicted 1 in 100 year water surface level for the site and public drainage system).

b) Flood Protection

All new building works and services shall be designed to withstand the hydraulic forces of the floodwaters up to the flood planning level. Buoyancy (particularly in relation to cars in the ground floor car park), flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed. Structural details for the construction for all elements including the building, air-conditioning units and waste and recycling bins are to be prepared by a suitably qualified Engineer.



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c) Movement Prevention Devices

Car storage/parking areas are to provide measures (e.g. bollards, gates etc) which can be engaged in a flood event to prevent movement of vehicles downstream.

Structural details for all elements and certification of adequacy to prevent vehicle movement is to be prepared by suitably qualified Engineer with experience in flood design / management who is eligible for Membership to the Australian Institute of Engineers.

d) Hazardous Chemicals

Hazardous Chemicals are to be stored in a double bunded store.

Details demonstrating compliance with the above are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To protect the building from flooding in accordance with Council and NSW Government policy.*

13. Flood Storage Compliance Certification

Plans detailing the provision of the compensatory flood storage under the new building are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. Details of the proposed compensatory flood storage are to be provided on the drawing, i.e., extent of flood storage shown on plan view, depth of flood storage, etc. This is to demonstrate that the development will not reduce the flood storage volume or impact upon the existing flood regime. A Compliance Certificate by a suitably qualified hydraulic engineer accredited by the Building Professionals Board, is to be supplied to the Principal Certifying Authority certifying that the development will not reduce the flood storage volume or impact upon the existing flood regime.

The above Compliance Certificate (Part 4A Certificate referred to in Section 109C of the Environmental and Assessment Act 1979) is to be supplied on submission of the above design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

14. Sediment and Erosion Control Plan

A Sediment and erosion control Plan shall be prepared and submitted to the Council and the Principal Certifying Authority prior to the issue of a Construction Certificate. The Sediment and erosion control Plan shall be prepared and implemented by the person(s) supervising the works on site and must be in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004),

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. Identification and Protection of Trees

- (1) All trees identified for retention/protection are to be clearly identified by signage as protected trees.
- (2) The primary root zone areas of the trees identified for protection are to be protected by fencing during the entire construction period except for specific areas directly to achieve construction works.

Reason: To protect trees to be retained.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. Installation and Maintenance of Sediment Control

Measures 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 Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

17. Protection of Trees

All trees which are not listed as exempt or noxious in Warringah that are not indicated for removal on Drawing No. 09499 Ground Floor Plan/04 Issue A prepared by Insight Architects dated 12-06-09 are to be protected, including the trees identified in Condition No.6 of this Consent.

Reason: Protection of existing environmental infrastructure and community assets. (DACLAE02)

18. 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.
- (2) 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



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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 drip line of any tree should be of a porous material.

(3) 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 vigor.
- (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.

(4) All trees on neighbouring properties are to be protected from adverse impacts caused by the works. Any excavations or changes of level occurring within the canopy of trees on neighbouring properties shall only be undertaken following consultation by a suitably qualified Arborist.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: *Protection of trees.*

19. Tree Pruning

Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified Arborist and be in accordance with the relevant Australian Standards.

Note: The following Australian Standard applied at the time of determination:

Australian Standard AS 4373.2007 - Pruning of Amenity Trees.



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Reason: To ensure protection and longevity of existing trees. (DACLAEO4)

20. Acid Sulfate Soils

The Acid Sulfate Soils Management Plan prepared by Environmental Investigation Services dated 23 April 2009 must be complied with. Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Principal Certifying Authority prior to further commencement.

Reason: To protect the environment and private & public infrastructure.

21. Dewatering

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

Reason: Compliance with the requirements of State Government Requirements. (DACEEd)

22. 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. (DACHEsecs)

23. Sediment and Erosion Control Plan

Techniques used for erosion and sediment control outlined in the Sediment and erosion control Plan prepared in accordance with this consent are to be adequately maintained at all times.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACHEswmp)

24. Disposal of Polluted Water

Site water discharged must not exceed suspended solid concentrations of 50 parts per million, 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 the relevant Department of Environment and Climate Change (formerly EPA) 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/processing facility.

Reason: To prevent pollution of waterways. (DACHEdpw)



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25. Progress Certification

Compliance Certificates (Part 4A Certificates referred to in Section 109C of the Environmental and Assessment Act 1979) are to be supplied to Council on completion and adequacy in regards to Australian Standards of the following stages of works and/or as and when requested by Council. The above Certificates are to be provided by certifying engineer accredited by the Building Professionals Board.

- (a) Laying of stormwater pipes and construction of pits
- (b) Sub-grade trimmed and compacted **
- (c) Base-course laid and compacted **

(**To be tested by a recognised N.A.T.A. approved laboratory).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works (see www.warringah.nsw.gov.au). (DACENE02)

26. Stormwater Pipeline Compliance Certification

The applicant shall construct the pipeline in accordance with Council's specification for engineering works (see www.warringah.nsw.gov.au) and shall reconstruct all affected kerb and gutter, bitumen reinstatements, adjust all vehicular crossings for paths, grass verges and household stormwater connections to suit the kerb and gutter levels. All works shall be undertaken at the applicant's cost, and upon completion a Compliance Certificate is to be supplied to the Principal Certifying Authority. The above Compliance Certificate (Part 4A Certificate referred to in Section 109C of the Environmental and Assessment Act 1979) is to be supplied on completion of the above works. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENE03)

27. Civil Works Supervision

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

28. Notification of Inspections

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:



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

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

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

29. Works as Executed

The Civil Engineer responsible for the supervision of the civil works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate. Works as Executed Data certified by a registered surveyor prepared in accordance with Council's requirements are to be provided to Council. Full details of the information to be submitted to Council, as part of the Works as Executed Data, are to be obtained from Council and verified by the Principal Certifying Authority prior to submission of any documentation.

The Works as Executed Data is to include but not be limited to the following:

- Works As Executed (WAE) plan,
- a Spreadsheet Schedule of all stormwater asset attributes and
- a CCTV Report of the completed pipeline

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENF06)

30. Easement for Drainage

An easement to drain water (under the provisions of Section 88B of the Conveyancing Act) shall be created in favour of Council over the newly constructed drainage pipeline within the site. The easement is to be created on the plan of easement and accompanying 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s). The proposed easement is to be created minimum 1.0 metre offset from the proposed building alignment and a minimum of 4.7 metres wide.



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Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure appropriate access and maintenance to Councils stormwater infrastructure.

31. Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To prevent pollution of the environment and to protect the amenity of the area.(DACPLF03)

32. Certification Civil Works

The Civil Engineer responsible for the supervision of the civil works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate. A "work as executed" (WAE) plan certified by a registered surveyor and overdrawn in red on a copy of the approved civil works plans are to be provided to Council. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENF06)

33. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall 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 "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF14)

34. Required Planting

The tree listed in the following Schedule shall be planted prior to the issue of an Interim/Final Occupation Certificate:



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Tree Species	Location	Pot Size
Corymbia gummifera	One (1) at the garden bed at the southwestern corner of the site	45 ltr

Reason: To maintain environmental amenity. (DACLAF01)

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

35. Implementation of Flood Evacuation Plan

The Flood Evacuation Plan required under this Development Consent is to be onsite at all times and implemented during Flood Events.

Reason: Flood Evacuation during flood events.(DACNEG03)

36. Loading Within Site

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

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

Right to Review by the Council

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 12 months from the date of determination.

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 _____
Cynthia Chan, Development Assessment Officer

Date 23 October 2009