

9 March 2007

Humel Architects Pty Ltd
P O BOX 153
MANLY NSW 2095

2004/1303 MOD 1
LP (PAS)

Dear Sir/Madam,

**RE: LOT 1 VETERANS PARADE, WHEELER HEIGHTS
MODIFICATION OF DEVELOPMENT CONSENT NO. 2004/1303DA
FOR THE PROVISION OF AN ADDITIONAL 3 UNITS WITHIN THE
APPROVED ADMINISTRATIVE OFFICE BUILDING**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 28 February 2007 and determined as follows:

➤ **Condition No. 1 to be replaced with:**

1 Development in Accordance with Plans (S96 Amendments)

The development being carried out in accordance with plans Reference 2004/1303 numbered as seen below:

<i>Drawing Number</i>	<i>Title</i>	<i>Dated</i>
DA1 A	LOCATION PLAN	OCTOBER 2004
DA2 A	GROUND FLOOR PLAN	OCTOBER 2004
DA3 A	ELEVATIONS & SECTIONS	OCTOBER 2004
DA4 A	EVERGREEN:4 – UNITS 7, 8, 9 & 10 ELEVATIONS & SECTION	OCTOBER 2004
DA5 A	EVERGREEN:3 – UNITS 11, 12, 13 & 14 ELEVATIONS & SECTION	OCTOBER 2004
DA6 A	EVERGREEN:3 – UNITS 15, 16, 17 & 18 ELEVATIONS & SECTION	OCTOBER 2004
DA7 A	EVERGREEN:1 & 2 – UNITS 19, 20, 21 & 22 PLANS, SECTIONS & ELEVATIONS	OCTOBER 2004
DA8 A	EVERGREEN: 1, 2, 3 & 4 TYPICAL UNIT DETAILS & DISABLED FACILITIES	OCTOBER 2004
DA9 A	EVERGREEN: 3 & 4 COMMUNITY BUILDING PLANS	OCTOBER 2004
DA10 A	EVERGREEN: 3 & 4 COMMUNITY BUILDING ELEVATIONS	OCTOBER 2004
DA11 A	EVERGREEN: 2 & 3 NEW OFFICE & STAFFROOM PLANS, SECTIONS & ELEVATIONS	OCTOBER 2004

DA12 A	EVERGREEN: 3 ALTERATIONS TO EXISTING KITCHEN PLANS, ELEVATIONS & SECTIONS	OCTOBER 2004
424.01 A	LANDSCAPE CONCEPT 1 OF 2	30/09/2004
424.02 A	LANDSCAPE CONCEPT 2 OF 2	30/09/2004

Except as modified by Modification 1 Reference 2004/1303/1 plans listed below (refer to the highlighted sections on the plans only):

<i>Drawing Number</i>	<i>Title</i>	<i>Dated</i>
2004.36 101 D	SITE PLAN	JUNE 2006
2004.36 102 D	SITE PLAN	JUNE 2006
2004.36 116 D	GROUND FLOOR PLAN – UNITS 23, 24 & 25, ROOF PLAN – UNITS 23, 24 & 25	JUNE 2006
2004.36 126 D	ELEVATIONS, TYPICAL UNITS 23, 24 & 25	JUNE 2006

Reason: *To ensure that the form of the development undertaken is in accordance with the determination of Council - Public Information. [A1 (2)]*

This letter should therefore be read in conjunction with Development Consent 2004/1303DA dated 19 December 2005 and Modification No. 1 dated 28 February 2007. Please find attached a consolidated set of conditions incorporating both modifications of consent.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 97(1) of the Environmental Planning and Assessment Act confers on the applicant who is not satisfied with the determination of the Consent Authority has a right of appeal to the Land and Environment Court exercisable within 12 months of receipt of this notice.

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice.

Should you have any further enquiries in connection with this matter, please contact the referred to Enquiry Officer.

Please note that if you nominate Council to assess your Construction Certificate, associated forms and information regarding what to submit is also enclosed in the determination kit.

Work must also be in accordance with the relevant MODIFIED conditions of the Development Consent.

Should you require any further information on this matter, please contact **Michael Edwards** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our DA's Online System at www.warringah.nsw.gov.au.

Yours faithfully,

Rebecca Fisher
Team Leader, Development Assessments
Planning and Assessment Services

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

1. Development in Accordance with Plans (S96 Amendments)

The development being carried out in accordance with plans Reference 2004/1303 numbered as seen below:

<i>Drawing Number</i>	<i>Title</i>	<i>Dated</i>
DA1 A	LOCATION PLAN	OCTOBER 2004
DA2 A	GROUND FLOOR PLAN	OCTOBER 2004
DA3 A	ELEVATIONS & SECTIONS	OCTOBER 2004
DA4 A	EVERGREEN:4 – UNITS 7, 8, 9 & 10 ELEVATIONS & SECTION	OCTOBER 2004
DA5 A	EVERGREEN:3 – UNITS 11, 12, 13 & 14 ELEVATIONS & SECTION	OCTOBER 2004
DA6 A	EVERGREEN:3 – UNITS 15, 16, 17 & 18 ELEVATIONS & SECTION	OCTOBER 2004
DA7 A	EVERGREEN:1 & 2 – UNITS 19, 20, 21 & 22 PLANS, SECTIONS & ELEVATIONS	OCTOBER 2004
DA8 A	EVERGREEN: 1, 2, 3 & 4 TYPICAL UNIT DETAILS & DISABLED FACILITIES	OCTOBER 2004
DA9 A	EVERGREEN: 3 & 4 COMMUNITY BUILDING PLANS	OCTOBER 2004
DA10 A	EVERGREEN: 3 & 4 COMMUNITY BUILDING ELEVATIONS	OCTOBER 2004
DA11 A	EVERGREEN: 2 & 3 NEW OFFICE & STAFFROOM PLANS, SECTIONS & ELEVATIONS	OCTOBER 2004
DA12 A	EVERGREEN: 3 ALTERATIONS TO EXISTING KITCHEN PLANS, ELEVATIONS & SECTIONS	OCTOBER 2004
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Except as modified by Modification 1 Reference 2004/1303/1 plans listed below (refer to the highlighted sections on the plans only):

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2004.36 126 D	ELEVATIONS, TYPICAL UNITS 23, 24 & 25	JUNE 2006

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council - Public Information. [A1 (2)]

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

2. Plans on Site

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

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

3. Approved Landscaping Plan

Landscaping works on the site are to be undertaken generally in accordance with the following landscaping plans

Landscape Plans		
Plan Number	Designer	Dated
424.01(A),	Tramonte Jensen Pty Ltd	30.09.2004
424.02(A),	Tramonte Jensen Pty Ltd	30.09.2004

Except and modified by other conditions of this consent.

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

REQUIREMENTS/CONDITIONS OF EXTERNAL AUTHORITIES

4. General Terms of Approval – Rural Fires Act 1997 (RFS)

The NSW Rural Fire Service as an integrated authority (defined under Section 91 of the Environmental planning and Assessment Act 1979) has granted Bushfire Safety Authority under Section 100B of the Rural Fires Act subject to requirements outlined as follows:

- A) *Asset Protection Zones of 100 metres shall be provided from each proposed new unit to the north and west in accordance with Section 4.2.2 of 'Planning for Bushfire Protection 2001'; and*
- B) *All proposed units and additions to existing development shall comply with Level 1 Construction requirements as per AS3959-1999 'Construction of Building in Bushfire Prone Areas'.*

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

(Note: These conditions have not been imposed by Council but are required to be incorporate as conditions of development consent. Where there is any inconsistency between these general terms of approval and other conditions of this consent the more onerous requirement prevails.)

Reason: Statutory Requirement

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

5. Construction Management Program (residential)

A Construction Management Program shall be submitted to, and approved in writing by Council / Accredited Certifier prior to the issue of a Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- (i) Proposed protection for Council and adjoining properties;
- (j) The location and operation of any on site crane; and
- (k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

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

6. Provision of Services

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

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

7. Undergrounding of Telecommunications Services

The developer shall submit to the Council / Accredited Certifier a letter from Telstra and/or Optus confirming that satisfactory arrangements have been made for the provision of underground telephone and cable television services from the utility to each unit approved under this development consent, prior to the release of the Construction Certificate.

***Reason:** Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services.* **[B5]**

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

8. Implementation of the Vegetation Management Plan

The applicant is to engage and enter into a contract with a suitably qualified

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

person to undertake the all works detailed and required under the Vegetation Management Plan. A copy of the contract is to be provided to the PCA prior to the issuing of a Construction Certificate.

Reason: *To ensure adequate bushland protection*

9. Fire Safety Measures

Submission at the Construction Certificate stage of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, and such fire safety schedule shall specify the minimum standard of performance for each fire safety measure.

Reason: *Fire Safety [C1]*

10. Buildings located clear of pipeline, natural watercourse or Council easement

Buildings to be located clear of any pipeline, natural watercourse or Warringah Council easement. Footings of any building adjacent to an easement or pipeline to be a minimum of 300mm below the invert of the pipe and may rise by 300mm for each 300mm removed there from. Structural details prepared by a suitably qualified Civil Engineer are to be submitted to the Council / Accredited Certifier for approval prior to the issue of the Construction Certificate.

Reason: *Protection of Council's Infrastructure. [C2]*

11. Design for Access & Mobility

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

The building being adequately adjusted where required complying with the provisions of the Disability Discrimination Act (1992). Note that any approval granted by Council does not necessarily guarantee compliance or otherwise with the Disability Discrimination Act (1992) and the applicant should investigate their liability under the Act. You are directed to the following sources to achieve compliance with the DDA: -

- (a) AS 1428.1 (2001) - Design for Access and Mobility
- (b) AS 1428.2 (1992) - Design for Access and Mobility-Enhanced and Additional Requirements- Buildings and Facilities
- (c) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998)
- (d) Disability Discrimination Act (1992)

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

Details being submitted and approved by Council / Accredited Certifier prior to the issue of a Construction Certificate.

***Reason:** To ensure equitable access to members of the community to all public facilities. [C5]"*

12. Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

***Reason:** To ensure the protection of existing built public infrastructure. [C6]*

13. Kerb Security Bond

A bond of \$3000.00 shall be deposited with Council and inspection fees paid, prior to the issue of any construction certificate, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process.

***Reason:** To ensure appropriate security is in place for the protection or repair of Public Infrastructure. [C16]*

14. Bond for Silt & Sediment Control

The payment of \$5,000.00 to Council prior to issue of a construction certificate a security to ensure that:

- (a) all silt and sediment control measures are installed and maintained;
- (b) there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems; and
- (c) maintenance of all facilities in accordance with Council's Specification for Erosion Control and Sediment Control.

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

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

15. Line Marking

All off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted with the Construction Certificate.

***Reason:** To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles. [C38]*

16. Pruning

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

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

17. Cleanliness and Maintenance of Food Preparation Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work approved under this consent in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:

- (a) the Food Act (as amended)
- (b) the Food Regulation (as in force);
- (c) Council's Code for the Construction and Fitout of Food Premises;
- (d) Sydney Water Corporation - Trade Waste Section;
- (e) the Clean Air (Plant and Equipment) Regulation, ;
- (f) AS 1668 Part 1;
- (g) AS 1668 Part 2;
- (h) the Protection of the Environment Operations Act; and
- (i) the Building Code of Australia;
- (j) The ANZ Foods Standards Code

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

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

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

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

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

[C42]

18. Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- (a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- (b) Include provision for the separation and storage in appropriate categories of material suitable for recycling;
- (c) The storage area shall be adequately screened from the street, with the entrance to the enclosures no more than 2m from the street boundary of the property;
- (d) If a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay shall be provided no more than 2m from the street boundary of the property;
- (e) Garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- (f) Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

Details of the storage area are to be provided to, and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

Note: The applicant may wish to discuss bin storage requirements and location with Council prior to finalisation of the required detail.

Reason: *To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors. [C45]*

19. Sediment Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council / Accredited Certifier accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Warringah Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

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

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites. [C46]*

20. Structural Adequacy of Attached Buildings

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

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

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

21. Structural Adequacy of Existing Building

A certificate prepared by an appropriately qualified and practising Structural Engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads shall be submitted with the Construction Certificate application.

Reason: *To ensure the structural integrity of the building is maintained. [C50]*

22. Structural Stability - Components to be Retained

A certificate prepared by an appropriately qualified and practising Structural Engineer, certifying the structural stability of, the means of support during all stages of construction, and all components to be retained and/or altered, having regard to the overall development proposed shall be provided to the Council / Accredited Certifier with the Construction Certificate application. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements satisfying the criteria detailed in this condition.

Reason: *To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the consent, and to ensure compliance with the terms of the development consent granted for the works. [C51]*

23. Asbestos & Hazardous Material

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

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

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

- (b) Should any hazardous materials be identified as per item (i), a Work Plan shall be submitted to Council in accordance with AS2601 - Demolition of Buildings. The report shall contain details regarding:
 - (i) The type of hazardous material
 - (ii) The level or measurement of the hazardous material in

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

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

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

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

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

- (2) A person taking down, demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Work Cover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

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

24. Reflectivity Index of Glazing

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

(Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

***Reason:** To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. [C54]*

25. Roofing Materials - Reflectivity

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details being submitted with the Construction Certificate.

***Reason:** To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. [C55]*

26. Colours & Finishes

The colours, texture and substance of all external components of the building and hard surfaced areas being generally in accordance with the submitted plans and documentation however are to be modified where necessary to provide the final colours, texture and substance of all external components of structures to be muted bushland tones as to blend into the surrounding bushland. Details are to be submitted to the satisfaction of Council / Accredited Certifier prior to issue any Construction Certificate.

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

27. No External Service Ducts

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

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

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

28. Underground Electricity and Other Services

All overhead electricity and other lines (existing and proposed) shall be undergrounded from the approved development under this consent is to be provided with an appropriate connection point, in accordance with the requirements of Energy Australia. Details to be shown on plans submitted with the Construction Certificate

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

29. Location of Plant

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

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

30. S94 Contributions

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

Contribution – Housing for Older People or People with a Disability	DA Amount
E1 Open Space Links and Cycleway	\$ 391.00
E2 Children's Facilities	\$ -
E3 Libraries	\$ 7,222.00
E4 Sport Field Embellishment (290)	\$ 7,475.00
E4 Open Space Embellishment (303)	\$ 7,820.00
E12 Administration & Planning Studies	\$ 8,671.00
E5 Community Centres	\$ 7,958.00
Total	\$ 39,537.00

(NOTE: Calculations are based on 23 new hostel units with all credits included within the calculation.)

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

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

***Reason:** To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. [C70]*

31. Bonds

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

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

32. High Quality Lighting

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

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

33. On-Site Detention

Submission to Council / Accredited Certifier (Civil Works) for approval, drainage plans detailing the provision of On Site Detention in accordance with Warringah Council's "On Site Detention Technical Specification" and the concept drainage plans submitted by T J Taylor Consultants Pty Ltd (Drawing Number 28804-1) with the Development Application. Stormwater runoff from new buildings and paved areas only are to drain to the On-Site Detention System. Stormwater runoff from existing buildings and paved areas are to bypass the On-Site Detention System. Component certification is to be issued to the Council / Accredited Certifier certifying the above requirements, prior to the issue of the Construction Certificate. If Council is to issue the component certification, then fees are to be paid in accordance with Councils fees and charges.

On completion of works a works as executed drawing and certification of the works by the design engineer is to be submitted to the Principal Council / Accredited Certifier. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the above approved plans and Council's "On-site detention technical specification", the compliance certificate is to be submitted to the Principal Council / Accredited Certifier prior to occupation. Council can issue the Compliance Certificate if required subject to a prescribed fee.

***Reason:** To ensure appropriate provision for disposal and stormwater*

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

management arising from the development. [C] Special condition

34. Security Bond Schedule

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

SECURITY BOND & FEE SCHEDULE	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$3,000.00
Silt and Sediment Bond	\$5,000.00
TOTAL BONDS	\$8,000.00
FEES	
Kerb Security Inspection Fee	\$200.00
Section 94 contribution	\$39,537.00
Long Service Levy	\$3,900.00
TOTAL FEES	\$43,637.00

Reason: Compliance with the development consent. [C71]

35. Vehicle Access

Vehicular access to and from the approved car parking area and the approved car parking area under this development consent shall be designed and/or modified where necessary to fully comply with AS 2890.1.

A certificate prepared by an appropriately qualified and practicing Civil Engineer shall be provided to the Council / Accredited Certifier to certify compliance with these requirements prior to the issuing of any Construction Certificate.

Reason: To provide adequate access to and from the development.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY
COMMENCEMENT**

36. Recommendations of the Vegetation Management Plan

All recommendations and requirements of the Vegetation Management Plan are to adopted and bushland management works commenced prior to the commencement of onsite building works.

Reason: To ensure bushland protection.

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

37. Silt & Sediment Control

Provision shall be made throughout the period of demolition / Excavation & Construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

***Reason:** To avoid siltation to adjoining properties and waterways. [D1]*

38. Construction Certificate

A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.

***Reason:** Legislative requirements. [D3]*

39. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with section 81A of EP & A Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

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

40. WorkCover

Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

***Reason:** Statutory requirement. [D5]*

41. Special permits (Hoarding)

Hoardings/fences shall be installed before any work is commenced on site including construction/demolition, and shall remain in place for the duration of the work to the satisfaction of the PCA. A separate application is to be made to Council if the hoarding is to be located on Council land for this purpose and appropriate fees paid. No construction access is permitted other than at the approved vehicle crossing/s. All loading, unloading and storage of materials for works within the site shall take place within the hoarding enclosure.

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

42. Structural adequacy and Excavation work

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

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

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

Before excavation, the responsible person must notify their intention to the adjoining owner/s and shall at the same time furnish to such owner/s particulars of the work proposed to be carried out.

Reason: Safety. [D9]

43. Protection of Trees During Works

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

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

44. Trees

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

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

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

Reason: *Protection of trees. [D12]*

45. Excavation/Building Works

No excavation or building works shall be carried out until a Construction Certificate has been issued.

Reason: *To ensure compliance with statutory provisions. [D13]*

46. Inspection Fees

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

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

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

47. Cigarette Butt Receptacle

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

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

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

48. Protection of Trees

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

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

consent:

- All trees located five (5) metres or more from the outer most projection of all building structures (approved under this consent) must be retained unless approval is granted by Council for the removal of the trees/vegetation under Council's Tree Preservation Order or under any other condition of this consent.

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

49. Notification of Inspections

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

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

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

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

50. Progress Inspections (Class 1 and 10 Buildings)

The Principal Certifying Authority (PCA) SHALL BE given a minimum of forty-eight (48) hours notice for mandatory inspection of the following, where applicable:

- (a) At the commencement of the work, and
- (b) After excavation for, and prior to the placement of any footings, and
- (c) Prior to pouring any in-situ reinforced concrete building element, and
- (d) Prior to covering of the framework for any floor, wall roof or other building element, and

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

- (e) Prior to covering over waterproofing in any wet areas, and
- (f) Prior to covering over stormwater drainage connections, absorption pits and other drainage works, and
- (g) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

Notes:

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

Reason: Prescribed mandatory inspections under legislation. [E7]

51. Progress Inspections- (Class 5, 6, 7, 8 and 9 Buildings)

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

- (a) At the commencement of the building work.
- (b) Prior to covering any stormwater drainage connections.
- (c) After the building work has been completed and prior any Occupation Certificate being issued in relation to the building.

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

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

Notes:

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

Reason: Prescribed mandatory inspections under legislation. [E9]

52. Replacement of Principal Certifying Authority

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

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

Reason: Statutory requirement. [E11]

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

If the builder is replaced while residential building work is being carried out, the Principal Certifying Authority (PCA) must give Warringah Council written notice of the name, licence number, and insurer of head contractor (or name and permit

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

number of the owner-builder) within two (2) days of their appointment/replacement.

Reason: Statutory requirement. [E12]

54. Final Compliance Certificate

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

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

55. Progress Survey - Major Development

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) at the completion of excavation, prior to the placement of any footings, showing the completed level of any excavation;
- (b) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary;
- (c) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

Progress certifications in response to points (a) through to (e) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

Reason: To ensure compliance with approved plans. [E15]

56. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

Condition must be complied with during demolition and building work.

***Reason:** To ensure residential amenity is maintained in the immediate vicinity.
[E17]*

57. Dust Emission and Air Quality

Materials must not be burnt on the site.

Vehicles entering and leaving the site with soil or fill material must be covered.

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

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

58. Special Permits

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

(1) On-street mobile plant

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

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

(2) Hoardings

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

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

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

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

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

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

(4) Kerbside restrictions, construction zones

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

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

59. Noxious Plants

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

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

60. Construction Hours

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

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators,

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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

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

61. Out of Hours Work Permits

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

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

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

62. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council guidelines. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised. This Condition must be complied with during demolition and building work.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites. [E28]*

63. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries. This Condition shall be complied with during demolition and building work.

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

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

64. Aboriginal Heritage

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

Reason: *Aboriginal Heritage Protection. [E34]*

65. Prohibition on Use of Pavements

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

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

66. Plant & Equipment Kept Within Site

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

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

67. Trees

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

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

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

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

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

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

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

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

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

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

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

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

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

Reason: Protection of trees. [E37 (6)]

68. Applicant's Cost of Work on Council Property

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

Reason: To ensure the proper management of public land and funds. [E38]

69. Maintenance of Road Reserve

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

Reason: Public Safety [E39]

70. Removal of Extra Fabric

Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

Reason: To ensure compliance with the terms of this development consent. [E40]

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

71. Sediment and Erosion Control Signage

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

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

72. Surveyor's Report

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

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

73. Survey Certificate

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

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

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

74. Tree Preservation Order

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

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

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

75. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

***Reason:** Prescribed - Statutory. [F1]*

76. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au, or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Details of any requirements of Sydney Water are to be provided with the Construction Certificate documentation.

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

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

77. Lead

For the protection of the health and safety of workers, adjoining property owners, the public and the environment, any person renovating or demolishing any building built before the 1970's should be aware that any surfaces may be coated with lead based paint. Lead dust is a hazardous substance. The requirements of the Environmental Protection Authority are to be followed in this regard.

***Reason:** Safety. [F4]*

78. Excavation / Backfilling

- (1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

- (2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: *To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. [F5]*

79. Demolition

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

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

80. Support for Neighbouring Buildings

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage;
 - (b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent; and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, allotment of land includes a public road and any other public place.

Reason: *To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage. [F7]*

81. Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

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

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout.

Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given.

Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

Reason: *To ensure public safety and the proper management of public land. [F8]*

82. Site Sign

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - (c) showing the name, address and telephone number of the Principal

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

Certifying Authority for the work.

- (2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

Reason: Statutory requirement. [F9]

83. Toilets

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer; or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

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

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

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

84. Long Service Levy

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. This payment is not required where the value of the works is less than \$25,000.

The Long Service Levy is calculated on 0.2% of the building and construction work.

Reason: *Prescribed - Statutory. [F12]*

85. Retaining Walls & Drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage in accordance with the provisions of AS3500.3.2.

Reason: *To ensure appropriate measures are in place to address site conditions and provide appropriate site drainage. [F13]*

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

86. Occupation Certificate Required

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

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

87. Matters detailed within the Vegetation Management Plan

A statement from a qualified bush regeneration consultant/contractor with minimum four years experience of on –ground bush regeneration work and TAFE Certificate 2 in Bush Regeneration is to be submitted to the PCA stipulating that all works as detailed within the Vegetation Management Plan to be completed prior to the issuing of an interim/final occupation certificate have been completed.

***Reason:** To ensure bushland protection*

88. Fire Safety Certificate

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

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

89. Annual Fire Safety Statement for the building

In accordance with the EPA Act & Regulation the owner of a building is to provide Council with an Annual Fire Safety Statement for the building.

***Reason:** To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants. [G4]*

90. Conservation of Water & Energy

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

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

91. Termite Control

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

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

- (2) A durable notice is to be permanently fixed to the building in a prominent location, such as the meter box or the like, indicating: The method of termite

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

protection; date of installation; life expectancy of chemical barrier (if used); and installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

Reason: Termite control. [G6 (2)]

92. Street Number

Street number being affixed to building prior to occupation.

Reason: Proper identification of buildings. [G7]

93. Utility Services

All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to final completion and the issue of any Occupation Certificate.

Reason: To ensure compliance with the terms of this consent. [G23]

94. Creation of Positive Covenant and Restriction as to User

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

Reason: To identify encumbrances on land. [G28]

95. Restrictions as to User

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

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

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

96. Positive Covenant (Onsite Detention Structure)

Creation of a Positive Covenant of the Title of the land requiring the proprietor of the land to maintain the stormwater detention structures required by this Consent, in accordance with the standard requirements of Council. The Positive Covenant is to be prepared by the applicant using terms acceptable to, and which are available from Warringah Council. The positive covenant is to be endorsed by Council prior to its lodgement with the 'NSW Land and Property Information Department'.

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

SCHEDULE 1: SENIORS LIVING

97. AGE CRITERIA

The housing may only be occupied by older people (55 years and older) or people with a disability, people who live with older people or people with disabilities who occupy the property, or staff who are employed to assist in the administration of and provision of services to the property in accordance with WLEP 2000 and SEPP SL.

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

98. Private Car Accommodation

Each car parking space approved under this consent must be not less than 6 metres x 3.2 metres or the design of the development must be such as to enable the size of the car parking space to be increased to an area of not less than 6 metres x 3.2 metres, and

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

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

99. Accessible Entry

Every entry (whether a front entry or not):

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

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

Details to be provided prior to Occupation.

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

100. External Door

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

Details to be provided prior to Occupation.

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

101. Internal Door

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

Details to be provided prior to Occupation.

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

102. Bathroom

A bathroom must have:

- (a) an area that complies with AS 1428, and
- (b) a slip-resistant floor surface, and
- (c) a shower:
 - (i) the recess of which is at least 1,160 millimetres x 1,100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
 - (ii) the recess of which does not have a hob, and
 - (iii) that is waterproofed in accordance with AS 3740, and
 - (iv) the floor of which falls to a floor waste, and
 - (v) that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
 - (vi) that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
 - (vii) that has the tap set positioned so as to be easily reached from the entry to the shower, and
 - (viii) that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
 - (ix) that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
- (d) thermostatic mixing valves for all hot water outlets, and
- (e) a washbasin with clearances that comply with Figure 4.4 of AS 4299, and

**Consolidated Conditions of Modification No.1 Approved 28 February 2007,
of Development Consent 2004/1303 Approved 19 December 2005**

- (f) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
- (g) a mirror, and
- (h) a double general power outlet beside the mirror.

Details to be provided prior to Occupation.

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

103. Toilet

Each residence must have a toilet:

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

Details to be provided prior to Occupation.

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

104. Doors

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

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

Details to be provided prior to Occupation.

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

105. Surface Finishes

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

Details to be provided prior to Occupation.

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

106. Ancillary Items

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

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

Details to be provided prior to Occupation.

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

107. Access for People with Disabilities

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

Details to be provided prior to Occupation.

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

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

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

Details to be provided prior to Occupation.

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