

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 22 December 2015

896 Pittwater Road Dee Why, 896 Pittwater Road Dee Why, 894 Pittwater Road Dee Why, 892 Pittwater Road Dee Why, 890 Pittwater Road Dee Why, 888 Pittwater Road Dee Why, 884 Pittwater Road Dee Why, 9 Howard Avenue Dee Why, 11 Howard Avenue Dee Why, 15 Howard Avenue Dee Why, 17 Howard Avenue Dee Why, 28 Oaks Avenue Dee Why, 14 Oaks Avenue Dee Why, 16 Oaks Avenue Dee Why - Drainage and Stormwater Management works and Installation of shoring walls and bulk excavation

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2015/0612
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Responsible Officer:	Luke Perry
Land to be developed (Address):	Lot 3 DP 307937, 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 307937, 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 416469, 894 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 504212, 892 Pittwater Road DEE WHY NSW 2099 Lot 10 DP 231418, 890 Pittwater Road DEE WHY NSW 2099 Lot 11 DP 231418, 888 Pittwater Road DEE WHY NSW 2099 Lot A DP 339410, 884 Pittwater Road DEE WHY NSW 2099 Lot 7 DP 8172, 9 Howard Avenue DEE WHY NSW 2099 Lot 1 DP 209503, 11 Howard Avenue DEE WHY NSW 2099 Lot 1 DP 212382, 15 Howard Avenue DEE WHY NSW 2099 Lot 2 DP 212382, 17 Howard Avenue DEE WHY NSW 2099 Lot 3 DP 212382, 28 Oaks Avenue DEE WHY NSW 2099 Lot A DP 371110, 14 Oaks Avenue DEE WHY NSW 2099 Lot B DP 371110, 16 Oaks Avenue DEE WHY NSW 2099
Proposed Development:	Drainage and Stormwater Management works and Installation of shoring walls and bulk excavation
Zoning:	LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use

	LEP - Land zoned B4 Mixed Use LEP - Land zoned B4 Mixed Use
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Karimbla Properties (No41) Pty Ltd
Applicant:	Karimbla Constructions Services (Nsw) Pty Ltd

Application lodged:	06/07/2015
Application Type:	Integrated
State Reporting Category:	Other
Notified:	24/07/2015 to 25/08/2015
Advertised:	25/07/2015
Submissions:	2
Recommendation:	Approval

Estimated Cost of Works:	\$ 6,789,400
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ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 3 DP 307937 , 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 307937 , 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 416469 , 894 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 504212 , 892 Pittwater Road DEE WHY NSW
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	<p>2099 Lot 10 DP 231418 , 890 Pittwater Road DEE WHY NSW 2099 Lot 11 DP 231418 , 888 Pittwater Road DEE WHY NSW 2099 Lot A DP 339410 , 884 Pittwater Road DEE WHY NSW 2099 Lot 7 DP 8172 , 9 Howard Avenue DEE WHY NSW 2099 Lot 1 DP 209503 , 11 Howard Avenue DEE WHY NSW 2099 Lot 1 DP 212382 , 15 Howard Avenue DEE WHY NSW 2099 Lot 2 DP 212382 , 17 Howard Avenue DEE WHY NSW 2099 Lot 3 DP 212382 , 28 Oaks Avenue DEE WHY NSW 2099 Lot A DP 371110 , 14 Oaks Avenue DEE WHY NSW 2099 Lot B DP 371110 , 16 Oaks Avenue DEE WHY NSW 2099</p>
Detailed Site Description:	<p>The subject site comprises the following 12 individual lots in Oaks Avenue, Howard Avenue and Pittwater Road, Dee Why:</p> <ul style="list-style-type: none"> • Lot 7, DP 8172, 9 Howard Avenue • Lot 1, DP 209503, 11 Howard Avenue • Lot 1, DP 212382, 15 Howard Avenue • Lot 2, DP 212382, 17 Howard Avenue • Lot 3, DP 212382, 28 Oaks Avenue • Lot A, DP 339410, 884 Pittwater Road • Lot 11, DP 231418, 888 Pittwater Road • Lot 10, DP 231418, 890 Pittwater Road • Lot 1, DP 504212, 892 Pittwater Road • Lot A, DP 416469, 894 Pittwater Road • Lot 1, DP 307937, 896 Pittwater Road • Lot 3, DP 307937, 896 Pittwater Road <p>The subject site is located on the eastern side of Pittwater Road, generally between Howard Avenue in the north and Oaks Avenue in the south.</p> <p>The site currently contains the multi-storey “<i>Spotlight</i>” Building and associated open carpark fronting Howard Avenue and other lesser scale strip retail and arcade buildings. These buildings are currently being demolished as per Development Consent No. DA2014/0805.</p> <p>The land surrounding the subject site generally comprises 2 to 5 storey mixed use developments. Adjoining the site to the north on the opposite side of Howard Avenue, to the west on the opposite side of Pittwater Road and the south on the opposite side of Oaks Avenue is a mixture of older retail and commercial office buildings and newer shop top</p>

housing developments.

Map:



SITE HISTORY

DA2014/0805

This application for demolition works of the subject site was granted approval on 09/09/2014.

DA2013/1501

This application for demolition works at No. 14 and No. 16 Oaks Avenue, Dee Why was granted approval on 21/01/2014.

DA2007/1249

Stage One Development Application for a concept mixed use development comprising residential, retail and commercial uses, including 3 storey street front buildings to Oaks Avenue and part of Howard Avenue, an 8 storey commercial office building fronting Pittwater Road, 7 storey mid-rise residential buildings, two residential tower buildings (one of part 15/part 18 storeys and one of part 14/part 17 storeys), a publicly accessible “town square” and north-south pedestrian link, 5 levels of carparking (4 basement levels and 1 above ground level), a bus bay and vehicular access

Approved: 10 March 2009.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for drainage and stormwater management works and installation of shoring walls and bulk excavation.

Specifically, the proposal involves the demolition of the existing Council stormwater pipeline that runs through the site from Pittwater Road east joining with Council stormwater infrastructure within the

adjoining reserve and construction of a temporary stormwater pipeline that will be fixed to the side of the shoring walls whilst excavation is carried out.

In addition to the above stormwater works, shoring walls are proposed around the perimeter of the site.

These works are proposed as part of the early works for the redevelopment of the site as part of Dee Why Town centre.

AMENDMENTS TO THE SUBJECT APPLICATION

A preliminary assessment of the application identified a number of areas of concern and non compliance with regards to impact on threatened species, lack of a permanent stormwater solution and traffic management plan.

In response, the applicant submitted additional information on 2 October 2015 in the form of a permanent stormwater solution which provides a pipeline that runs along the western boundary of the site adjacent to Pittwater Road in a northerly direction which then joins Howard Avenue and runs in an easterly direction within the road reserve to join with Council's existing stormwater infrastructure to the east of the site.

An Environmental Impact Assessment has been undertaken to assess the impact on the Eastern Bentwing Bat and amended plans indicating indicative locations of piles has been provided and an increase in the depth of excavation to a maximum of 9.1m.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p>

Section 79C 'Matters for Consideration'	Comments
	<p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations.</p> <p>Additional information in the form of a Waste Management Plan, Construction Traffic Management Plan and a Noise Report was requested by letter dated 14 July 2015.</p> <p>The applicant responded on 04/08/2015 submitting the information requested above.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering</p>

Section 79C 'Matters for Consideration'	Comments
	the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Coyne Legal	7 / 17 Mooramba Road DEE WHY NSW 2099
Friends Of Dee Why Lagoon	Po Box 563 DEE WHY NSW NSW 2099

The following issues were raised in the submissions and each have been addressed below:

- **Dilapidation report**
- **Erosion and Sediment control**

The matters raised within the submissions are addressed as follows:

Erosion and Sediment control

Concern is raised regarding potential soil and sediment runoff from the works and request for a management plan to be required and for ongoing monitoring of the implementation of the plan to be undertaken throughout the works.

Comment:

This matter has been addressed by way of a condition of consent included in the Recommendation of this report.

In summary, a condition is recommended that requires an Erosion and Sediment Control Plan (ESCP) to be prepared and implemented, in accordance with the publication - Managing Urban Stormwater: Soils and Construction (Landcom, 2004). The ESCP must include appropriate use of erosion control devices and structures, such as bunding, sediment fencing, diversion drains upstream of stockpiles and sediment traps to be maintained for the duration of the proposed works.

The ongoing monitoring of the plan is the responsibility of the Certifying Authority who will be responsible for ensuring its implementation throughout the works.

This matter does not warrant refusal of the application.

Dilapidation report

A request has been made for a condition to be imposed that requires the applicant to undertake a dilapidation report of adjoining properties prior to and following the completion of works. A further request is made for the developer to provide Council with evidence of insurance protecting the owners of No. 882A Pittwater Road, Dee Why from any damage to the property arising from the works and any loss for which the owners may suffer in the event the building cannot be occupied as a result of the works.

Comment:

This matter is concurred with and addressed by a condition included in the Recommendation of this report.

In summary, a photographic survey of all adjoining properties detailing the physical condition of those properties, both internally and externally, is to be prepared prior to the commencement of any works and at the completion of works and prior to any final occupation certificate to ensure no damage has resulted to the adjoining properties. If damage is identified, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s prior to a final Occupation Certificate being issued with all costs borne by the person entitled to act on any consent issued.

This matter does not warrant the refusal of the application.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Development Engineers	<p>The application was referred to Council's Development Engineers who provided the following comments:</p> <p><i>'The Development Application for Basement Excavation works and Council Stormwater Drainage Diversion works is acceptable subject to conditions.</i></p> <p><i>The Stormwater Diversion plans prepared by Storm Consulting detail the inclusion of new kerb inlet pits (4 no) in Pittwater Road near the existing Council line and Inlet Pit. The line then is proposed to be placed within the property boundary for the Pittwater Road frontage (future footpath area), accordingly there is no basement structure under the stormwater line and there will be a minimum 5.5m clearance above the footpath area, which will provide the recommended clearance for maintenance as stated in Councils policy Building over or adjacent to Council stormwater lines and easements.</i></p> <p><i>In Howard Avenue the proposed location of the rediverted Council line</i></p>

Internal Referral Body	Comments
	<p><i>(750mm RCP) is under the kerb line and the concept design longsection details the existence of services which will require location by potholing at the Construction Certificate stage . A Section 138 Road Act and Section 68 LGA approval for the stormwater drainage works is required to be submitted to Council together with accompanying design calculations and DRAINS sub catchment model. Bonds will be required to cover the cost of the stormwater diversion works together with other bonds to protect Councils surrounding road and drainage infrastructure.</i></p> <p><i>A temporary stormwater diversion line through the site is required once the basement excavation works commence and needs to be designed accordingly to take the existing flows equal to the capacity of the existing Pit and Pipe system at Pittwater Road.</i></p> <p><i>A condition relating to the monitoring of ground movement of Councils Road infrastructure has been included in the referral conditions.'</i></p>
Environmental Investigations (Contaminated Lands)	<p>The proposal was referred to Council's Environmental Investigations (Contaminated Lands) team who provided the following comments:</p> <p><i>'The site is contaminated with dry cleaning fluid and acid sulphate soils. Council requires a Stage 2 contamination report after demolition and prior to excavation works.</i></p> <p><i>The stage 1 report also requires the preparation of a acid sulphate management plan. No objections are raised subject to conditions.'</i></p>
Environmental Investigations (Industrial)	<p>The proposal was referred to Council's Environmental Investigations (Industrial) team who provided the following comments:</p> <p><i>'There are no objections to this referral subject to conditions and that the recommendations from Acoustic Logic Dee Why Town Centre Development Excavation Works - Noise and Vibration Impact Assessment are implemented.'</i></p>
Landscape Officer	<p>The proposal was referred to Council's Landscape Officer who has provided the following comments:</p> <p><i>'The Arborist's Report indicates that Tree 16, a Platanus x hybrida (London Plane Tree) is to be removed to accommodate future access to the development.</i></p> <p><i>As this application is for excavation and the site adjacent to the tree has a previously been excavated, it is considered that it will be beneficial for the tree be retained at this stage due to its contribution to the streetscape now and during the excavation works. Application for</i></p>

Internal Referral Body	Comments
	<p><i>removal can be included in a future DA for construction of the development.</i></p> <p><i>No objections to approval subject to conditions as recommended.'</i></p>
Natural Environment (Biodiversity)	<p>The proposal was referred to Council's Council's Natural Environment - Biodiversity team who has provided the following comments:</p> <p><i>'Council's Natural Environment - Biodiversity section raise no objections to the proposed works subject to implementation of recommendations as identified by the Flora and Fauna Assessments including Supplementary Report (Niche 2015) submitted with the proposal and included in the development consent conditions.'</i></p>
Natural Environment (Flood)	<p>The proposal was referred to Council's Flood Plain Management Officer who has provided the following comments:</p> <p><i>'The proposed excavation and stormwater pipe relocation is not considered to increase flood risk. No flood related development controls proposed.'</i></p>
Parks, reserves, beaches, foreshore	<p>The proposal was referred to Council's Parks, Reserves, Beaches, Foreshore team who provided the following comments:</p> <p><i>'The proposed development is recommended for approval with conditions. It is recommended that a traffic management plan is supplied prior to issue of construction certificate so Council can understand truck movements to and from development site. It is also recommended that a waste management plan is supplied.'</i></p>
Road Reserve	<p>The proposal was referred to Council's Road Assets team who raise no objections to the proposed development.</p>
Traffic Engineer	<p>The proposal was referred to Council's Traffic Engineer who has provided the following comments:</p> <p><u><i>'Traffic Comments:</i></u> <i>These comments are provided on the proposed Construction Traffic Management Plan (excavation) provided by the applicant:</i></p> <ol style="list-style-type: none"> <i>1. An amended Construction Traffic Management Plan is to be provided by the applicant incorporating the following:</i> <ul style="list-style-type: none"> <i>- No queuing and parking of the trucks waiting to enter the site to be occurred on Oaks Avenue, Howard Avenue and Avon Road.</i> <i>- Details of truck scheduling to prevent trucks queuing on the road should be provided. For example a remote lay over area should be considered with radio contact between trucks and the site Manager.</i> <i>2. Development Engineers are to provide comments on the excavation and haulage/volume of laden trucks and impact on council's road infrastructure.</i> <i>3. The fencing of the site boundary around the Meriton site has shifted a significant number of pedestrians crossing away from the existing marked foot crossing in front of the Meriton site. Council is investigating the provision of new pedestrian crossing facilities to cater for the shifted pedestrians crossing</i>

Internal Referral Body	Comments
	<p><i>towards the east of the existing marked footcrossing. The new pedestrian crossing facilities will impact on the Traffic Control Plan proposed by the applicant. Therefore, the proposed Traffic Control Plan is a temporary plan until the new pedestrian crossing facilities are proposed. The proposal will require the relocation of the Taxi Zone and Bus Zone on the south side of Howard Avenue towards the east. Council will require the applicant to contribute for this work.'</i></p> <p><u>Planners Comment:</u></p> <p>Items 1 and 2 are adequately addressed by conditions of consent which have been included in the Recommendation of this report.</p> <p>There is no nexus between the requirements of Item 3 and the proposed development. In this regard, it is not considered reasonable for a condition to be imposed on this development that would require the applicant to contribute financially to the relocation of the Taxi Zone and Bus Zone which may be required in the future in the event that Council elects to relocate the pedestrian crossing facility.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid who provided the following comments:</p> <p><i>'I refer to Council's letter dated 14th July 2015 advising of the Development Application at the above address and wish to make the following submission.</i></p> <p><i>Impact on existing electrical plant and equipment</i></p> <p><i>The surface levels over existing underground electricity cables at the boundary of the development site must not be altered without permission from Ausgrid. If the existing levels (footway or roadway) are to be lowered, the developer will be required to contact Ausgrid to determine whether or not relocation/lowering of existing underground cables will be required in this vicinity.</i></p> <p><i>Ausgrid Pillar FF-2347 and link boxes 1721, 1722 and 21371 are located immediately adjacent to the proposed development. Please note that live electricity cables will be present in the vicinity of the proposed works. All excavation works are to be undertaken in accordance with Ausgrid's Network Standard NS156 Working Near or Around Underground Cables (available from our website).</i></p> <p><i>General</i></p> <p><i>The issue of this notification is subject to the establishment of all necessary easements pursuant to the provisions of Section 88B of the Conveyancing Act 1919, as amended, and, in the case of Community Land Development, the lodgement of a suitable Management</i></p>

External Referral Body	Comments
	<i>Statement and corresponding working plan in accordance with Section 36 of the Community Land Development Act, 1989. It is also subject to Ausgrid's design and construction requirements as detailed in publication "Policy for ASP/1 Premises Connections" which is available on our website.'</i>
NSW Dept of Transport (Roads and Maritime Services) (Dev. On Classified Roads)	The application was referred to the RMS in accordance with SEPP Infrastructure. No response was received within the 21 day statutory timeframe and therefore it is assumed that no objections are raised to the proposed development and no conditions are requested.
Integrated Development – NSW OFFICE OF WATER (Site Dewatering)	The proposal was referred to the NSW Office of Water who raise no objections to the proposed development subject to General Terms of Approval dated 14 September 2015.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPS), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPS), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential / commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential / commercial land use.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an

overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raise no objections to the proposed development subject to conditions.

Roads and Maritime Service (RMS)

The application was referred to the RMS in accordance with SEPP Infrastructure. No response was received within the 21 day statutory timeframe and therefore it is assumed that no objections are raised to the proposed development and no conditions are requested.

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

There are no development standards applicable to the application.

Compliance Assessment

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

There are no built form controls applicable to the application.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 6,789,400		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 64,499
Section 94A Planning and Administration	0.05%	\$ 3,395
Total	1%	\$ 67,894

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs

- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2015/0612 for Drainage and Stormwater Management works and Installation of shoring walls and bulk excavation on land at Lot 3 DP 307937, 896 Pittwater Road, DEE WHY, Lot 1 DP 307937, 896 Pittwater Road, DEE WHY, Lot A DP 416469, 894 Pittwater Road, DEE WHY, Lot 1 DP 504212, 892 Pittwater Road, DEE WHY, Lot 10 DP 231418, 890 Pittwater Road, DEE WHY, Lot 11 DP 231418, 888 Pittwater Road, DEE WHY, Lot A DP 339410, 884 Pittwater Road, DEE WHY, Lot 7 DP 8172, 9 Howard Avenue, DEE WHY, Lot 1 DP 209503, 11 Howard Avenue, DEE WHY, Lot 1 DP 212382, 15 Howard Avenue, DEE WHY, Lot 2 DP 212382, 17 Howard Avenue, DEE WHY, Lot 3 DP 212382, 28 Oaks Avenue, DEE WHY, Lot A DP 371110, 14 Oaks Avenue, DEE WHY, Lot B DP 371110, 16 Oaks Avenue, DEE WHY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

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:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
CV-0001 rev 6	01/10/15	Enstruct
CV-0002 rev 4	01/10/15	Enstruct
CV-0005 rev 3	01/10/15	Enstruct

Engineering Plans		
Drawing No.	Dated	Prepared By
SKC05 Issue A	23/09/15	AT&L
SKC06 Issue A	23/09/15	AT&L
1793 P02	09/11/15	Storm
1793 P03	09/11/15	Storm
1793 P04	09/11/15	Storm
1793 L05	09/11/15	Storm

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Excavation Works - Noise and Vibration Impact Assessment	31/07/2015	Acoustic Logic
Flora and Fauna Assessment	19 October 2015	Niche

Flora and Fauna Assessment - Supplementary Report	16 November 2015	Niche
Construction Traffic Management Plan (revision 6)	18 November 2015	SBMG Pty Ltd
Desktop Summary - Geotechnical, Groundwater and Contamination	15 August 2014	Coffey
Supplementary Groundwater Assessment	22 June 2015	Coffey
Arboricultural Assessment Report	21 January 2015	TALC

b) the development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No.	Dated	Prepared By
Waste Management Plan	30/07/2015	Karimbla Construction Services

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

2. **Compliance with Other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	eServices Reference	Dated
Ausgrid	Response Ausgrid Referral	21 July 2015
NSW Office of Water	Response NSW Office of Water	14 September 2015

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

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

3. **Prescribed Conditions**

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) 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.

(d) Residential building work within the meaning of the Home Building Act 1989 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 following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes 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.

(e) 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)

4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material 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.

Demolition and excavation works are restricted to:

- 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).

(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.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

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

(h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination

of Flue Gas Emissions.

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 6,789,400		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 64,499
Section 94A Planning and Administration	0.05%	\$ 3,395
Total	1%	\$ 67,894

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

Reason: To provide for contributions in accordance with Warringah's Development Contributions Plan.

6. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid 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.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

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.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.warringah.nsw.gov.au/your-council/forms).

Reason: To ensure adequate protection of Council's infrastructure.

7. **Bonds**

(a) Construction, Excavation and Associated Works Bond (Drainage Rediversion works)

A Bond of \$1000000 as security against any damage or failure to complete the construction of the re diverted Council stormwater drainage line in Pittwater Road and Howard Avenue as required as part of this consent.

(b) Construction, Excavation and Associated Works Bond (Pollution). A Bond of \$50000 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.

(e) Construction, Excavation and Associated Works Bond (Councils Road reserve)

A bond of \$300000 as security against damage to Council's road(s) fronting the site caused by the basement excavation works and the transport and disposal of materials and equipment to and from the site.

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

The developer/applicant must lodge with Council a Maintenance Bond of \$200000 for the construction of the re diverted Council Stormwater Drainage Line. The Maintenance Bond will only be refunded on completion of the 12 Month Maintenance Period, if work has been completed in accordance with the approved plans to the satisfaction of Council.

(Note: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate for the re diverted Stormwater Drainage Works)

(g) Construction, Excavation and Associated Works Bond (Councils Stormwater Box Culvert)

A bond of \$300000 as security against damage to Council's Stormwater Box Culvert adjoining the eastern boundary of the site caused by the basement excavation works.

All bonds and fees shall be deposited with Council prior to the issue of the Construction Certificate .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 Councils infrastructure. (DACENZ01)

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

8. **Application for stormwater diversion works to be approved within Councils Roadway**

An application under the provisions of Sections 138 and 139 of the Roads Act 1993 prior to the issue of the construction certificate for the basement excavation works is to be submitted to Council for approval .The submission is to include four (4) copies of Civil Engineering plans for the design and construction of the Council rediverted stormwater drainage line and associated footpath ,road shoulder and kerb & gutter works generally in accordance with the Concept Stormwater Diversion Plan prepared by Storm Consulting civil design (Drawing nos 1793 P02, P03 P04 and LO5) approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

The Fee Associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. The developer/applicant must lodge with Council a security bond against any damage or failure to complete the above works as part of this consent is required. (NOTE: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate .) The

security bond is to be in the sum of \$1000,000 .The developer/applicant must also lodge with Council a Maintenance Bond for the above works in Pittwater Road and Howard Avenue.. 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. The maintenance bond will be equivalent to 20% of the above security bond.

All bonds and fees shall be deposited with Council prior to the issue of the Construction Certificate for the Council Stormwater Drainage diversion works and excavation, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

The design must be in accordance with the following requirements:

(a) Prepared and submitted on 4 A1 size sheets, undertaken by a consulting Civil Engineer with NPER3 qualifications. The design is also to be certified by designer in accordance with Councils Auspec One Design Specification. A traffic management plan is to be submitted by a suitably qualified traffic engineer to support the application.

(b) Approved and stamped by Council prior to the issue of the Construction Certificate for basement excavation works.

(c) Upon completion of the works, the applicant is to provide to Council of 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(Reference is made to Councils website for approved format details)

(d) All Civil Engineering works including drainage re diversion and roadworks in Pittwater Road and Howard Avenue are to be fully supervised by the consultant responsible for their design, and on completion a compliance certificate is to be provided to Council certifying the approved plans, any relevant conditions of the consent and the section 138 Roads Act approval and Council's standard specification for engineering work - Auspec 1 has been complied with. A maintenance period of twelve (12) 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.

(e) A DRAINS Hydrological and Hydraulics Model is to be prepared to support the Engineering Plans . The model is to analyse the upstream catchment/ sub catchment to Councils existing stormwater drainage line running through the site. The re diverted drainage line is to be designed for a 1 in 10 year Average Recurrence Interval , which may require a larger pipe diameter then detailed in the concept design prepared by Storm Consulting Drawing nos 1793 P02, P03 P04 and LO5. The design is to determine the Hydraulic Grade Line of the re diverted stormwater drainage line and also take into account the tail water level of the downstream Council Box Culvert.

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for basement excavation works.

Reason: To ensure compliance with Council's specification for engineering works.
(DACENC08)

9. **Waterproofing/Tanking of Basement Level**

The basement area is to be permanently tanked. Details including structural plans of the

tanking are to be prepared by a suitably qualified Engineer.

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.

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

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements. (DACENC14)

10. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: Safety. (DACENC19)

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. Landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted).

Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACENC21)

12. Shoring of Adjoining Property

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with engineering drawings to be prepared by a structural engineer. Council approval is required if temporary rock anchors are to be used within Council land and Road Reserves. A deed of license between Council and the applicant subject to Council's standard wording needs to be entered prior to commencing site excavation works. All costs associated with the preparation of the deed of license (2 Copies) shall be borne by the applicant and a signing fee is payable in accordance with Council's Fees and Charges.

Please note that any temporary anchors proposed to be located under a Roads and Maritime Services(RMS) road needs the concurrence of RMS prior to Council signing the Deed of License.

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

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENCO5)

13. Application for Stormwater Drainage Works within the Pittwater Road Frontage.

An application for stormwater drainage approval under Section 68 of the Local Government Act 1993 is to be submitted with Council for the design and construction of the Council re diverted stormwater drainage line within the site frontage adjacent to the Pittwater Road as detailed in the Storm Consulting Plan (Drawing No 1793 P03). The Engineering Plans are to be prepared in accordance Councils specification for engineering works - AUS-SPEC #1 . The submission is to include four (4) copies of plans for the detailed design addressing the above requirements prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

A DRAINS Hydrological and Hydraulics Model is to be prepared to support the Engineering Plans . The model is to analyse the upstream catchment/ sub catchment to Councils existing stormwater drainage line running through the site. The re diverted drainage line is to be designed for a 1 in 10 year Average Recurrence Interval , which may require a larger pipe diameter as detailed in the concept design prepared by Storm Consulting Drawing nos 1793 P02, The design is to determine the Hydraulic Grade Line of the re diverted stormwater drainage line .

The fee associated with the assessment and approval of the Section 68 of the Local Government Act 1993 application is to be in accordance with Council's fees and charges. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Basement Excavation works.

Reason: To ensure compliance with Council's specification for engineering works (DACENCPC1)

14. Remedial Action Plan

A Remedial Action Plan is to be prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997

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

Reason: Protection of the environment, SEPP 55 compliance. (DACHPC01)

15. Contaminated Land Requirements

After demolishing, yet Prior to the issue of any excavation a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of the Certifying Authority. The plan shall detail:

a) How all the requirements and / or recommendations contained within the Contamination Reports entitled Karimbla Construction Services (NSW) Pty Ltd Proposed Dee Why Town Centre Development Desktop Summary - Geotechnical, Groundwater and Contamination, prepared by Coffey Geotechnics Pty Ltd and dated 15 August 2014 are to be implemented;

b) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;

c) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (24 hours a day), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Warringah Council and the Principal Certifying Authority.

d) A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:

(a) During construction in order to monitor water and soil quality the following is to be implemented:

- i) Water testing is to be completed in accordance with Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring
- ii) Soil Testing in order to detect contaminates is occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.

(b) The requirements of (i) and (ii) above are to be implemented from the commencement of works as follows:

- i) Fortnightly during excavation works
- ii) Monthly during building works

e) To ensure water quality is maintained runoff must be drained to an adequately bunded central collection sump and treated, to meet NSW Environment Protection Authority discharge criteria.

Note: 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 transported for treatment/disposal to an appropriate waste treatment/processing facility.

f) All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility. All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must retained for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination:

- i) Protection of the Environment Operations Act 1997; and
 - ii) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- g) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.

Note: The following standards applied at the time of determination:

- i) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- h) Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:
- 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the (*) site at (*), to the subject premises.
 - Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall be suitable for the use on the land.
 - Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Principal Certifying Authority (prepared in accordance with the Department of Environment & Climate Change's guidelines).

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

Reason: Protection of the environment, SEPP 55 compliance. (DACHPCPC6)

16. Tree protection and roots

(a) Existing trees which must be retained (Tree Root Protection)

Trees numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 15, 17, 18, 19, 20 and 21 in the Arboricultural Assessment Report dated 21 January 2015 prepared by TALC

(b) Tree protection

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with the recommendations of the Arboricultural Assessment Report dated 21 January 2015 prepared by TALC and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees AS4970-2009 Protection of trees on development sites.
- iv) All tree protection measures, including fencing, are to be in place prior to

commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

17. Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all microbat management works are carried out according to the conditions of consent and flora and fauna assessment (Niche 2015) submitted with the proposal.

The Project Ecologist will provide certification that conditions relating to the Microbat Management Plan are carried out. The Project Ecologist will ensure that all conditions relating to microbat management are fully implemented. The Project Ecologist is to be a microbat specialist with necessary Lyssavirus immunisation and confined spaces certification.

Reason: To ensure bushland management. (DACNEC07)

18. Pre-Construction Dilapidation Survey

A pre-excavation / demolition Dilapidation Survey of Council's Road , Footpath and Drainage infrastructure in Pittwater Road, Howard and Oaks Avenue and Councils adjoining box stormwater culvert is to be prepared by a suitably qualified person. The Dilapidation Survey is to consist of a detailed report containing a photographic survey and descriptions detailing the physical condition of Councils Road and Footpath assets. Each image is to be labeled and numbered to identify the elements depicted and cross referenced to a site location plan.

A pre-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The report SHALL BE submitted to Council/Accredited Certifier prior to the issue of a Construction Certificate. Additionally:

1) On completion of the excavation and Council stormwater drainage re diversion works, a Post Dilapidation Survey/Report is to be prepared by the appropriately qualified person detailing the condition of Councils Road and Footpath assets with respect to the Pre Dilapidation survey.

2) If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified to the satisfaction of Council in accordance Councils standard specifications.

3) All costs incurred in achieving compliance with this condition and the restoration works to Councils Road ,Footpath and Drainage infrastructure shall be borne by the applicant.

The pre-excavation / demolition dilapidation report must be submitted to Council for approval and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACNEC20)

19. **Microbat Management Plan**

A microbat management plan must be submitted to Council for review and approval prior to construction certificate. The microbat management plan must demonstrate how potential impacts on the roosting microbats will be avoided or mitigated in relation to the proposal. The microbat management plan must include provision of the following:

- Employment of a project ecologist for the duration of the approved works to ensure all consent conditions (pending provision and Council approval of impact assessment) in relation to microbats are implemented.
- Methods for detecting the presence of bats prior to the commencement of any works.
- Microbat monitoring and inspection to be conducted by the project ecologist pre-construction, during construction and post construction.
- Microbat monitoring 12 months post construction to determine if there has been any adverse effect on the bat colony
- Management actions to be implemented during construction including measures for altering construction methods and staging/timing should threatened bats be found roosting in the drains and culverts during the works.
- Measures to avoid impacts during the winter hibernation period including specific requirements in relation timing of the works during November to February
- Details of any proposed microbat exclusion methods (where required)
- Any contingency measures for implementation should proposed mitigation fail to prevent unforeseen events or impacts

Reason: Management of Potential Impacts on Threatened Species (DACNECPCC1)

20. **Sediment and Erosion Control Plan**

An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented, in accordance with the publication - Managing Urban Stormwater: Soils and Construction (Landcom, 2004). The ESCP must include appropriate use of erosion control devices and structures, such as bunding, sediment fencing, diversion drains upstream of stockpiles and sediment traps to be maintained for the duration of the proposed works.

Reason: Management of Water Quality (DACNECPCC2)

21. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard 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)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **

- (e) AS 4970 - 2009 'Protection of trees on development sites'**
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

22. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water.
(DACPLC12)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

23. **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 \$20 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.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

24. **Traffic Management Plan required**

A traffic Management should be supplied to Council prior to commencement.

Reason: Appropriate traffic management is being undertaken (DACHPDPC2)

25. **Dilapidation Survey**

A photographic survey of adjoining properties (being No.96 Ocean Street and No. 5

Albert Street) 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 commencement of any works. This survey is to be prepared by an appropriately qualified person.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person 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 appropriately qualified person 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 a final Occupation Certificate being issued.

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 and protection of adjoining properties. (DACPLDPC1)

26. Construction Traffic Management Plan

The approved Construction Traffic Management Plan (revision 6) prepared by SBMG Pty Ltd dated 18 November 2015 is to be amended to include provisions for the following:

- No queuing and parking of the trucks waiting to enter the site to be occurred on Oaks Avenue, Howard Avenue and Avon Road.
- Details of truck scheduling to prevent trucks queuing on the road should be provided. For example a remote lay over area should be considered with radio contact between trucks and the site Manager.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works.

Reason: To minimise the impact on the existing road network caused by construction of this development. (DACPLDPC2)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

27. Vehicle Crossings (Temporary Construction Assess Oaks and Howard Avenue)

The provision of 6 temporary vehicle crossings as detailed in the Construction Traffic Management Plan by SBMG (Ref SBMG01204-00R6) in accordance with Warringah Council Drawing No A4-3330/ Normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued. The location of the temporary vehicle crossings

are to be at least 2m clear of existing street trees.

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

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

28. 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)

29. Footpath Construction

The applicant shall reconstruct/restore the full width footpaths in Pittwater Road and Howard Avenue to a satisfactory condition. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's minor works policy
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath.

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

Reason: To ensure compliance of footpath works with Council's specification for engineering works. (DACENE07)

30. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

31. Traffic Control During Road 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 in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

32. Progress Certification (Construction of Council Stormwater Rediversion Line)

Compliance Certification is to be supplied to the Council from a suitably qualified engineer on completion of the stormwater drainage rediversion works in Pittwater Road and Howard Avenue in regard to Council's Standards and AUSPEC #1, of the following stages of works and/or as and when requested Council.

- (a) Silt and sediment control facilities
- (b) Laying of stormwater pipes and construction of pits .**
- (c) Sub-grade trimmed and compacted **
- (d) Base-course laid and compacted **
- (e) Kerb and gutter construction
- (f) Clean-up of site, and of adjoining Council roadway and drainage system.

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

Reason: To ensure compliance with Councils Auspec One Specification (DACENEDW1)

33. **Requirement to Notify about New Contamination Evidence**

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

Reason: To protect human health and the environment. (DACHPE01)

34. **Removing, Handling and Disposing of Asbestos**

Any works involving asbestos based products in relation to removal, handling and disposing of material must be undertaken in accordance with the following requirements:

- *Work Health and Safety Act*
- *Work Health and Safety Regulation*
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]
- Clause 42 of the Protection of the *Environment Operations (Waste) Regulation 2005*.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily

(DACHPE02)

35. **Trees Condition**

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.

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. (DACLA03)

36. **Off-site Disposal of Contaminated Soil - Chain of Custody**

'Chain of Custody' documentation shall be kept and submitted for the transport of the excavated material from the site to the licensed waste facility.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and Council within seven (7) days of transport.

Reason: For protection of environment. (DACPHE03)

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

37. **Certification of 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. Landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted).

A statement of compliance is to be prepared by a suitably qualified Civil Engineer and submitted to the Certifying Authority for approval prior to the issue of the Occupation Certificate.

Reason: Protection of Council's Infrastructure (DACENF11)

38. **Acid Sulfate Soils Management Certification**

Prior to the issue of the Occupation Certificate, written certification from a suitably qualified person(s) must be submitted to the Principal Certifying Authority and Warringah Council, stating that all the works/methods/procedures/control measures/recommendations in the Acid Sulfate Soils Management Plan have been undertaken.

Reason: To ensure compliance with standards.
(DACHPF04)

39. **Validation for Remediation**

A validation and site monitoring report, including a survey of all sites used for landfill disposal is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.

The plan must identify the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing

roadways and buildings.

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

Reason: To ensure environmental amenity is maintained. (DACHPF06)

40. **Acid Sulfate Management Plan**

Prior to the issue of the construction certificate, an Acid Sulfate Soils Management Plan is to be prepared by a suitably qualified geotechnical engineer in accordance with the Acid Sulfate Soils Manual (ASSMAC, 1998) and submitted to the Council for review.

Reason: To protect the environment and private & public infrastructure

(DACHPFPOC4)

41. **Compliance with Contamination Management Plan**

Prior to the issue of any interim / final occupation certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the Contamination Management Plan have been compliance with throughout excavation, demolition and development work stages. The certification shall also include:

- a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
- c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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

Reason: Protection of the environment, SEPP 55 compliance. (DACHPFPOC5)

42. **Water Quality from Contaminated Sites**

Runoff must be drained to an adequately bunded central collection sump and treated, if necessary, to meet NSW Environment Protection Authority discharge criteria.

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

43. **Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets>

The post construction dilapidation report must be submitted to the Council for review and the

Certifying Authority prior to the issue of the Occupation Certificate. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure (DACNEF11)

44. **Certification of Drainage Works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed stormwater drainage works have been constructed in accordance with this consent and the approved Road Act Approval Plans for the stormwater drainage re diversion works in Pittwater Road and Howard Avenue. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' shall be submitted to the Council for approval prior to the issue of the Occupation Certificate. Council's guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084731guidelineforpreparingworksasexecuteddataforcouncilstormwateras>:

Please note the Construction Drainage Bond (\$1,000,000) will not be refunded until all the above Works as Executed data is submitted entirely to the satisfaction of Council.

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

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACNEF12)

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

45. **Maintenance period for civil works under the provisions of the Roads Act 1993 and Environmental Planning and Assessment Act 1979**

A Maintenance Period of twelve (12) months shall apply to the Council stormwater drainage re diversion works located in Pittwater Road and Howard Avenue frontages as approved under the provisions of Section 139 of the Roads Act 1993 and Section 80A of the Environmental Planning and Assessment Act 1979, after it has been completed and approved in writing by the appropriate Roads Authority. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Roads Authority's specifications, or as would be reasonably be expected under the design conditions.

Reason: To ensure works are appropriately constructed and repaired where defective. (DACENG01)

46. **Survey Monitoring of Council Road and Drainage Infrastructure**

Survey marks are to be installed on Council's footpath area in Pittwater Road, Oaks and Howard Avenue to monitor movement of the footpath area/roadway during site excavation works.

A qualified surveyor is to monitor these survey marks weekly and notify Council immediately if movement of the footpath/roadway is outside of standard construction tolerances for the extent of the excavation/shoring works.

Reason: Protection of Council's Infrastructure (DACENGOG1)

47. **Noise Impact On Surrounding Area**

Noise from construction activities associated with the development shall comply with the

NSW Environment Protection Authority - Environmental Noise Manual and the Protection of the Environment Operations Act 1997. (DACHPGOG5) Reason: To ensure compliance with acceptable levels of noise established under best practice guidelines.

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

48. Easement for Drainage

An easement for drainage minimum width 3m and not less than 5.5m high above finished surface levels (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision the accompanying 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s). The Section 88B wording is to be in accordance with Councils standard wording.

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

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919. (DACENH16)

ATTACHMENT A

No notification plan recorded.










ATTACHMENT B

Notification Document	Title	Date
 2015/214293	Notification Map	23/07/2015

ATTACHMENT C

Reference Number	Document	Date
 2015/199154	Report - Arborist	20/03/2015
 2015/199153	Report - Construction Dewatering Options	16/06/2015
 2015/199151	Report - Supplementary Groundwater Assessment	22/06/2015
 2015/199017	Report Statement of Environmental Effects	02/07/2015
 2015/198976	Cost Summary Report	03/07/2015
 DA2015/0612	896 Pittwater Road DEE WHY NSW 2099 - Development Application - New	06/07/2015
 2015/193162	DA Acknowledgement Letter - Karimbla Constructions Services (Nsw) Pty Ltd	06/07/2015
 2015/194215	Additional Information - ASIC Extract	06/07/2015
 2015/199034	Report - Geotechnical - Groundwater and Contamination	08/07/2015
 2015/199040	Report - Historical Title Searches	08/07/2015
 2015/198961	Development Application Form	08/07/2015
 2015/198966	Applicant Details	08/07/2015
 2015/198972	Plans - Notification	08/07/2015
 2015/198992	Plans - Survey	08/07/2015
 2015/199023	Plans - Excavation Plans	08/07/2015
 2015/199027	Plans - Stormwater Diversion	08/07/2015
 2015/199069	Aerial Photographs	08/07/2015
 2015/199096	Record of Council Searches and Work Cover	08/07/2015
 2015/199159	Plans - Architectural	08/07/2015
 2015/200584	Waste Referral Response	09/07/2015
 2015/202570	Environmental Investigations Referral Response - contaminated lands	13/07/2015
 2015/203341	File Cover	14/07/2015
 2015/203346	Request further information	14/07/2015
 2015/203366	Roads Traffic Authority referral (SEPP Infra. Traffic generating dev)	14/07/2015
 2015/203367	Referral to AUSGRID - SEPP - Infrastructure 2007	14/07/2015
 2015/203368	Referral DECCW Office of Water Cheque attached	14/07/2015
 2015/203905	Natural Environment Referral Response - Drainage	14/07/2015
 2015/210759	Advertising Documents and Exhibition Notice for paper on 25 07 2015	21/07/2015
 2015/212050	ausgrid - DA2015/0612 -896 Pittwater Road Dee Why - DA Response	21/07/2015
 2015/214246	Notification Letters - 680	23/07/2015
 2015/214259	Notification List - 680	23/07/2015
 2015/214293	Notification Map	23/07/2015
 2015/217716	Natural Environment Referral Response - Flood	27/07/2015

	2015/223232	Parks, Reserves and Foreshores Referral Response	31/07/2015
	2015/224991	Development Engineering Referral Response	03/08/2015
	2015/225778	RMS Referral Response	03/08/2015
	2015/226532	Waste Management Plan	04/08/2015
	2015/226535	Noise Report	04/08/2015
	2015/226937	Environmental Investigations (Industrial) - Assessment Referral - DA2015/0612 - 9 Howard Avenue DEE WHY NSW 2099	04/08/2015
	2015/227983	additional information - DA2015/0612 - Karimbla Constructions Services (Nsw) Pty Ltd	05/08/2015
	2015/230160	rms comment - 884-896 pittwater road dee why	06/08/2015
	2015/233904	amendement to meriton voluntary planning agreement - 888 Pittwater Road DEE WHY	11/08/2015
	2015/235600	Road Assets Referral Response	11/08/2015
	2015/236532	Landscape Referral Response	12/08/2015
	2015/241623	DeeWhy Town Centre - DA2015/0612 - flood model study	18/08/2015
	2015/243458	FAX - Submission - Coyne Legal	19/08/2015
	2015/244157	Submission - Coyne Legal	20/08/2015
	2015/245757	Amended Construction Traffic Management Plan	21/08/2015
	2015/251165	Submission Acknowledgement Letter - Coyne Legal - SA2015/243458	26/08/2015
	2015/257582	Submission - Friends Of Dee Why Lagoon	31/08/2015
	2015/264288	Submission Acknowledgement Letter - Friends Of Dee Why Lagoon - SA2015/257582	07/09/2015
	2015/264737	Traffic Engineer Referral Response	07/09/2015
	2015/264899	Environmental Investigations Referral Response - industrial use	07/09/2015
	2015/271962	Temporary Construction Dewatering - 884-896 Pittwater Road Dee Why - Nsw Department Of Primary Industries	14/09/2015
	2015/275019	Stormwater drainage assets comments	16/09/2015
	2015/276271	Traffic Engineer Revised Referral Response	17/09/2015
	2015/285802	Natural Environment Referral Response - Biodiversity	28/09/2015
	2015/297062	supplementary planning report - dee why town centre - site B	08/10/2015
	2015/302990	License Deed - Rock Anchor and Crane Licence - Karimbla Properties - 14-28 Oaks Avenue and 884-896 Pittwater Road Dee Why	15/10/2015
	2015/334292	Additional information for stormwater diversion	10/11/2015
	2015/344936	Flora+Fauna Report - Part 2	19/11/2015
	2015/344938	Construction Traffic Management Plan	19/11/2015
	2015/344939	Cover Letter - Additional Information	19/11/2015
	2015/344941	Stormwater Plans - Permanent Diversion	19/11/2015

	2015/344959	Temporary STORMWATER DIVERSION PLAN SHEET 1[A]	19/11/2015
	2015/344962	Temporary - STORMWATER DIVERSION PLAN SHEET 2[A]	19/11/2015
	2015/344970	Amended Excavation Plans	19/11/2015
	2015/345752	Natural Environment Referral Response - Biodiversity	20/11/2015
	2015/357171	Traffic Engineer Referral Response	01/12/2015
	2015/365048	Development Engineering Referral Response	09/12/2015
	2015/366493	Natural Environment Referral Response - Flood	10/12/2015
	2015/368621	Application - Temporary Ground Anchors - 884 Pittwater Road Dee Why	11/12/2015
	2015/376907	ADP Assessment Report	18/12/2015

PANEL PLANS

No plans titled 'ADP Panel Plans' found in TRIM.