

18 February 2019



Colonial Credits Pty Ltd  
119 Willoughby Road  
CROWS NEST NSW 2065

Dear Sir/Madam

**Application Number:** DA2018/0627  
**Address:** Lot 31 DP 5464 , 31 Warriewood Road, WARRIEWOOD NSW 2102  
Lot 30 DP 5464 , 29 Warriewood Road, WARRIEWOOD NSW 2102  
**Proposed Development:** Construction of ten (10) dwelling houses with associated landscaping within currently unregistered Lots 5, 6, 7, 8, 21, 22, 23, 24, 28 and 29 of an approved 40 lot subdivision at 29-31 Warriewood Road, Warriewood

Please find attached the Notice of Determination for the above mentioned Application.

Please note that the consent is not operative until the following deferred commencement conditions have been satisfied:

- Provision of Freeboard Overland Flow Paths
- Relocation of the External Stairs Lot 21
- Lot Numbering
- Registration of Lots

The evidence required to satisfy these conditions must be submitted to Council within five (5) years of the date of this Deferred Commencement Consent. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement conditions, the consent shall be operative for Development Application DA2018/0627 subject to the conditions listed within the Notice of Determination.

(Note: Implementing the development consent prior to written confirmation may result in legal proceedings. If such proceedings are required, Council may seek all costs associated with such proceedings, as well as any penalty or Order that the Court may impose. No Construction Certificate can be issued until all conditions, including this condition have been satisfied).

**You may apply for modification of the conditions attached to your Deferred Commencement Consent under Section 96 of the Environmental Planning and Assessment Act, 1979.**

Please be advised that a copy of the Assessment Report associated with the application is available on



Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

**Please read your deferred commencement consent carefully** as you are required to undertake and complete specific tasks before the consent becomes operative. A Construction Certificate cannot be issued and subsequent works cannot commence until Council acknowledges, in writing, that the conditions for deferred commencement have been satisfied.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,

A handwritten signature in black ink, appearing to read "C.R.", written over a light grey rectangular background.

Claire Ryan  
**Planner**



## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2018/0627
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	Colonial Credits Pty Ltd
<b>Land to be developed (Address):</b>	Lot 31 DP 5464 , 31 Warriewood Road WARRIEWOOD NSW 2102 Lot 30 DP 5464 , 29 Warriewood Road WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Construction of ten (10) dwelling houses with associated landscaping within currently unregistered Lots 5, 6, 7, 8, 21, 22, 23, 24, 28 and 29 of an approved 40 lot subdivision at 29-31 Warriewood Road, Warriewood

### DETERMINATION - APPROVED - DEFERRED COMMENCEMENT CONSENT

<b>Made on (Date)</b>	18/02/2019
<b>Consent to operate from (Date):</b>	Once Council is satisfied as to those matters specified in the deferred commencement conditions, Council will nominate by way of written notice to the Applicant, the date from which the consent operates
<b>Consent to lapse on (Date):</b>	5 years from the operation date of Consent

### Detail of Conditions

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

### Note:

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

## DEFERRED COMMENCEMENT CONDITIONS

1. **Provision of Freeboard Overland Flow Paths**

The proposed dwelling habitable floor levels of Lot 21 and Lot 24 (Lots 20 and 17 under the latest subdivision) require a 300mm freeboard above the 1 in 100 year water surface levels of the adjoining overland flow paths. Council's storm water drainage infrastructure is to be detailed on the site plans for Lot 21. Details demonstrating compliance with this condition is to be submitted to Council for approval.

Reason: Protection of dwellings from overland flow.

2. **Relocation of the External Stairs Lot 21**

The external dwelling stairs detailed within Lot 21 (Lot 20 under latest subdivision) are currently located within Council's drainage easement and need to be relocated clear of the easement. Details demonstrating compliance with this condition are to be submitted to Council for approval.

Reason: Protection of Council's drainage infrastructure.

3. **Lot Numbering**

The lot numbering on the proposed subdivision plan is to be updated in accordance with the approved subdivision under Development Consent N0182/13 as modified by MOD2017/0344.

4. **Registration of Lots**

Lots 5, 6, 7, 8, 21, 22, 23, 24, 28 and 29 (Lots 2, 3, 4, 5, 12, 23, 17, 18, 19, 20 under latest approved subdivision Development Consent N0182/13 as modified by MOD2017/0344) are to be registered with NSW Land Registry Services. Evidence that the lots have been registered with NSW Land Registry Services is to be provided to Council in order to activate the consent.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

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

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

5. **Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Water Management Policy; in particular Section 6 - Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specification. Any proposed landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted).

Reason: Protection of Council's Infrastructure (DACENB21)

6. **Building materials, sedimentation**

No building materials or other materials are to be placed on or enter areas of bushland, wetland,

saltmarsh, seagrass or foreshore vegetation. Appropriate sediment fencing is to be installed.

**Reason:** Environmental Protection

7. **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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
TD107 Masterplan	19 March 2018	DKO Architecture
TD108 Group Plan 01 - Ground Floor	19 March 2018	DKO Architecture
TD109 Group Plan 01 - First Floor	19 March 2018	DKO Architecture
TD110 Group Plan 01 - Roof Plan	19 March 2018	DKO Architecture
TD111 Group Plan 2 - Ground Floor	19 March 2018	DKO Architecture
TD112 Group Plan 2 - First Floor	19 March 2018	DKO Architecture
TD113 Group Plan 2 - Roof Plan	19 March 2018	DKO Architecture
TD114 Group Plan 3 - Ground Floor	19 March 2018	DKO Architecture
TD115 Group Plan 3 - First Floor	19 March 2018	DKO Architecture
TD116 Group Plan 3 - Roof Plan	19 March 2018	DKO Architecture
TD117 Streetscape 01	19 March 2018	DKO Architecture
A0000 Lot 5 Perspective Views, Notes, Areas	14 February 2018	DKO Architecture
A1000 Lot 5 Site Plan	14 February 2018	DKO Architecture
A2100 Lot 5 Ground Floor Plan	14 February 2018	DKO Architecture
A2101 Lot 5 First Floor Plan	14 February 2018	DKO Architecture
A2102 Lot 5 Roof Plan	14 February 2018	DKO Architecture
A3000 Lot 5 Elevations	14 February 2018	DKO Architecture
A3001 Lot 5 Elevations	14 February 2018	DKO Architecture
A3100 Lot 5 Sections	14 February 2018	DKO Architecture
A0000 Lot 6 Perspective Views, Notes, Areas	14 February 2018	DKO Architecture
A1000 Lot 6 Site Plan	14 February 2018	DKO Architecture
A2100 Lot 6 Ground Floor Plan	14 February 2018	DKO Architecture
A2101 Lot 6 First Floor Plan	14 February 2018	DKO Architecture
A2102 Lot 6 Roof Plan	14 February 2018	DKO Architecture
A3000 Lot 6 Elevations	14 February 2018	DKO Architecture
A3001 Lot 6 Elevations	14 February 2018	DKO Architecture
A3100 Lot 6 Sections	14 February 2018	DKO Architecture
A0000 Lot 7 Perspective Views, Notes, Areas	14 February 2018	DKO Architecture
A1000 Lot 7 Site Plan	14 February 2018	DKO Architecture



A2100 Lot 7 Ground Floor Plan	14 February 2018	DKO Architecture
A2101 Lot 7 First Floor Plan	14 February 2018	DKO Architecture
A2102 Lot 7 Roof Plan	14 February 2018	DKO Architecture
A3000 Lot 7 Elevations	14 February 2018	DKO Architecture
A3001 Lot 7 Elevations	14 February 2018	DKO Architecture
A3100 Lot 7 Sections	14 February 2018	DKO Architecture
A0000 Lot 8 Perspective Views, Notes, Areas	14 February 2018	DKO Architecture
A1000 Lot 8 Site Plan	14 February 2018	DKO Architecture
A2100 Lot 8 Ground Floor Plan	14 February 2018	DKO Architecture
A2101 Lot 8 First Floor Plan	14 February 2018	DKO Architecture
A2102 Lot 8 Roof Plan	14 February 2018	DKO Architecture
A3000 Lot 8 Elevations	14 February 2018	DKO Architecture
A3001 Lot 8 Elevations	14 February 2018	DKO Architecture
A3100 Lot 8 Sections	14 February 2018	DKO Architecture
A0000 Lot 21 Perspective Views, Notes, Areas	7 March 2018	DKO Architecture
A1000 Lot 21 Site Plan	7 March 2018	DKO Architecture
A2100 Lot 21 Ground Floor Plan	7 March 2018	DKO Architecture
A2101 Lot 21 First Floor Plan	7 March 2018	DKO Architecture
A2102 Lot 21 Roof Plan	7 March 2018	DKO Architecture
A3000 Lot 21 Elevations	7 March 2018	DKO Architecture
A3001 Lot 21 Elevations	7 March 2018	DKO Architecture
A3100 Lot 21 Sections	7 March 2018	DKO Architecture
A0000 Lot 22 Perspective Views, Notes, Areas	14 February 2018	DKO Architecture
A1000 Lot 22 Site Plan	14 February 2018	DKO Architecture
A2100 Lot 22 Ground Floor Plan	14 February 2018	DKO Architecture
A2101 Lot 22 First Floor Plan	14 February 2018	DKO Architecture
A2102 Lot 22 Roof Plan	14 February 2018	DKO Architecture
A3000 Lot 22 Elevations	14 February 2018	DKO Architecture
A3001 Lot 22 Elevations	14 February 2018	DKO Architecture
A3100 Lot 22 Sections	14 February 2018	DKO Architecture
A0000 Lot 23 Perspective Views, Notes, Areas	14 February 2018	DKO Architecture
A1000 Lot 23 Site Plan	14 February 2018	DKO Architecture
A2100 Lot 23 Ground Floor Plan	14 February 2018	DKO Architecture
A2101 Lot 23 First Floor Plan	14 February 2018	DKO Architecture
A2102 Lot 23 Roof Plan	14 February 2018	DKO Architecture
A3000 Lot 23 Elevations	14 February 2018	DKO Architecture
A3001 Lot 23 Elevations	14 February 2018	DKO Architecture
A3100 Lot 23 Sections	14 February 2018	DKO Architecture



A0000 Lot 24 Perspective Views, Notes, Areas	14 February 2018	DKO Architecture
A1000 Lot 24 Site Plan	14 February 2018	DKO Architecture
A2100 Lot 24 Ground Floor Plan	14 February 2018	DKO Architecture
A2101 Lot 24 First Floor Plan	14 February 2018	DKO Architecture
A2102 Lot 24 Roof Plan	14 February 2018	DKO Architecture
A3000 Lot 24 Elevations	14 February 2018	DKO Architecture
A3001 Lot 24 Elevations	14 February 2018	DKO Architecture
A3100 Lot 24 Sections	14 February 2018	DKO Architecture
A0000 Lot 28 Perspective Views, Notes, Areas	14 February 2018	DKO Architecture
A1000 Lot 28 Site Plan	14 February 2018	DKO Architecture
A2100 Lot 28 Ground Floor Plan	14 February 2018	DKO Architecture
A2101 Lot 28 First Floor Plan	14 February 2018	DKO Architecture
A2102 Lot 28 Roof Plan	14 February 2018	DKO Architecture
A3000 Lot 28 Elevations	14 February 2018	DKO Architecture
A3001 Lot 28 Elevations	14 February 2018	DKO Architecture
A3100 Lot 28 Sections	14 February 2018	DKO Architecture
A0000 Lot 29 Perspective Views, Notes, Areas	14 February 2018	DKO Architecture
A1000 Lot 29 Site Plan	14 February 2018	DKO Architecture
A2100 Lot 29 Ground Floor Plan	14 February 2018	DKO Architecture
A2101 Lot 29 First Floor Plan	14 February 2018	DKO Architecture
A2102 Lot 29 Roof Plan	14 February 2018	DKO Architecture
A3000 Lot 29 Elevations	14 February 2018	DKO Architecture
A3001 Lot 29 Elevations	14 February 2018	DKO Architecture
A3100 Lot 29 Sections	14 February 2018	DKO Architecture

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Drainage Plan Notes Pit Detail Pipe Details Sheet 1 of 9	15 January 2018	Nastasi & Associates Consulting Civil & Structural Engineers
Soil Erosion & Sediment Control Plan Details Sheet 2 of 9	15 January 2018	Nastasi & Associates Consulting Civil & Structural Engineers
Raintank Details First Flush Device Notes Sheet 3 of 9	15 January 2018	Nastasi & Associates Consulting Civil & Structural Engineers
Drainage Plan Notes Pit Detail Pipe Details Sheet 4 of 9	15 January 2018	Nastasi & Associates Consulting Civil & Structural Engineers
Soil Erosion & Sediment Control Plan Details Sheet 5 of 9	15 January 2018	Nastasi & Associates Consulting Civil & Structural



		Engineers
Raintank Details First Flush Device Notes Sheet 6 of 9	15 January 2018	Nastasi & Associates Consulting Civil & Structural Engineers
Drainage Plan Notes Pit Detail Pipe Details Sheet 7 of 9	15 January 2018	Nastasi & Associates Consulting Civil & Structural Engineers
Soil Erosion & Sediment Control Plan Details Sheet 8 of 9	15 January 2018	Nastasi & Associates Consulting Civil & Structural Engineers
Raintank Details First Flush Device Notes Sheet 9 of 9	15 January 2018	Nastasi & Associates Consulting Civil & Structural Engineers

**Reports / Documentation – All recommendations and requirements contained within:**

Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 740961S_02	3 April 2018	EcoMode Design
BASIX Certificate No. 744718S_02	3 April 2018	EcoMode Design
BASIX Certificate No. 744717S_03	3 April 2018	EcoMode Design
BASIX Certificate No. 744719S_02	3 April 2018	EcoMode Design
BASIX Certificate No. 744721S_02	3 April 2018	EcoMode Design
BASIX Certificate No. 744722S_02	3 April 2018	EcoMode Design
BASIX Certificate No. 744723S_02	3 April 2018	EcoMode Design
BASIX Certificate No. 744724S_02	3 April 2018	EcoMode Design
BASIX Certificate No. 744727S_02	3 April 2018	EcoMode Design
BASIX Certificate No. 744728S_02	3 April 2018	EcoMode Design
Bushfire Protection Assessment	January 2018	Travers Bushfire & Ecology
Construction Traffic Management Plan	November 2017	Applicant
Flora & Fauna Assessment	March 2013	Conacher Environmental Group
Geotechnical Investigation and Pavement Design	24 April 2015	Geotech Testing
Hydraulic Design Certificate	16 January 2018	Nastasi & Associates Consulting Civil & Structural Engineers
Landscape Design Statement	Undated	Hamilton Landscape Architects
NatHERS Certificate No. 516823	14 July 2016	EcoMode Design
NatHERS Certificate No. 516815	14 July 2016	EcoMode Design
NatHERS Certificate No. 516807-01	14 July 2016	EcoMode Design



NatHERS Certificate No. 516799	14 July 2016	EcoMode Design
NatHERS Certificate No. 516781	14 July 2016	EcoMode Design
NatHERS Certificate No. 516773	14 July 2016	EcoMode Design
NatHERS Certificate No. 516765	14 July 2016	EcoMode Design
NatHERS Certificate No. 516757	14 July 2016	EcoMode Design
NatHERS Certificate No. 516740	14 July 2016	EcoMode Design
NatHERS Certificate No. 516732	14 July 2016	EcoMode Design
Soil Validation Report	June 2017	Progressive Risk Management
Water Management Report	1 January 2018	Civil Certification

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
TD108a Group Plan 01 - Landscape Plan	19 March 2018	DKO Architecture
TD111a Group Plan 2 - Landscape Plan	19 March 2018	DKO Architecture
TD114a Group Plan 3 - Landscape Plan	19 March 2018	DKO Architecture
A1001 Lot 5 Landscape Plan	14 February 2018	DKO Architecture
A1001 Lot 6 Landscape Plan	14 February 2018	DKO Architecture
A1001 Lot 7 Landscape Plan	14 February 2018	DKO Architecture
A1001 Lot 8 Landscape Plan	14 February 2018	DKO Architecture
A1001 Lot 21 Landscape Plan	14 February 2018	DKO Architecture
A1001 Lot 22 Landscape Plan	14 February 2018	DKO Architecture
A1001 Lot 23 Landscape Plan	14 February 2018	DKO Architecture
A1001 Lot 24 Landscape Plan	14 February 2018	DKO Architecture

A1001 Lot 28 Landscape Plan	14 February 2018	DKO Architecture
A1001 Lot 29 Landscape Plan	14 February 2018	DKO Architecture
DA-01 Surface Finishes Plan	8 December 2017	Hamilton Landscape Architects
DA-02 Surface Finishes Plan	8 December 2017	Hamilton Landscape Architects
DA-03 Surface Finishes Plan	8 December 2017	Hamilton Landscape Architects
DA-04 Planting Plan	8 December 2017	Hamilton Landscape Architects
DA-05 Planting Plan	8 December 2017	Hamilton Landscape Architects
DA-06 Planting Plan	8 December 2017	Hamilton Landscape Architects
DA-07 Landscape Details	8 December 2017	Hamilton Landscape Architects

#### Waste Management Plan

Drawing No.	Dated	Prepared By
Waste Management Plan	27 March 2018	Applicant

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)

#### 8. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
NSW Rural Fire Service	Referral - RFS - DA2018/0627 - 29-31 Warriewood Road Warriewood	18 January 2019

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.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)

#### 9. 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.

10. **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) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) 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.
- (j) 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.

- (k) 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 sewered 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.

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

## FEES / CHARGES / CONTRIBUTIONS

### 11. 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.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

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

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

### 12. Construction Certificate Drainage Details

Drainage plans including specifications and details showing the site Stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the storm water management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site storm water (if the site is in a known slip area the storm water disposal system must comply with the recommendations of a Geotechnical Engineers Report). Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.

Reason: To ensure appropriate provision for disposal and Maintenance Stormwater management arising from the development.

### 13. Flooding

In order to protect property and occupants from flood risk the following is required:

#### Building Components and Structural Soundness – C1

All development within the Flood Planning Area (mainstream or overland flow) shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

#### Building Components and Structural Soundness – C2

All new development within the Flood Planning Area (mainstream or overland flow) must be designed and constructed to ensure structural integrity up to the Flood Planning Level, defined as the relevant 1% AEP +30% rainfall intensity including a 500mm freeboard, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

#### Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any



other service pipes and connections must be waterproofed and/or located above the Flood Planning Level, defined as the relevant 1% AEP +30% rainfall intensity including a 500mm freeboard.

#### Floor Levels – F1

New floor levels within the development shall be set at or above the relevant Flood Planning Level, defined as the relevant 1% AEP +30% rainfall intensity including a 500mm freeboard

#### Fencing – H1

Fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open for passage of flood waters - All new fencing on the property within a overland flow path must be designed with a minimum of 50% open area between the 1% flood level and natural ground level, to allow flood waters to pass through.

#### Recommendations

The development must comply with all recommendations outlined in:

- The Water Management Report prepared by Civil Certification dated 1 January 2018.

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

**Reason:** To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

#### 14. **Pre-Construction Stormwater Assets Dilapidation Report**

Survey a pre-construction / demolition 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, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

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

Reason: Protection of Council's Infrastructure

#### 15. **Pre-commencement Dilapidation Report**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.



Reason: Protection of Council's and Private Party's Infrastructure during construction.

16. **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)

17. **Amendments to Plans**

The following amendments are to be made to the approved plans:

- The south-eastern elevation of the first floor balconies of Lots 7, 22, and 24 are to be setback in line with the south-eastern elevation of the building proper.
- The southern elevation of the first floor balcony of Lot 29 is to be setback in line with the southern elevation of the building proper.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land. (DACPLB02)

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. **Flora & Fauna Protection - Protect and Retain existing EEC**

All recommendations as per Flora & Fauna Assessment Report authored by Conacher Environmental Group, Reference no. 3020F, specifically Part 4.5.v. are to be followed.

Reason: Environmental Conservation (DACNEDPC1)

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. **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.

20. **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.

21. **Safety Fencing of Excavation and/or demolition**

The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

Reason: To ensure private and public safety

22. **Maintenance of Sediment**

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

23. **Site Entry Access way**

An all-weather access way at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.

Reason: To reduce sediment being taken offsite

24. **Cleaning of Vehicles Leaving Site**

Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

Reason: To reduce sediment being taken offsite

25. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by Nastasi & Associates (2016).

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

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

26. **Landscape completion**

1) Landscaping is to be implemented in accordance with the Landscape Documents prepared by Hamilton Landscape Architects, drawings TP-01 to TP-07 inclusive, all listed as revision B, with the following amendments to be completed prior to the issue of a Occupation Certificate:

a) additional tree planting is to be provided to satisfy the requirements of C1.1 Landscaping, where the built form is softened by landscaping:

i) to all residential lots, 2 x canopy trees are to be planted to the rear yards and 1 x canopy tree is to be planted in the front yard, as selected in accordance with the trees scheduled on the landscape plans, with the exception of *Livistona australis*.

b) container sizes for the following plants shall be upsized:

- i) all listed canopy trees (Angophora costata, Angophora floribunda, Eucalyptus haemastoma, Hymenoporum flavum, Elaeocarpus reticulatus, and Syzygium leuhmannii) shall be installed at 75 litre size and at a minimum height of 2.1 metres. The Contractor shall pre-order stock to ensure this requirement is met at time of installation,
  - c) all trees shall be either planted within a garden bed or a tree bed at least 1 metre x 1 metre, and mulched, when planted within turf areas,
  - d) all trees shall be planted at least 5 metres from built structures,
  - e) all trees shall be staked, inclusive of at least two stakes and hessian ties.
  - f) a continuous garden bed of minimum width 1 metre with tall shrub planting, shall be installed along the rear boundaries of all rear yards to provide privacy to adjoining rear neighbours. The planting shall consist of plants capable of achieving a mature height of 3 metres, and shall be installed no more than 1 metre apart, and planted at a minimum 300mm pot size.
- 2) All trees shall be inspected by an AQZ Level 5 Arborist prior to planting as compliant to Natspec's Complying Trees.
- i) A AQZ Level 5 Arborist shall certify that all trees planting in place are done so to industry standard to ensure long term establishment.
- 3) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent, and landscape works have been established and maintained.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.

## 27. **Installation of Rainwater Tanks**

Rainwater tanks shall have a capacity of 3KL and comply with the following:

- a) Be fitted with a first-flush device that causes initial rainwater run-off to bypass the tank and must drain to a landscaped area. The first flush device will not be permitted to connect to the stormwater system
- b) Have a sign affixed to the tank stating the contents is rainwater
- c) Be constructed or installed in a manner that prevents mosquitoes breeding, such as the use of mesh to protect inlets and overflows
- d) Have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners
- e) Pumping equipment must be housed in a soundproof enclosure
- f) Where the rainwater tank is interconnected to a reticulated water supply, it must be installed in accordance with Plumbing Code of Australia, particularly backflow/cross connection prevention requirements

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To conserve potable water.

28. **Positive covenant - Rainwater Tank**

A positive covenant shall be created on the title of the land stating that the lot is burdened with a 3KL rainwater tank and requiring the proprietor of the land to:

- a) clean, maintain and repair all pits, tanks, pipelines, walls and other structures, plumbing fixtures, first flush apparatus, gutters, leaf gutter guards, downpipes, pumps, pipe connections and any associated devices of the rainwater tank
- b) regularly keep the rainwater tank clean and free from organic matter, silt, debris, sludge and the like to ensure the efficient operation of the rainwater tank.

Northern Beaches Council shall have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency):

- (i) to view the state of repair of the system;
- (ii) to ascertain whether or not there has been any breach of the terms of this covenant; and
- (iii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council requiring remedy of a breach of the terms of this covenant taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.

The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Council), at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. The Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

Reason: To ensure retention and ongoing maintenance of the rainwater tank.

29. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

30. **Post-Construction Road Reserve Dilapidation Report**

The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must have been carried out in accordance with the provisions of the Building Code of Australia

Note: Where by Council is not the Principal Certifying Authority, Refund of the trust fund deposit will also be dependent upon receipt of a final Occupation Certificate by the Principal Certifying Authority, Post Construction Dilapidation Report and infrastructure inspection by Council.

Reason: To ensure security against possible damage to Council property.

31. **Post-Construction Dilapidation Report**

The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of all property, infrastructure, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties

Reason: To ensure security against possible damage to Council and private property.

32. **Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development

33. **Certification of Water Management**

Certification is to be provided to the accredited certifier by a qualified experienced practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications prepared by Natasi and Associates (Job no 8398 sheets 1-9 Issue C) required under this consent.

Reason: To ensure Stormwater Management has been built in accordance with the plans and specifications required under this consent

34. **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

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

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

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

35. **Landscape Maintenance**

All landscape components as documented on the Landscape Plans TP-01 to TP-07 inclusive, and as required by this Consent are to be maintained for the life of the development.

Landscape works shall be maintained for a minimum period of 12 months following practical completion. Landscape materials are to be replaced when damaged or if they fail. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plans.

Reason: To maintain local environmental amenity and ensure landscaping continues to soften the built form.

36. **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds)

**Reason:** Weed management.

37. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

**Reason:** Weed management.

38. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

**Reason:** To protect Aboriginal Heritage.

## Right to Review by the Council

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

*NOTE: A fee will apply for any request to review the determination.*

## Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

**Signed**            On behalf of the Consent Authority



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Name                Claire Ryan, Planner

Date                 18/02/2019

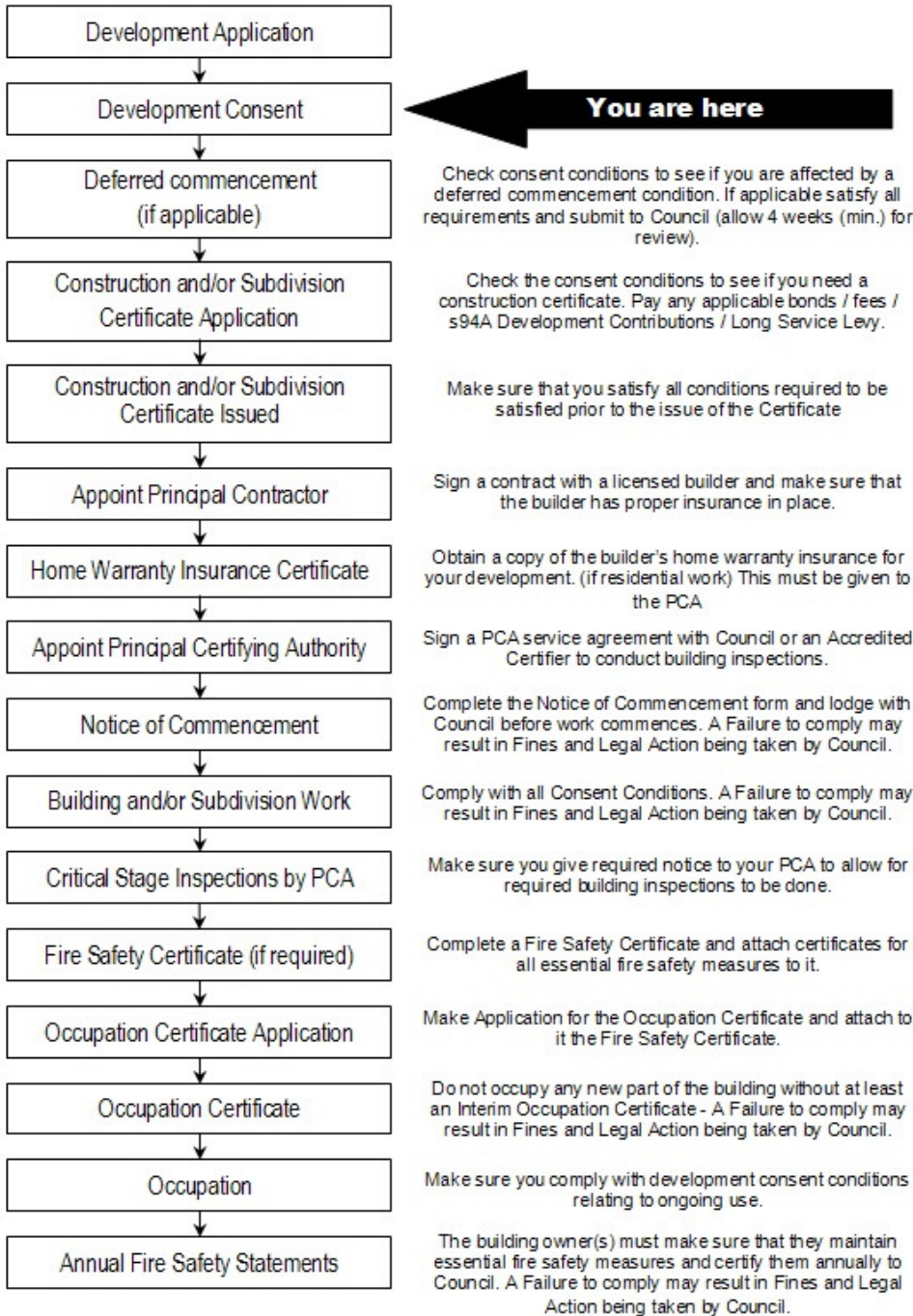




## GENERAL ADVICE

# Advisory Notes (General)

Where are you in the development process?



**Note:** The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team.

The attached Notice of Determination includes conditions of consent which must be complied with.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action.)

## **Building Certification**

The Environmental Planning and Assessment Act 1979 provides that:

- Building work cannot occur unless a construction certificate has been issued;
- Occupation of building works cannot occur unless an occupation certificate has been issued
- Subdivision cannot be registered until a subdivision certificate has been issued
- Mandatory Inspection for building work must be completed

Please refer to process chart for more detail.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action.)

## **Certification Services**

Construction Certificates / Occupation Certificates / Subdivision Certificates / Strata Certificates, can be issued by Council or an accredited private certifier (Note Council must be the Principal Certifying Authority (PCA) for subdivisions).

Council is well placed to provide Certification Services. Council can issue Construction Certificates and act as your Principle Certifying Authority at competitive rates. Please visit our web site [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au) or speak to our Customer Service Officers if you have any further questions about our Certification Services or if you wish to use Council as your certifier.

## **Charges Associated with the Development Consent**

All bonds, fees, (s94A) Development Contributions or the Long Service Levy detailed within the Notice of Determination are required to be paid prior to the issuing of any Construction Certificate.

## **Bonds are released after:**

1. 'Final Occupation Certificate' has been received by Council; and
2. Final inspection by a Council Officer where:
  - the development is complete
  - damage has not been caused to council assets during the works
  - conditions of development consent have been met.

The bond will be released to the person or business who paid the bond to Council (The name that appears on the original receipt)

## **Acceptable Form of Security Bonds**

Council will accept bank guarantee (in a form acceptable to Council) in lieu of cash and is required prior to the issue of a construction certificate.

## **Modifications to the consent**

If you seek to make any changes to the development (which may include internal / external configuration of the building, variation to facades, site layout or any changes to the proposed operation or use), the modifications may require the submission and approval of an application to modify the development consent prior to the issuing of a Construction Certificate and prior to the works being

carried out. The proposed changes should be discussed with the PCA.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action.)

### **Other Matters not detailed within the Notice of Determination**

The Notice of Determination does not stipulate every requirement that must be completed to satisfy New South Wales and Commonwealth legislation.

You should check, as may be relevant, with other authorities including but not limited to:

- Workcover NSW for work safety and asbestos requirements
- Sydney Water – Quick Check Agent for the provision of water and sewer services
- Energy & Gas suppliers for utility services
- Department of Fair Trading for advice about builders and licensing
- Building Professionals Board for advice about private certifiers
- NSW Roads and Maritime Services for works on state roads only
- Human Rights and Equal Opportunity Commission for access issues
- NSW Land and Property Information for Land Title matters
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;

### **Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

### **Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact :Telstra's Network Integrity Team on Phone Number 1800810443.

(1) if the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted

to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and

(2) The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

### **Model**

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

### **Trade waste agreement**

A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

### **Waste collection**

Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the Protection of the Environment Operations Act 1997. Records must be kept of all waste disposal from the site.

Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the approved Waste Management Plan.

### **Aboriginal Heritage**

If in undertaking excavation or works and any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

### **On-Site Sewage Management System**

This approval does not authorise the installation or operation of a new or modification of an existing on-site wastewater management system. An On-Site Sewage Management System must not be installed or operated unless an 'Approval to Install an On Site Sewage Management System' is obtained from Warringah Council.

### **Cost of Works**

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

### **Relocation of stormwater drainage**

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

### **Tree preservation**

Where tree work has not been approved by this Development Consent the developer is notified that a general Tree Preservation Order applies to all trees in the Northern Beaches Local Government Area. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, transplanting, injuring, or wilful destruction of such trees except without the prior written consent of Council.

### **Storage bins on footpath and roadway**

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.

### **Protection of Public Places**

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

### **Road Opening Permit**

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

### **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. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time.

- Permit for on-street mobile plant

Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). 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.

- Hoarding Permit

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.

- 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.



- Kerbside restrictions, work zones

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Other permits may include out of construction hours permits.

### **Licensing requirements for removal of bonded asbestos**

Anyone who removes, repairs or disturbs bonded asbestos must hold a bonded or a friable asbestos licence, or a demolition licence in accordance with Workcover requirements and the Occupational Health and Safety Act 2000.

### **Pool Access**

Access to pools are required to be restricted by a child resistant barrier in accordance with the regulations prescribed in all relevant Acts, Regulations and Australian Standards including:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2012;
- (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

It is your responsibility as a land owner to ensure any fencing is maintained.

### **Dewatering**

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Department of Water and Energy. The bore license must be obtained prior to commencement of dewatering works.

### **Requirement to Notify about New Contamination Evidence**

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

### **Flood Evacuation Plan**

If your site is on flood prone land you may wish to consider the preparation of a flood evacuation plan.

Generally a Flood Evacuation Plan would be prepared by suitably qualified Engineer (e.g. Hydraulic) with a number of years experience in flood management and who is eligible for Membership to the Australian Institute of Engineers.

Some matters that you may wish to consider (but not limited to) include:

- (i) a route of evacuation to higher ground and / or point of shelter
- (ii) depth of water for a Possible Maximum Flood event surrounding the building
- (iii) details of 'last chance' evacuation water levels / times for evacuation prior to floodwaters surrounding the building
- (iv) provide details of flood warning systems and protocols
- (v) details of how this information will be distributed and people educated for users of the site.

You may seek to discuss this with the State Emergency Service of NSW.

### **Utility Service Requirements**

Where development requires the installation of, or the relocation of utility services being (but not limited to) gas, water, electricity and telecommunications, the installation of, or the relocation of utility services shall be conducted in accordance with the requirements of the relevant service provider / authority (unless stipulated by any other condition of the consent or will result in damage to threatened or endangered species defined under the Threatened Species Conservation Act 1995).

### **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 does not prevent any requirement to comply with the Protection of the Environment Operations Act.

### **Lighting**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 - 1997 Control of the obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

### **Silt and Sediment Control**

During any onsite demolition, excavation and construction works, the site should be maintained in accordance with "The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction".

In managing the site provision shall be made throughout the period of works to prevent transmission of soil to the public road, drainage system, any riparian lands or off site in any manner. Upon completion of the development, any measures to prevent the transition of soil off site to remain in place until the site is stabilised.

A failure to prevent the transmission of silt and sediment and / or causing, water pollution, air pollution, noise pollution or land pollution may result in a breach of the Protection of the Environment Operations Act and orders, penalties and prosecutions may occur.

**Maintenance of Sediment and Erosion Control** Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain.

Reason: To avoid erosion and sedimentation impacts that will result in an adverse change in watercourse or riparian land condition

### **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: soils and construction (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site

### **Dividing Fences Act 1991**

The construction and maintenance of side boundary fences is to be agreed upon by all adjoining property owners of the fence. Works are to be in accordance with the Dividing Fences Act 1991.

### **OTHER MATTERS**



### **Child Care Centres**

A license to operate a child care centre must be obtained from the NSW Department of Community Services prior to the commencement of the use of the child care centre.

### **Disability Access**

This decision does not ensure compliance with the Commonwealth Disability Discrimination Act 1992. Applicants are strongly advised to investigate their requirements under that Act

### **Food Premises**

Food premises are required to comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standards.

The proprietor of a food business must notify the NSW Food Authority of the details of the business. Notification may be done either online at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

### **Wheel washing facility**

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council's roads. The wheel wash facility shall be constructed prior to any truck movements occurring. Water from the wheel wash facility must not cause pollution. Any direction of Council with regard to cleaning trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

### **Monitoring State of Roadways**

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

### **Storage of Dangerous Goods**

Prior to the storage of any "dangerous goods" on the premises, a copy of a license obtained from the Chemical Safety Branch of Work Cover Authority must be submitted to Council.

### **Storage of Flammable and Combustible Liquids**

Flammable and combustible liquids must be stored in accordance with Australian Standard 1940 The Storage and Handling of Flammable and Combustible Liquids.

### **Noise and Vibration**

The premises, including operation of vehicles, shall be conducted so as to avoid offensive noise or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

### **Hairdressing/Beauty Treatment/ Skin penetration Requirements**

The premises must comply with the following requirements before the commencement of business:

- i) A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap and paper towel.
- ii) The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
- iii) The premises must be provided with washing, drainage, ventilation and lighting that are adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.
- iv) The floor coverings must be smooth and impervious.

- v) All furniture, shelves and fittings must be constructed of, or covered with a material that is smooth, impervious to moisture and capable of being easily cleaned.
- vi) Adequate lockers must be provided for the storage of employees clothing and personal effects.
- vii) The premises must be provided with facilities that are adequate for the purpose of storing of hairdressing/beauty treatment/skin penetration appliance and utensils.
- viii) The premises must be provided with a sink sullied with hot and cold water for washing equipment.

### **Food Premises Construction Requirements**

The food premises must comply with the following specific construction requirements:

Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);

- ix) Walls in food preparation and wash up areas must be finished with a smooth and impervious surface to a height of at least 2 metres.
- x) Hand wash basins must be provided with warm water delivered through a common spout with taps that are hands free operation;
- xi) Coving with a radius of 25mm must be provided between all floor and wall joints in food handling areas;
- xii) The open space between the top of the coolroom and the ceiling must be fully enclosed and kept insect and pest proof;
- xiii) The coolroom must be able to be opened from the inside with out a key and fitted with an alarm that can only be operated from within the coolroom;
- xiv) The doors to the toilet air lock and toilet compartment must be tight fitting and self closing;
- xv) The rear external door must be self closing or be provided with a fly screen that is self closing;
- xvi) Where cooking or extensive heating processes or such other processes as may be specified are carried out in food preparation areas, an approved mechanical ventilation system shall be installed and operated in accordance with AS 1668 part 1 & 2.

### **Legionella Control**

Cooling towers, warm water systems, water cooling systems must be registered with the Council. Details of registration are to be provided to the Council prior to operation.

### **Pool/Spa Safety**

Owners of properties with swimming pools and spa's must meet safety compliance and registration requirements. Provisions also apply when renting/selling properties. Details are available from the Division of Local Government.

### **Grease Trap**

Contact Sydney Water to determine what trade waste provisions you are required to provide to your food premises. Should a grease trap be required by Sydney Water, it must be located in an area that is easily accessible for the removal of waste water and must not be installed in any kitchen, food preparation or food stage area. The design and location of the grease trap should also not impede on any commercial right of way or pedestrian access.

### **Bandicoot/Penguin**

Long-nosed Bandicoots & Little Penguins – Best Practices for Residents Residents are encouraged to follow a number of *Best Practices* to assist with the protection and management of the endangered populations of Long-nosed Bandicoots and Little Penguins:

- Long-nosed Bandicoots, Little Penguins and other native animals should never be fed as it may cause them nutritional problems, hardship if supplementary feeding is stopped, and it may increase predation.
- Feral cats or foxes should never be fed or food left out where they can access it, such as rubbish bins without lids or pet food bowls, as these animals present a significant threat to Long-nosed Bandicoots, Little Penguins and other wildlife.
- The use of insecticides, fertilisers, poisons and/or baits should be avoided on the property.

Garden insects will be kept in low numbers if Long-nosed Bandicoots are present.

- When the North Head Long-nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- Dead Long-nosed Bandicoots or Little Penguins should be reported by phoning Manly Council on 9976 1500 or Department of Environment and Conservation on 9960 6266.
- Please drive carefully as vehicle related injuries and deaths of Long-nosed Bandicoots and Little Penguins have occurred in the area. Care should also be taken at night in the drive way when moving cars as bandicoots will seek shelter beneath vehicles.
- Cat/s and or dog/s that currently live on the property should be kept indoors at night to avoid disturbance/death of native animals. Ideally, when the current cat/s and/or dog/s that live on the property no longer reside on the property it is recommended that they not be replaced by new dogs or cats.
- Report all sightings of feral rabbits, feral or stray cats and/or foxes to N B Council.