

24 June 2019



J & G Knowles & Associates Pty Ltd
C/- Tomasy Planning
Level 1, 1073 Pittwater Road
COLLARROY NSW 2097

Dear Sir/Madam,

Application Number: DA2018/1826
Address: Lot 29 DP 5464 , 27 Warriewood Road, WARRIEWOOD NSW 2102
Lot 28 DP 5464 , 25 Warriewood Road, WARRIEWOOD NSW 2102
Proposed Development: Construction of a mixed residential development, comprising residential flat buildings, semi-detached dwellings and dwelling houses, with associated internal road, site works, landscaping and community title subdivision

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

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

Please read your Notice of Determination carefully and the assessment report in the first instance.

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

Regards,



Peter Robinson
Executive Manager Development Assessment

NOTICE OF DETERMINATION

Application Number:	DA2018/1826
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	J & G Knowles & Associates Pty Ltd
Land to be developed (Address):	Lot 29 DP 5464 , 27 Warriewood Road WARRIEWOOD NSW 2102 Lot 28 DP 5464 , 25 Warriewood Road WARRIEWOOD NSW 2102
Proposed Development:	Construction of a mixed residential development, comprising residential flat buildings, semi-detached dwellings and dwelling houses, with associated internal road, site works, landscaping and community title subdivision

DETERMINATION - APPROVED

Consent Authority	Sydney Planning Panel - North
Made on (Date)	18/06/2019
Consent to operate from (Date):	18/06/2019
Consent to lapse on (Date):	18/06/2024

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.

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Proposed Site Plan DA-020, revision I	04.03.2019	VIA Architects
Proposed Apartment Ground Floor Plan / Dwelling Garage Lower Level Floor Plan, DA-100, revision O	01.05.2019	VIA Architects
Proposed Apartment First Floor Plan / Dwelling Lower Level Floor Plan, DA-101, revision K	01.05.2019	VIA Architects
Proposed Apartment Second Floor Plan / Dwelling Mid Level Floor Plan, DA102, revision K	01.05.2019	VIA Architects
Proposed Apartment Roof Plan / Dwelling Upper Level Floor Plan, DA-103, revision K	01.05.2019	VIA Architects
Proposed Overall Roof Plan, DA-104, revision G	14.03.2019	VIA Architects
Proposed Basement 01 Plan, DA-105, revision J	10.04.2019	VIA Architects
Proposed Basement 02 Plan, DA-106, revision J	10.04.2019	VIA Architects
Proposed Elevations DA-200, revision J	01.05.2019	VIA Architects
Proposed Elevations DA-201, revision J	01.05.2019	VIA Architects
Proposed Sections DA-250, revision F	14.03.2019	VIA Architects
Proposed Sections DA-251, revision G	10.04.2019	VIA Architects
Site Diagram - Landscaped Area, DA-052, revision G	10.04.2019	VIA Architects
Materials Palette, revision D	14.03.2019	VIA Architects
Landscape Plans - Endorsed with Council's stamp		
Landscape Plan, TP01C	15.03.2019	CDA Design Group Pty Ltd
Landscape Section A-A, TP02B_P1	15.03.2019	CDA Design Group Pty Ltd
Landscape Section B-B, TP03B_P1	15.03.2019	CDA Design Group Pty Ltd
Stormwater Management Plans - Endorsed with Council's stamp		
Site Plan, SWDA102, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Stormwater Concept Design, SWDA200, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Stormwater Concept Design, SWDA202A, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Stormwater Concept Design, SWDA202B, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Stormwater Concept Design, SWDA300A, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Stormwater Concept Design, SWDA300B, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Erosion and Sediment Control, SWDA400, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Stormwater Concept Design, SWDA500, revision E	11.04.2019	S&G Consultants Pty Ltd (SGC)
Subdivision Plans – Endorsed with Council's stamp		
Plan of Proposed Community Title Subdivision, issue A	10.09.2018	Byrne & Associates Pty Limited
Strata Plans Sheets 1-6 of 6, reference 10977SD issue A	[undated]	Paul Barry Byrne

- (b) The following Approved Supporting Documents are relied upon in this consent:

Reports / Documentation:		
Report	Dated	Prepared By
Water Management Report	11.04.2019	S&G Consultants Pty Ltd (SGC)
Geotechnical Risk Management Report	03.08.2016	Geotechnique Pty Ltd
Geotechnical Risk Management Report Addendum	06.03.2019	Geotechnique Pty Ltd
Noise Impact Assessment Report	15.08.2017	WSP
Waste Management Report	14.09.2018	TTM
BASIX Certificate 964173M	13.11.2018	Partners Energy Management

- (c) The development must be carried out in compliance (except as amended by any other condition of consent) with any plans and/or documentation submitted to satisfy the conditions of this consent.

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 the consent authority.

2. Compliance with other Department, Authority or Service Requirements

The development must be carried out in compliance with the following General Terms of Approval issued by the Natural Resources Access Regulator on 6 March 2019

- (a) Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
- (b) The following plan(s):
- (i) Erosion and Sediment Controls Plan must be:
 - (i) Prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), and
 - (ii) Submitted with an application for a controlled activity approval.
- (c) The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
- (d) This General Terms of Approval (GTA) only applies to the proposed activity described in the plans and associated documents found in Schedule One, relating to Development Application 2019 provided by Council to Natural Resources Access Regulator.
- (e) Any amendments or modifications to the proposed activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
- (f) The application for a controlled activity approval must include the following document(s):
- (i) site plan, map and/or surveys;
 - (ii) watercourse crossings;
 - (iii) outlet structures;
 - (iv) Erosion and Sediment Control Plan;
 - (v) Soil and Water Management Plan;
 - (vi) Vegetation Management Plan;
 - (vii) in-stream works.

- (g) All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
- (h) Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.
- (i) The application for a activity; controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.
- (j) When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.
- (k) The consent holder must inform Natural Resources Access Regulator in writing when the proposed construction of the controlled activity has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA2018/1826 as provided by Council:

- SEE
- Site Plan
- VMP

Reason: To ensure the work is carried out in accordance with the statutory requirements of the Natural Resources Access Regulator.

3. Prescribed Conditions

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

- (d) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement

4. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- o 7.00 am to 5.00 pm inclusive Monday to Friday,
 - o 8.00 am to 1.00 pm inclusive on Saturday, No work on Sundays and Public
 - o Holidays.
- Demolition and excavation works are restricted to:
- o 8.00am 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,

- (h) 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.

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

FEES / CHARGES / CONTRIBUTIONS

5. 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).

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

6. Road and Drainage Damage Bond

A Bond of \$40,000 as security against any damage to Council's existing road, footpath and drainage network. This security also covers any damage or loss to street tree planting.

Reason: Protection of Council's Infrastructure.

7. Development Contributions

A cash contribution of \$2,914,775.60 (subject to (a) below) is payable to Northern Beaches Council for the provision of public infrastructure and services in accordance with the Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3) pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979.

- (a) The monetary component of the developer contribution is to be paid prior to issue of the first Construction Certificate. If the cash contribution remains unpaid after 23 April 2019, the amount unpaid will increase on a quarterly basis in accordance with the applicable Consumer Price Index as published quarterly by the Australian Bureau of Statistics. If this condition applies, the cash contribution payable for this development will be the total unpaid cash contribution as adjusted.
- (b) The proponent shall provide evidence of payment of the cash contribution (subject to (a) above) to the Certifying Authority within 14 days of fulfilling the condition (a).
- (c) The proponent may negotiate with Council for the direct provision of other facilities and services, the dedication of land in lieu of the cash contribution above (or any portion of that cash contribution) or the deferral of payments through a Material Public Benefit Agreement between Council and the proponent in accordance with the Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3). The agreement for Material Public Benefit Agreement between the proponent and Northern Beaches Council must be finalised, formally signed and in place prior to the issue of the first Construction Certificate.

The Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3) may be inspected at Northern Beaches Council or Council's website www.northernbeaches.nsw.gov.au

Reason: Consistency with the Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3).

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

8. Creation of Lot 2

Evidence of the creation of Lot 2, approved pursuant to development application N0611/16, is to be provided to the certifying authority prior to the issuance of the construction certificate.

Reason: To ensure consistency with the as-built development approved pursuant to N0611/16.

9. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations of the risk assessment required to manage the hazards as identified in the Approved Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

10. On-site Stormwater Management

Drainage plans detailing the provision of stormwater disposal and on-site stormwater detention in accordance with Northern Beaches Council's *Warriewood Valley Water Management Specification* and the Approved Concept Stormwater Plans referenced in Condition 1 of this consent are to be submitted to the Principal Certifying Authority for approval prior to the issue of the construction certificate.

The plans are to be prepared and certified by a qualified experienced 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.

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

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

11. Certification of Water Management Report

A qualified 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 is to complete the pre-construction certificate checklist and certify that the Water Management Report and all associated plans and detailed design are in accordance with the Warriewood Valley Water Management Specification (February 2001) and any associated conditions of consent.

Reason: To ensure water is managed appropriately

12. Tanking of Basement Level

The basement area is to be permanently tanked. Details of the tanking are to be prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the relevant authority. The bore license must be obtained prior to commencement of dewatering works. All requirements of the relevant authority are to be complied with and a copy of the approval must be submitted to the Principal Certifying Authority. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

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

13. Utilities Services

Prior to the issue of the construction certificate, written evidence is to be submitted to the Principal Certifying Authority from all relevant utility suppliers that satisfactory arrangements have been made for the approved development to be connected to all required services.

Reason: To ensure that service have been provided as required by this Consent.

14. Underground Services

All services for the proposed dwellings/lots are to be located underground. The location of any trenching for underground services is to take into account future/proposed landscaping. Details demonstrating compliance with this requirement are to be submitted to the certifying authority prior to the issuance of the construction certificate.

Reason: To protect services and minimise visual clutter.

15. 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.

16. Construction Traffic Management Plan.

A Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the certifying authority prior to issue of any construction certificate.

The CTMP must address following:-

- (a) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (b) 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;
- (c) Make provision for all construction materials to be stored on site, at all times;
- (d) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (e) The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (f) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (g) Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- (h) Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- (i) Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- (j) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- (k) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- (l) Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- (m) 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;
- (n) Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- (o) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- (p) Proposed protection for Council and adjoining properties;
- (q) The location and operation of any on site crane; and
- (r) The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

17. Pre-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, stormwater assets etc). In relation to stormwater infrastructure, the report must be prepared in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset. 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.

18. External Finishes

The external finishes of the development are to be consistent with the materials nominated on the approved 'Proposed Elevations' and as shown on the Approved Material Palette referenced in Condition 1 of this consent. For the avoidance of doubt:

- (a) "Render Finish – Mid Tone" shall be a grey tone equivalent to or darker than Colorbond "Windspray",
- (b) "Render Finish – Dark Grey Tone" shall be a grey tone equivalent to or darker than Colourbond "Basalt", and
- (c) "Roof Sheeting – Colorbond – Dark Grey" shall be a tone equivalent to Colorbond "Monument".
- (d) The lift overruns are to be finished in the same colour as the roof sheeting.

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

Reason: To ensure that the visual impact is appropriately minimised.

19. BASIX Requirements

BASIX affected development must comply with the schedule of BASIX commitments specified within the BASIX Certificate referenced in Condition 1 of this consent.

Details demonstrating compliance are to be included on the plans/specifications is required prior to the issue of the construction certificate.

Reason: Legislative requirement.

20. Amendments to Approved Plans

Prior to the issuance of the construction certificate, the Approved Plans referenced in Condition 1 of this consent are to be amended, as follows:

- (a) A 1.2m high fence, setback a minimum of 2m from the front western façade, is to be provided to enclose the area of private open space to the north of apartment G.03.
- (b) A 1.8m high fence is to be provided to divide the northern area of private open space between apartments G.03 and G.04.
- (c) The turning head of the internal laneway is to be relocated to the opposite (western) side

- of the laneway, setback 2m from the northern property boundary and is to form part of the Community Lot 1.
- (d) Ceiling heights of all habitable rooms, as defined by the Apartment Design Guide, shall be a minimum of 2.7m.
 - (e) Air-conditioning units on the balconies of apartments G.01, G.03, G.05, 1.01, 1.03 and 2.06 are to be relocated to be outside the areas that will receive direct sunlight in mid-winter.
 - (f) The setback between Lorikeet Grove and the western façade of the Master Bedroom of Apartments G.11 and 1.13 (and the balcony above) is to be increased by 1.2m, with the internal division between the Master Bedroom and the robe to be adjusted accordingly.
 - (g) A timber feature panel (TC1) is to be introduced on the southern elevation of the southern residential flat building. The panel is to mimic those proposed on the northern elevation of the northern residential flat building, is to have a minimum width of 7.5m, and is to partially overlap the glass balustrade of Level 2.
 - (h) Where there are inconsistencies between DA-103 (revision K) and DA-104 (revision G) with regard to the roof forms of the residential flat buildings, DA-103 (revision K) is to prevail.

Reason: To ensure an appropriate level of amenity and consistency with relevant plans and policies.

21. Amendments to Subdivision Plans

Prior to the issuance of the construction certificate, the Approved Subdivision Plans referenced in Condition 1 of this consent are to be amended, as follows:

- (a) The lot containing DW12 is to form part of the Community Title Subdivision Plan (ie: the 14th residential lot)
- (b) The Strata Plans are to be amended to reflect the approved layout/design of the residential flat buildings,
- (c) The landscaped area to the north of apartment G.03 (PT.3) is to be dedicated on title as Open Space associated with that apartment.

Reason: To ensure consistency with the development outcome approved by this consent.

22. Landscape Detail

Prior to the issuance of the construction certificate, the Approved Landscape Plans referenced in Condition 1 of this consent are to be amended, as follows:

- (a) The detail design layout and a planting schedule is to be identified,
- (b) All tree plantings are setback a minimum of 3m from buildings,
- (c) The nominated areas of 'Garden Bed' shall be planted at a density to ensure that the proposed shrubs form a resultant landscaped buffer/screen,
- (d) A minimum of 4 medium evergreen trees are to be accommodated on each of the dwelling/semi-detached dwelling lots,
- (e) All large and medium evergreen trees proposed on the residential lots shall have a minimum pot size of 75L,
- (f) Landscaping within the Warriewood Road and Lorikeet Grove public road reserves are to be in accordance with that approved pursuant to development application N0611/16.

Reason: To ensure consistency with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain).

23. Landscape Maintenance Plan

A Landscape Maintenance Plan is to be prepared and submitted to the certifying authority that outlines the technique and frequency of maintenance tasks during the establishment of the landscaping on the subject site. The Landscape Maintenance Plan is to be implemented for a period 24 months immediately following the completion of landscape and hardscape works on site. The

Landscape Maintenance Plan is to incorporate maintenance and care of hardscape elements (e.g. paving, retaining walls), weeding, watering, mowing, consideration of other endemic species where plantings do not respond to the conditions as expected and a procedure for the replacement of failed plantings.

Reason: To ensure the establishment of proposed landscaping.

24. Permeable surfaces

All paving located within the areas coloured green on the diagrams on the Site Diagram - Landscaped Area plan referenced in Condition 1 of this consent are to be constructed in a manner to allow the infiltration of water (ie: shall not be constructed on a slab). Details demonstrating compliance are to be provided to the certifying authority prior to the issuance of a construction certificate.

Reason: To ensure consistency with the pervious area calculations relied upon in relation to the approved stormwater management solution for the site.

25. Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Council Waste Management Guidelines, including the required Northern Beaches Council Waste Management Plan, are to be submitted to and approved by the Certifying Authority prior to the issue of any construction certificate.

Note: If the proposal, when compliant with Northern Beaches Council Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

26. Consistency with General Terms of Approval

A suitably qualified professional is to provide certification that the construction certificate detail is consistent with the General Terms of Approval, issued by the Natural Resource Access Regulator, as referenced in Condition 2 of this consent.

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

27. Sydney Water

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. The appropriately stamped plans must then be submitted to the Certifying Authority prior to the issuance of the construction certificate demonstrating the works are in compliance with Sydney Water requirements.

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

28. Sydney Water

A section 73 Compliance Certificate under the provisions of the Sydney Water Act, 1994 must be obtained from Sydney Water. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

29. Application for works within the public road reserve

An application for works within Council's public road reserves is to be submitted to Council for approval under the provisions of Section 138 and 139 of the Roads Act 1993 for the minor changes proposed to Lorikeet Grove and Warriewood Road (compared to that approved pursuant to development application N0611/16). The application is to include four (4) copies of civil engineering plans and is to be accompanied by the associated fee. An approval is to be submitted to the Principal certifying authority prior to the issue of the construction certificate

Reason: Statutory requirement.

30. Adaptable Housing

Prior to the issuance of the construction certificate, a suitably qualified accessibility consultant is to provide written certification to the certifying authority to confirm that all adaptable dwellings (and access thereto) have been designed to meet the Class B requirements of AS4299:1995 Adaptable Housing.

Reason: To provide adaptable housing.

31. Residential Apartment Development

Prior to the issuance of the construction certificate, a statement by the qualified designer is to be submitted to the certifying authority to verify that the plans and specifications of the development achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles.

Reason: Legislative requirement.

32. Bollards

Bollards shall be installed near all standing areas around elevators and stairs, particularly where pedestrians are exposed to vehicular movements. Plans shall be amended to reflect the location of the bollards. These plans shall be submitted to and approved by the Certifying Authority prior to the release of any Construction Certificate.

Reason: To ensure pedestrian safety by protecting standing areas near elevators.

33. Car wash

The car wash bay is to incorporate a tap/hose for use by residents. The car wash bay is to be graded to drain to the sewerage system. The perimeter of the wash bay is to be suitably bunded to prevent stormwater entering the sewer.

Reason: To provide a usable area for car washing.

34. Driveways/internal roadways

Any driveway and internal roadway is to be constructed to an all-weather standard, non-slip finish and is to be appropriately line-marked and signposted. Dark grey/black oxide or pigment is to be added to the proposed concrete finish to achieve a dark coloured driveway and parking area. Details demonstrating compliance with these requirements are to be included as part of the construction certificate application.

Reason: To ensure that the visual impact of roadways/driveways are minimised.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

35. Public Liability Insurance

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

36. Temporary Dewatering

If groundwater is encountered, discharge must achieve the following water quality targets in addition to any conditions/documentation of this consent, any requirements of the relevant authorities, and legislation, including Protection of The Environment Operations Act 1997 and Contaminated Lands Act 1997.

Parameter	Criterion	Method	Time Prior to Discharge
Oil and grease	None visible	Visual inspection	<1 hour
pH	6.5- 8.5	Probe/meter	<1 hour
Total Suspended Solids (TSS)	<50mg/L	Meter/grab sample measured as NTU	<1 hour

Note: The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.

Dewatering must not occur until the above water quality parameters are met. All records of water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Tailwater must be discharged to a stormwater pit and not spread over any road, footpath and the like.

Reason: Protection of the receiving environment.

37. 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.

38. Civil Works Supervision

All civil works approved in the construction certificate are to be supervised by an appropriately qualified and practising Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

39. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety.

40. Excavation and Erosion Control

Prior to commencement of any works, temporary sedimentation and erosion controls are to be installed to eliminate the discharge of sediment from the site, including:

- (a) A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
- (b) Sediment is not to leave the site or enter areas of riparian vegetation, and the appropriate sediment fencing is to be installed.
- (c) The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to conform to the specifications and standards quoted and to any conditions of approval of those measures.
- (d) Measures shall be applied, to the satisfaction of council, to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development.
- (e) Measures required in permits issued under the Water Management Act shall be implemented. This Act requires that people obtain approval for any proposed works within 40 metres of a watercourse.
- (f) Approved runoff and erosion controls shall be installed before site vegetation is cleared (other than that associated with the construction of the controls). These shall be as shown on an ESCP approved by council.
- (g) Topsoil shall be stripped only from approved areas and stockpiled for re-use during site rehabilitation and landscaping.
- (h) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, waters, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned. All stockpiled materials are to be retained within the property boundaries.
- (i) Uncontaminated runoff shall be intercepted up-site and diverted around all disturbed areas and other areas likely to be disturbed. Diversion works shall be adequately stabilised.
- (j) Runoff detention and sediment interception measures shall be applied to the land. These measures will reduce flow velocities and prevent topsoil, sand, aggregate, or other sediment escaping from the site or entering any downstream drainage easements or waters.

Reason: To minimise soil erosion.

41. 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.

42. 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 off site.

43. 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 off site.

44. Acid Sulfate Soil Management

Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about the uncovering of Acid Sulfate Soil must be notified to the Certifier as soon as reasonably practicable. This will also require an Acid Sulfate Soil Management Plan, including disposal of affected soil to an approved facility, to be submitted to the certifier, before work continues.

Reason: To ensure potential Acid Sulfate Soil is appropriately managed.

45. Dust during works

Measures shall be documented and be undertaken to minimise any dust created as a result of excavation, vehicle movements and construction so as not to impact on neighbouring premises or create air pollution at any time.

Reason: To prevent air pollution from dust and comply with legislation.

46. Noise reduction measures

Construction is to be undertaken in accordance with the recommendations contained within the Noise Impact Assessment Report referenced in Condition 1 of this consent for site works, building design and equipment.

Specifically before any work commences, the proponent should inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details.

Additionally Council requires a documented record of any complaints and any action taken to be kept on site during site works and be freely accessible to Council, if required. Equipment and methodology used to reduce noise during site works shall be best practice.

Reason: To minimise noise to internal and external residential receivers.

47. Construction Traffic Management Plan

The Construction Traffic Management Plan (CTMP) required by this consent is to be implemented and adhered to throughout the construction phase of the development on site.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

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

48. **Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the occupation certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

49. **Landscaping**

Prior to the issuance of an occupation certificate, a qualified landscape architect/designer is to certify that the landscaping works have been completed in accordance with the approved Landscape Plans referenced in this consent, as amended by any conditions of consent.

Furthermore, evidence is to be provided to confirm the engagement of a suitably qualified landscape architect who will be responsible for the implementation of the Landscape Maintenance Plan for a minimum period of 2 years. The landscape architect is to confirm that they will undertake to:

- (a) visit the site immediately following completion of the landscaping and hardscape works on site (those other than in the creekline corridor); and
- (b) visit the site on a three (3) monthly basis for a period of 2 years to ensure implementation of the Landscape Maintenance Plan.

Reason: To ensure the approved landscaped solution is provided and appropriately established and maintained.

50. **Post-Dilapidation Report**

The applicant is to engage a suitably qualified person to prepare a post-dilapidation report of the condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, stormwater assets etc) following the completion of works. Any noted damage is to be rectified by the applicant, to the satisfaction of Council, prior to the release of the security bond. 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.

Reason: To ensure all assets are left in a serviceable state or repaired to ensure ongoing serviceability of the asset.

51. **On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. 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 approved plans.

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 stormwater disposal is constructed to in accordance with the approved plans.

52. **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 required under this consent.

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

53. Updated Water Management Report

An updated/revised Water Management Report must be submitted to Council and the certifying authority prior to the issuance of an occupation certificate. The Water Management Report must contain all reports, assessments and plans as required by the Warriewood Valley Water Management Specification (February 2001). The updated/revised Water Management Report is to be supported by a signed and completed 'Documentation Checklist – Subdivision Certificate' in relation to the relevant aspects of the water management works.

Reason: To ensure stormwater management infrastructure has been built in accordance with the plans and specifications required under this consent.

54. Garbage and Recycling Facilities

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

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

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

55. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

56. Parking restrictions

Prior to the issuance of the occupation certificate, plans are to be submitted and approved by Council, via the Northern Beaches Local Traffic Committee for Time Restricted Parking (4P) for the indented parking bays within the Lorikeet Grove and Warriewood Road corridor immediately adjacent to the subject site. Signage is to comply with AS 2890.5 -1993 and Roads and Maritime Services relevant technical directions.

Reason: To provide servicing options for the subject development

57. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with Northern Beaches Council Waste Management Guidelines. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the occupation certificate.

Reason: To ensure waste and recycling facilities are provided.

58. Section 73 Compliance Certificate

Prior to the issuance of the occupation certificate, a copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act 1994 is to be submitted to the certifying authority.

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

59. Adaptable Housing

Prior to the issuance of the occupation certificate, a suitably qualified accessibility consultant is to provide written certification to the certifying authority to confirm that all adaptable dwellings (and access thereto) have been constructed to meet the Class B requirements of AS4299:1995 Adaptable Housing.

Reason: To provide adaptable housing.

60. Car Parking

Prior to the issue of the occupation certificate, certification is to be provided from a suitably qualified professional to the certifying authority to confirm:

- (a) that the layout and design of the as-built basement carpark (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) is strictly in accordance with the provisions of AS2890.1-2004
- (b) that all disabled parking spaces and the internal access route dimensions/gradient comply with AS2890.6-2009, and
- (c) that all adaptable parking spaces and the internal access dimensions/gradient comply with AS4299-1995.

Reason: To ensure safe vehicular egress.

61. Materials

Prior to the issuance of the occupation certificate, written certification is to be provided by the project architect that the finishes of the as-built development are consistent with those shown in the Approved Plans referenced in Condition 1 of this consent, and any conditions of this consent.

Reason: To ensure that the as-built finishes of the development are consistent with the high quality finishes approved.

62. BASIX Requirements

Prior to the issuance of the occupation certificate, certification is to be provided to confirm that the commitments identified in the BASIX Certificate referenced in Condition 1 of this consent have been fulfilled.

Reason: Legislative requirement.

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

63. Completion of works

Prior to the issuance of the Community Title or Strata Title Subdivision Certificates, the certifying authority must be provided with evidence of the issuance of an occupation certificate for the works approved by this consent.

Reason: To ensure that the approved works are completed in accordance with this consent before the land is subdivided and prior to any change in ownership.

64. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title 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 are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the subdivision certificate for the Community Management subdivision.

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval.

65. Positive Covenant for Waste Services

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's standard requirements, at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

66. Community Management Statement

Prior to the issuance of the subdivision certificate for Community Title subdivision, a Community Management Statement is to be prepared to:

- (a) Require/ensure consistency with all 'on-going' conditions of consent over the life of the development,
- (b) Outline the required maintenance responsibilities for all private infrastructure, including water management and landscaping,
- (c) Restrict any additional non-landscaped areas from being introduced on the site,
- (d) Prescribe space management strategies including activity coordination, site cleanliness, rapid repair of vandalism and graffiti, and the maintenance of lighting and landscaping,

67. Creation of Easements

Creation of appropriate easements where service lines, drainage lines or access ways pass through private property other than the lot which they benefit.

Reason: To ensure appropriate legal access for access, drainage and services.

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

68. Landscaping

All approved landscape works are to be maintained for the lifetime of the development

Reason: To ensure vegetation is retained and maintained.

69. Plant Equipment

Air-conditioning units and other plant equipment shall not be located on roof forms or in any location that will be visible from the public domain.

Reason: To avoid additional visual clutter.

70. Parking

All parking spaces are to be maintained free of obstruction and used solely for the parking of vehicles. The development is to maintain the following spaces for the life of the development:

- (a) 2 parking spaces for each of the proposed dwelling houses and semi-detached dwellings,
- (b) 1 parking space for each one bedroom apartment,
- (c) 2 parking spaces for each two and three bedroom apartment,
- (d) 1 parking space for each adaptable apartment must meet the provisions of AS4288,
- (e) 11 visitor parking spaces, clearly marked "visitor", including 1 parking space for people with disabilities compliant with the provisions of AS2890.6, and
- (f) 1 dedicated delivery/service vehicle space, clearly marked "deliveries".

Reason: To ensure that off-street parking is maintained for the life of the development.

71. Adaptable Housing

8 apartments (G.02, G.08, G.10, 1.02, 1.09, 1.12, 2.04 and 2.05) and 3 semi-detached dwellings (DW01, DW02 and DW03) are to be adaptable dwellings capable of being modified, when required by the occupant, to comply with the Class B requirements of AS4299:1995 Adaptable Housing.

Reason: To provide adaptable housing.

72. No Separate Habitation

The rooms above the 11 garages that front onto the internal laneway (DW01 – DW11) must be used in conjunction with the associated dwelling and must not be used for separate habitation.

Reason: To ensure consistency with the development outcome anticipated by this consent.

73. Maintenance of Infrastructure

All private stormwater management devices and other internal infrastructure (including roads, driveways, etc.) are to be maintained in accordance with the accepted design, maintenance plan and manufacturer's specifications and associated operational guidelines.

Reason: to ensure that infrastructure is appropriately maintained.

74. Fire Safety Matters

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

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

Right of Appeal

If you are dissatisfied with this decision Division 8.3 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



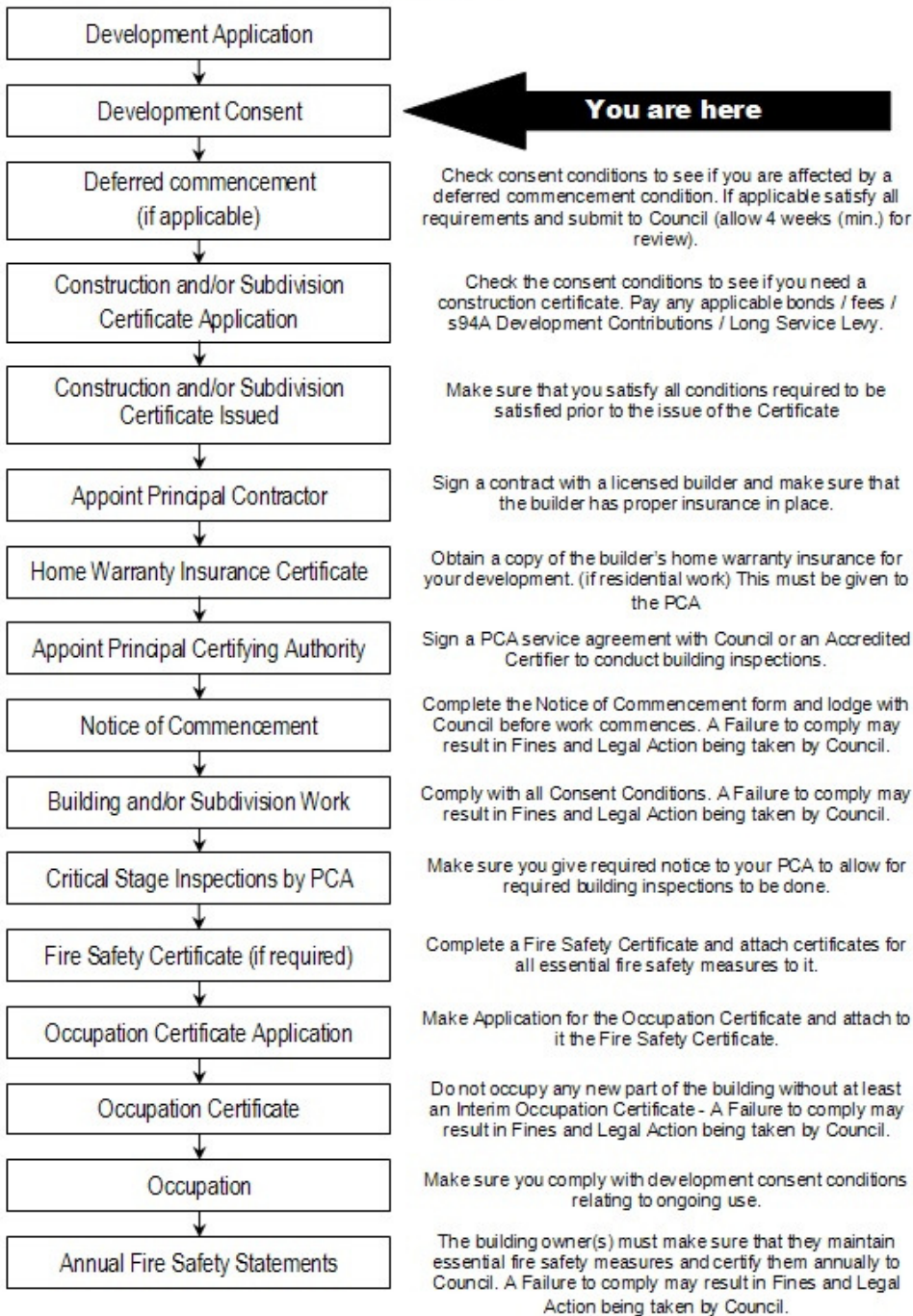
Name Peter Robinson
 Executive Manager Development Assessment
Date 18/06/2019

NOTE: Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 18/06/2019.

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 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 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 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 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.