



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No:	DA 2005/0467
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DEVELOPMENT APPLICATION DETAILS

Applicant Name:	S2F PTY LTD
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Applicant Address:	201 DARLING STREET BALMAIN NSW 2041
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Land to be developed (Address):	Lot 100, DP 611332, 100 SOUTH CREEK ROAD CROMER
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Proposed Development:	Demolition works, construction of a new office building, upgrade of existing structures, construction of car parking areas, tree removal and landscape works.
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DETERMINATION

Made on (Date):	14 September 2005
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Consent to operate from (Date):	14 September 2005
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Consent to lapse on (Date):	14 September 2010
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Details of Conditions - (including Section 94 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.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp (As amended by Council in RED), except where amended by other conditions of consent:

Architectural Plans			
Plan Annotation	Plan Number / Issue	Designer	Amendment Date
Demolition Site Plan	A003	S2F Pty Ltd	18 May 05 (Rev 1)
Proposed Conditions Site Plan	A004	S2F Pty Ltd	29 June 05 (Rev H)
Demolition Plan Building 06 Level 1	A021	S2F Pty Ltd	13 May 05 (Rev 2)
Demolition Plan Building 01 & Building 065 Level 2	A022	S2F Pty Ltd	17 May 05 (Rev 2)
Demolition Building 01 and Building 06 Level 3 Floor Plan	A023	S2F Pty Ltd	18 May 05 (Rev 2)
Demolition Building 01 and 06. Roof Plan	A024	S2F Pty Ltd	18 May 05 (Rev 1)
Proposed Conditions Level 01 Floor Plan Building 22	A111	S2F Pty Ltd	18 May 05 (Rev 7)
Proposed Conditions Level 02 Floor Plan	A112	S2F Pty Ltd	18 May 05 (Rev 6)
Proposed Conditions Level 03 Plan Building 22	A113	S2F Pty Ltd	18 May 05 (Rev 6)
Proposed Conditions Roof Plan Building 22	A114	S2F Pty Ltd	18 May 05 (Rev 6)
Proposed Conditions – Level 1 Floor Plan & Landscape Plan Building 06	A130	S2F Pty Ltd	18 May 05 (Rev 6)
Proposed Conditions Building 01 and Building 06 Level 2 Floor Plan	A131	S2F Pty Ltd	17 May 05 (Rev 5)
Building 01 & 06 Proposed Conditions Level 3 Floor Plan	A132	S2F Pty Ltd	18 May 05 (Rev 3)
Proposed Roof Plan Building 01 & 06	A133	S2F Pty Ltd	17 May 05 (Rev 3)



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Proposed Sections Building 22	A511	S2F Pty Ltd	18 May 05 (Rev 1)
Proposed Demolition Building 01 and Building 06 Sections	A520	S2F Pty Ltd	18 May 05 (Rev 2)
Proposed Building 01 and Building 06 Sections	A521	S2F Pty Ltd	18 May 05 (Rev 1)
Proposed Conditions Elevations Building 22	A611	S2F Pty Ltd	18 May 05 (Rev 1)
Proposed Conditions Elevations Building 22	A612	S2F Pty Ltd	13 May 05 (Rev 1)
Proposed Conditions Building 01 and Building 06 elevations	A621	S2F Pty Ltd	17 May 05 (Rev 3)
Demolition Plan and Proposed Floor Plan Building 09 Carpark	A160	S2F Pty Ltd	29 June 05 (Rev 3)
Car Park Hydraulic Services Building 9	P09 80 101	S2F Pty Ltd	30 Mar 05 (Rev 1)
Level 1 Stormwater Concept Plan Building 22	P 22 80 001	S2F Pty Ltd	30 Mar 05 (Rev 1)

Kitchen Plans		
Plan Number / Issue	Designer	Dated
A1	The Mack Group – Commercial Kitchen Architects	1/9/05
A2	The Mack Group – Commercial Kitchen Architects	1/9/05
A3	The Mack Group – Commercial Kitchen Architects	1/9/05
A4	The Mack Group – Commercial Kitchen Architects	1/9/05
A5	The Mack Group – Commercial Kitchen Architects	1/9/05
A6	The Mack Group – Commercial Kitchen Architects	1/9/05

Engineering Plans			
Plan Annotation	Plan Number / Issue	Designer	Amendment Date
Southern Carpark Layout Plan	P00 10 03	Warren Smith and Partners	16 May 05
Onsite Atlantis Type OSD Tank	P00 10 05	Warren Smith and Partners	16 May 05
Southern Carpark Drainage Line 1	P00 10 06	Warren Smith and Partners	16 May 05
Building 10 Carpark Layout	P10 10 01	Warren Smith and Partners	16 May 05
Northern Carpark Layout Plan	P 00 10 01	Warren Smith and Partners	16 May 05

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

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

Reason: *To ensure the work is carried out in accordance with the determination of Council and approved plans. [A1 (1)]*

2. Approved Landscaping Plan

Landscaping works on the site are to be undertaken generally in accordance with the plans outlined as follows (except as amended by other conditions of this consent or by Council in RED):

Landscape Plan			
Plan Annotation	Plan Number / Issue	Designer	Amendment Date
Proposed Conditions Site Landscaping Plan Northern Car park & Building 22	A006	S2F Pty Ltd	23 June 05 (Rev 1)
Proposed Conditions – Level 2 Landscape Plan Building 10 Carpark	A150	S2F Pty Ltd	23 June 05 (Rev 1)

(note: the architectural and engineering plans will prevail to the extent of any inconsistency)

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

3. Plans on Site

A copy of all stamped approved plans, 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]*

4. Demolition of Extra Fabric

Alterations to, and demolition of the existing building shall be limited to that shown on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: *To ensure compliance with the approved development. [A3]*

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

5. Change of Material to Northern Car Park

Strict compliance with the proposed use of Rocla Porous Pavers within the northern car park is not required and the material may be varied. The car park is to be provided with an appropriate surface for road construction to the satisfaction of Council or an accredited certifier. Details of the proposed material use is to be annotated on all plans referencing the northern car park prior to the release of a construction certificate.

Reason: To ensure appropriate materials are use for road construction.

6. Construction Management Plan

A Construction Management Program shall be submitted and approved by Council PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property shall require appropriate approvals. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including the proposed method of traffic control, 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. Access across public parks and open space reserves is prohibited. Site access and egress is to be generally obtained from Inman Road;
- (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. On site crange is a requirement of this consent. Mobile cranes if used shall be located wholly within the site or only utilised during the demolition and excavation phase, and in association with the establishment and removal of a site crane, removal of excavation equipment and the like;

- (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;
- (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 and shall not involve any permanent or temporary encroachment onto Council's property;
- (i) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of hoardings over footpaths and laneways;
- (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. [B2]*

7. Provision of Services

Certification must be obtained from all the relevant statutory authorities (including but not limited to an approved telecommunications provider, Sydney Water and electricity provider) that adequate services are available to satisfy the demands of Building 22 and 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]*

8. Undergrounding of Telecommunications Services

The developer shall submit to the Council or an Accredited Certifier a letter from Telstra and/or Optus confirming that satisfactory arrangements have been made for the provision of underground telephone service from the utility to Building 22, 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

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 are 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 or an Accredited Certifier for approval prior to the issue of a 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 for all internally modified buildings and Building 22.

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) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998)
- (c) Disability Discrimination Act (1992)

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 \$3,000.00 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. (See Schedule)

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

14. Bond - Engineering Construction Works - Road Pavement

A Bond of \$10,000.00 shall be deposited with Council against any damage or failure to complete to the relevant specification the construction of road pavement/shoulder reconstruction works prior to the issue of any Construction Certificate. (See Schedule).

The bond will only be refunded upon the completion of a six (6) month maintenance period, if the work has been completed in accordance with the approved plans, conditions to the satisfaction of the Principal Certifying Authority. Requests for refunds must be made in writing to Council.

Reason: *To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure. [C18]*

15. Bond for Silt & Sediment Control

The payment of \$10,000.00 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]*

16. Protection of Footpaths and Roadways

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: *Protection of footpath and roadways. [C22]*

17. Footpath Reconstruction or Construction

The applicant shall construct a footpath along the Inman Road frontage from the southern driveway to South Creek Road and in South Creek Road from Inman Road to the western driveway in South Creek Road. The footpath is to be constructed in concrete and is to be 1.2m wide.

The works shall be designed in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's specification for footpath works.
- (b) The footpath and grass verge shall be placed on a single straight grade of 3% rising from top of the kerb.
- (c) Footpath pavement transition works are required to ensure gentle changes in grades.
- (d) A certificate prepared by an appropriately qualified and practicing Civil Engineer, shall be provided with the proposed design to the Council / Accredited Certifier to certify compliance with these requirements prior to the issuing of the Construction Certificate.
- (e) Council or an Accredited Certifier (Civil Works) is to inspect the footpath works prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath works and certification is to be submitted to the Council / Accredited Certifier prior to issue of the Occupation Certificate.

Reason: *To ensure that public infrastructure arising from the development is of an appropriate form for the locality. [C23]*

18. Parking for People with Disabilities

All new and modified car parks approved under this development consent are to provide car parking spaces for the use by persons with a disability as follows:

- a. Two (2) spaces to the car park adjacent to Building 22; and
- b. One space to all other car parking areas.

Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

Reason: *To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation. [C37]*

19. Line Marking

All off-street car-parking spaces for the entire site, 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]*

20. 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]*

21. 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 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:

- (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]*

22. 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]*

23. Structural Details

Structural engineering details and design calculations, prepared and certified by a qualified practicing Structural Engineer, must be submitted to the satisfaction of Council or an accredited certifier prior to the release of a construction certificate for all reinforced concrete work, structural steel work, retaining walls, brick fences, shoring and underpinning, isolated piers, chimneys, parapets and other structural members.

Reason: *To ensure the structural integrity of works.*

24. Structural Adequacy

A statement from a qualified practicing Structural Engineer, certifying to the adequacy of the existing structural members, walls and footings to support additional loads imposed by the development to affected structures and the remaining elements of Building 10. The statement must be submitted to the satisfaction of Council or an accredited certifier prior to the release of a construction certificate.

Reason: *To ensure the structural adequacy of development.*

25. 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]*

26. 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 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)]*

27. 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 Building 22 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]*

28. Roofing Materials - Reflectivity

The external finish to the roofs of Buildings 01 and 06 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]*

29. Colours & Finishes

The finished colours / textures and materials of the building or works are to be generally in accordance with the annotations detailed on the approved plans referred to in Condition No 1 of this consent and/or documentation detailed within the Statement of Environmental Effects prepared by S2F Pty Ltd indicating colours, textures and substance of all external components of the building and hard surfaced areas. Prior to the issuing of a Construction Certificate, the certifier is to verify that the external components are generally in accordance with that specified above.

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

30. 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]*

31. Cigarette Butt Receptacle

That provision be made for cigarette butt receptacles on the site to minimise littering. Cigarette butt receptacles must be provided during building works at every area of construction. Details of the size and the location of the receptacle are to be provided in the Construction Certificate.

Reason: *To ensure that adequate provision is made for builder's waste and waste upon completion of the development. [C58]*

32. Underground Electricity and Other Services

All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other 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]*

33. Geo-technical Report

A certificate prepared by an appropriately qualified Geo-technical Engineer shall be submitted with the documentation for the Construction Certificate certifying that the existing rock formations and substrate on the site are capable of withstanding:

- (a) the proposed loads to be imposed;
- (b) the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- (c) protection of adjoining properties;
- (d) the provision of appropriate subsoil drainage during and upon completion of construction works.

Reason: *To ensure the structural integrity of the subject site and adjoining sites during the excavation process. [C65]*

34. S94 Contributions

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

\$ 12,050.00

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.

The basis for the contributions is calculated on 3938sqm of office floor space (UDAK:6924).

(Note: all credits have been included within this calculation)

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]*

35. 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	
100 South Creek Road, Cromer	
DA2005/0467	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$3,000.00
Engineering Construction Bond - Road Pavement	\$10,000.00
Silt and Sediment Bond	\$10,000.00
TOTAL BONDS	\$23,000.00
FEES	
Kerb Security Inspection Fee	\$200.00
Section 94 contribution (UDAK:6924)	\$12,050.00
Long Service Levy	\$41,178.30
TOTAL FEES	\$53,428.30

Reason: *Compliance with the development consent. [C71]*

36. 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]*

37. Heritage Photographic Survey

A black and white photographic survey, in accordance with the guidelines of the Heritage Council, is to be submitted with the Construction Certificate application prior to the demolition of Building 10. The photographic survey is to be submitted in an unbound report format, which is to contain:

- (a) A front cover marked with:
 - (i) the name/location of the property;
 - (ii) the date of the survey;
 - (iii) the name of the Company or persons responsible for the survey.
- (b) A layout plan of the existing building; identifying rooms and features shown in the photographs.
- (c) Photographs of the interior, exterior, and streetscape view of the building, labelled to indicate their location in relation to the layout plan and elevations of the building; and a set of negatives. All photographs are to be mounted in acid-free photographic corner mountings and photographs are to be fixed into acid-free corner mounting.
- (d) Where colour is a feature of the building (for example, the building features stained glass, leadlight or polychrome brickwork), additional colour photographs (with negatives) are to be included in the photographic survey report.

These documents are to be remitted to Council's historical archives.

Reason: *The building is located within the vicinity of items of heritage significance and to provide a historical record of heritage significant works on the site for archival purposes. [C74]*

38. High Quality Lighting

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

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

39. Noise from Plant in Mixed Use Zones

A certificate from an Acoustic Engineer is to be submitted with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property, and will comply with the Environmental Protection Authority Industrial Noise Policy.

Reason: *To comply with best practice standards for residential acoustic amenity. [C80]*

40. Landscape Plan

A landscape plan, prepared by a qualified Landscape Architect or Landscape Consultant, to a scale of 1:100 or 1:200, conforming to all other relevant conditions of this consent, must be submitted to the satisfaction of Council or an accredited certifier prior to the issuing of a Construction Certificate.

- a) The plan must detail a significant level of mature native indigenous plantings (all plantings are to be at a minimum height of 1.5 metres at planting) within the areas annotated in RED by Council on the approved plans (as referred to within **Condition No 1** of this Development Consent;
- b) To protect the streetscape, the landscape plan must show mounding along the southern and western sides of the water and hydrant tanks adjacent to southern car park. The mounded area is to provide a significant level of mature native indigenous plantings (a minimum height of 1.5 metres at planting) within the areas annotated in RED by Council on the approved plans. The plans are to further annotate that the tanks are to be painted dark green (low sheen) as to minimize the visual impact. (NOTE: The mounded area is to be designed as to prevent general access to the top of the tanks, notwithstanding, this condition does not prevent the applicant from taking all necessary steps to ensure safety to and around the tanks).
- c) The plan is to indicate the existing location, canopy spread, trunk diameter, height and names of all existing trees on or directly adjacent to the site within 20 metres of all development areas as approved under this Development Consent;
- d) Planting plans indicating the location of all proposed planting and all existing planting to be retained, delineating each species type and showing existing and proposed ground levels (shown as spot heights over the site and at the base of the trees that area to be retained). The plan must include a detailed planting schedule, which must include species listed by botanical and common names, quantities of each species, pot size and the estimated size at maturity; and
- e) Planting details must be provided for the preparation and laying of turf, tube and potted plants, super advanced plants, bare rooted stock and proposed methods of staking trees.

Reason: *Provision of Adequate landscaping.*

41. Traffic Conditions

- a) The existing intercom system located at the driveway of Southern Carpark is to be relocated to the centre of the driveway at a minimum distance of 6m from the kerbline of Inman Road. This would ensure that entering drivers remain on the left side of the driveway to use the intercom.

- b) The existing intercom system located at the driveway of Northern Carpark should be relocated to the centre of the driveway. This is to ensure that entering drivers remain on the left side of the driveway and reduce conflicts between exiting and entering vehicles.

Details are to be submitted to Council or an accredited certifier prior to the release of a Construction Certificate.

Reason: Traffic Safety.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

42. 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]

43. 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]

44. 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]

45. 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]

46. 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.

Reason: *Statutory requirement (Roads Act 1993) [D6]*

47. 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]*

48. Temporary Fences and Tree Protection

All protected trees on-site shall be tagged with luminous tape or the like for purposes of identification prior to excavation or construction, and no materials or builder’s waste are to be stored in the vicinity of the trees.

Appropriate fencing or barricades, not less than the distance as identified in the Arboricultural Assessment prepared by GIS Environmental Consultants Dated 18 May 2005 shall be installed to the satisfaction of the Principal Certifying Authority prior to demolition or commencement of any building works and maintained for the duration of the works around the following trees:

TREES NUMBERED 150 TO 154, 156 TO 180 AND 185 AS IDENTIFIED IN THE ARBORICULTURAL ASSESSMENT PREPARED BY GIS ENVIRONMENTAL CONSULTANTS DATED 18 MAY 2005

Reason: *To protect the trees to be retained on the site during construction works. [D11]*

49. 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.
- (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]*

50. 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]*

51. 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]*

52. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

Reason: *To ensure the community is protected from the cost of any claim for damages arising from works on public land. [D17]*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

53. 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]*

54. Road Reserve works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others, to the satisfaction of the Principal Certifying Authority, and in accordance with Council's standard specifications for engineering works. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works. This Condition must be complied with during demolition and building work.

Reason: *Public Safety. [E4]*

55. 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.

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]

56. 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]

57. 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]*

58. 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 the excavation and its relationship to the boundaries;
- (b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) prior to placement of concrete at each fifth floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (d) 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;
- (e) 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]*

59. 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 Condition must be complied with during demolition and building work.

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

60. 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]*

61. No Removal of Trees on Public Property

No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in its consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

Reason: *Protection of existing environmental infrastructure and community assets. [E21]*

62. Protection of Trees

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

Trees Numbered 150 to 154, 156 to 180 and 185 as identified in the Arboricultural Assessment prepared by GIS Environmental Consultants dated 18 May 2005.

All other trees are subject to councils tree preservation order which were not identified in the Arboricultural Assessment prepared by GIS Environmental Consultants dated 18 May 2005

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

63. 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.

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)]*

64. 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]*

65. 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, 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]*

66. 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]*

67. 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]*

68. 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 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]*

69. Water Quality from Contaminated Sites

Runoff must be drained to an adequately bunded central collection sump and treated, if necessary, to meet NSW Environment Protection Authority discharge criteria. This condition shall be complied with during demolition and building work.

Reason: *To protect the environment from contaminated sedimentation and erosion from development sites. [E31]*

70. Excavation Distance from Boundary

No excavation is to occur within 1.0m of the property boundary.

Reason: *To ensure the protection of adjoining properties from the effects of excavation and potential collapse. [E33]*

71. 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]*

72. 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]*

73. 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]*

74. 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.

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.
 - (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)]

75. Applicant's Cost of Work on Council Property

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

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

76. 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]

77. 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]

78. 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]

79. 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]*

80. 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]*

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

81. 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]*

82. 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]*

83. 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]*

84. 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.
- (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]*

85. 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]*

86. 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]

87. 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. 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]*

88. 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 Certifying Authority for the work.
- (2) Any such sign must be maintained while 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]*

89. 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.

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]*

90. 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]*

91. 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

92. 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]*

93. Provision of wet chemical fire extinguisher and fire blanket

The provision of a wet chemical fire extinguisher and installation of a fire blanket to the kitchen.

Reason: *Fire Safety. [G2]*

94. 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]*

95. 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]*

96. 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 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)]

97. Works as Executed Drawings and Video - Stormwater

The applicant shall, upon completion of the engineering works, submit to Council the works-as-executed drawing (W.A.E.) and Compliance Certificate certifying compliance with the requirements of Council’s standard specification for engineering works AS3500.3.2. This consent, issued by Council/Accredited Certifier (Civil Works) prior to the issuing of any Occupation Certificate. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures. A video inspection must also be carried out of completed drainage works that are to revert to Council’s care and control, and the videotape forwarded to Council to support the certification.

Reason: Compliance with the Consent. [G8]

98. Access for People with Disabilities

Prior to occupation 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. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment (AS 1428.4).

Reason: Equitable access for people with a disability. [G10]

99. 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.

Reason: To ensure public safety, and equitable access for people with a disability. [G11]

100. Mechanical Exhaust Ventilation

A mechanical exhaust system shall be installed in accordance with AS1668 to the kitchen area of the cafeteria, and be operated in such a way so as to minimise/prevent the creation of odours, fumes and excessive noise which may adversely affect the amenity, or interfere unreasonably with the comfort or repose of occupants of the building and adjoining premises.

Certification, from an appropriately qualified and practising Mechanical Engineer, is to be submitted to the Principal Certifying Authority, detailing that the exhaust ventilation system has been installed in accordance with AS1668, prior to completion and the issue of any Occupation Certificate.

Reason: *To ensure compliance with acceptable standards for the construction and operation of mechanical plant. [G22]*

101. 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]*

102. On-Site Stormwater Detention Compliance Certification

The on-site detention system and associated drainage works are to be in accordance with the drainage plan submitted by WS & P consultants (Drawing No P00 10 03 Rev F1 dated 16 May 2005). 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 Certifying Authority. 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 Certifying Authority prior to occupation. Council can issue the Compliance Certificate if required subject to prescribed fee.

Reason: *To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded. [G27]*

103. 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]*

104. 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]*

105. 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]*

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION

105. Amenity

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: *Health and amenity.*

106. Trade waste

Prior to occupation or use of the premise the applicant shall comply with the requirements of Sydney Water in respect to:

1. Provision of grease arresters.
2. Provision of trade waste treatment plant or equipment.
3. Discharge of trade waste to sewer.

Reason: *To ensure proper disposal of waste water.*

107. Ventilation

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

1. The Building Code of Australia.
2. Australian Standards 1668.1 and 1668.2 - 1991
3. The Public Health Act, 1991.
4. The Public Health Act 1991 - Regulation.
5. WorkCover Authority.
6. Australian Standards 3666.

Reason: Health and amenity.

108. Design, construction and fitout

Compliance with Australian Standard AS 4674 - 2004 - 'Design, Construction and fit-out of food premises

Reason: To ensure compliance with the Australian Food Standards Code.

109. Food Safety Standards

Compliance with the "FSANZ Food Standards Code", in particular Chapter 3; Food Safety Standards

Reason: Statutory requirement.

110. Notification

The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted.

Notification may be done either online at www.foodnotify.nsw.gov.au or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

Note: A fee applies when lodging notification forms with Council.

The proprietor of a food business must also contact an Environmental Health Officer of Council to inform them of their notification number and business details prior to trading.

Reason: Statutory requirement.

112. Pollution

The development must not give rise to any pollution as defined by the Protection of the Environment Operations Act 1997.

Reason: Statutory Control.

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

113. Impact on Amenity of Surrounding Area - Non-Residential Areas

The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external) or solar glare arising from the building materials utilised in any construction processes or fit out.

Reason: To ensure that the amenity of the surrounding locality is not adversely affected by the nature of the approved activity. [I7]

114. Visitors Sign

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors. [I10]

115. Visitor Car parking

Visitor car parking being permanently available; not reallocated and clearly marked.

Reason: To ensure visitor car parking is available at all times and is clearly identified. [I45]

116. Work Site

Trade materials, product and plant to be kept within the confines of the building at all times.

Reason: To ensure the safety of public land. [I46]

Right to Review by the Council

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.

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

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Signed on behalf of the consent authority

Signature _____

Name Peter Robinson – Manager Major Developments

Date 14 September 2005