

**DETERMINATION  
CONSENT NO: N0634/10  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)  
NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:  
ANGLICAN RETIREMENT VILLAGES  
C/- AURECON, PO BOX 538, NEUTRAL BAY 2089

Being the applicant in respect of Development Application No N0634/10

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No N0634/10 for:

**The Construction of a SEPP Housing for Seniors development including 25 self contained dwellings, associated ground level car parking, ancillary facilities including recreational swimming pool, gym, medical consulting rooms, lounges, multi-purpose room and café.**

At: 6-14 MACPHERSON STREET, WARRIEWOOD (LOTS A & B DP 400488, LOT 22 DP 5464, LOTS 5, 6, 7 AND 8 DP 1115877 AND LOTS A & B DP 358765)

**Decision:**

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

**Drawings numbered 0100 rev. a04, 1200 rev. a04, 1201 rev. a03, 0200 rev. a05, 2200 rev. a03, and 2500 rev. a03 prepared by NRP Architecture dated 14/12/2010.**

**Accessibility report prepared by Access Associates Sydney dated September 2010**

**Traffic Review prepared by Aurecon dated 16 September 2010**

**Acoustic Assessment prepared by Acoustic Logic Consultancy dated 16<sup>th</sup> September 2011**

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent **24<sup>th</sup> March 2011**

Mark Ferguson  
GENERAL MANAGER  
Per:

## Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

### A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. 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:
  - a) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) 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.

5. 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:
  - a) in the case of work for which a principal contractor is required to be appointed:

- i) The name and licence number of the principal contractor, and
    - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
  
  - b) in the case of work to be done by an owner-builder:
    - i) The name of the owner-builder, and
    - ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) 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.
7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

**B. Matters to be incorporated into the development and maintained over the life of the development:**

1. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified,
2. The development is to comply with the standards outlined in State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004, and
3. This consent should be read in conjunction with Development Consent N0102/05 relevant to this site endorsed 6<sup>th</sup> April 2006 as amended.
4. Any vegetation planted outside approved landscape zones is to be consistent with:
  - a) Species listed in the Ecological Sustainability Plan or Bushland Management Plan,
  - b) Species listed from the Endangered Ecological Community, and
  - c) Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and *Native Plants for Your Garden* link available from Council's website [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)
5. Over the life of the development all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993.

Environmental weeds are to be removed and controlled. Refer to Pittwater Council website ([www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)) for noxious/environmental weed lists.

6. No environmental weeds are to be planted on the site. Refer to Pittwater Council website ([www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)) for environmental weed lists.
7. Any new fencing is to be made passable to native wildlife. As a guideline, hole dimensions should be 150mm wide X 100mm long at ground level spaced at 6 metre intervals.
8. For the life of the development Cats are to be kept in a cat run and / or inside the dwelling such that they are prevented from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on the site or surrounding properties.
9. All services, including electrical and telecommunications, shall be provided underground in accordance with the draft Warriewood Valley Development Control Plan The location of any trenching shall have regard for future and proposed landscaping in the public domain.
10. The public footways and roadways adjacent to the site are to be maintained in a safe condition at all times during the construction phase. Pedestrian access is to be maintained at all times during the construction phase.
11. The adjustment of all public utilities and services is to be at the full cost of the developer.
12. Water conservation devices with an AAA rating must be installed and maintained, including tap flow regulators, shower head roses and dual flush toilets. All new hot water systems are to have a minimum rating of 3.5 stars.
13. Only locally native canopy trees are to be planted on the site. Canopy tree species are to be from the vegetation community(s) on the site as per the lists in the Warriewood valley masterplan available from Council and on the Pittwater Web Site. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
14. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
15. No odour nuisance shall be caused from the carrying out of any operation within the premises.
16. Dwelling(s) are to be constructed to allow internal access for telecommunications, intelligent lighting and home automation facilities from underground street electrical and telecommunications cabling.
17. All external glazing is to have a maximum reflectivity index of 25%.

18. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application. No white or light coloured roofs are permitted.
19. Timber log retaining walls are not permitted and are not to be included in the proposed development.
20. Roofs to all structures are to be dark grey, brown and/or green tones only.
21. Sanitary facilities must comply with the Building Code of Australia Provision must be made for storage of garbage containers, containers for recyclable material in an external areas of the premises or in a rooms specifically for that purpose.
22. No water pollution shall result from the operation of any plant or equipment or activity carried out.
23. Street lighting facilities to the development street frontages of the site and to the existing Public Road reserve are to be provided at the full cost of the developer and in accordance with the requirements of Energy Australia if required.
24. All services, including electrical and telecommunications within the development, shall be provided underground in accordance with the draft Warriewood Valley Development Control Plan The location of any trenching shall have regard for future and proposed landscaping.
25. Storage of hazardous materials, electrical items, items of plant, equipment or stock and any other items which may be susceptible to water damage are to be protected from flooding by reference to the Flood Planning Level as determined in the Water Management Report. (The level will be the 1% AEP flood level plus a freeboard safety factor of 500mm). This may be achieved by suitable flood protection works where the works are located below the relative level of the Flood Planning Level.
26. Noise from the operation of any plant or equipment at the premises (excluding construction activities) shall not exceed 5dB(A) above the background noise level measured inside the nearest dwelling on the property as well as measured inside the nearest dwelling adjacent to the property.
27. All garbage enclosures/stores shall be constructed and fitted out and maintained over the life of the development in accordance with the following:
  - 1) A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables,
  - 2) The area used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete, concrete blocks, structural fibrous cement or other similar homogeneous material) so as to prevent the formation of cavities which become possible harbourages for insects and vermin. Framing in timber is not permitted,

- 3) The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface,
  - 4) The floor shall be of impervious material covered at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure,
  - 5) Stormwaters shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters,
  - 6) The garbage and recycling enclosure shall be made vermin proof,
  - 7) Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2, and
  - 8) Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Councils satisfaction.
28. All utility services including overhead power supply and communication cables located in the adjacent road verge & those to service the development are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.
29. The construction, fit out and finishing of the kitchen, cafe and food storage areas must comply with: Australian Standard 4674 –2004 Design, construction & fit-out of food premises, and The Food Safety Standard 3.2.3 (as part of the Food Standards Code) required by the Food Regulation 2004.
30. Walls in and adjoining food handling areas (café and kitchen) must be of solid masonry construction (no voids or cavities) and finished as specified in table 3.2 of AS 4674-2004 Design, construction & fit-out of food premises.
31. Floors shall be:
- a) appropriate for the area,
  - b) able to be effectively cleaned, and
  - c) laid in accordance with the relevant Standards (see AS 3958.1 for ceramic tiles) so that there is no likelihood of pooling water and harbourage of pests.
32. Coving shall be a minimum of 25mm radius at the floor wall joint, this will increase to a minimum of 50mm when splayed at 45 degrees. No “feather edge skirting” is permitted. Where vinyl or similar sheeting is installed and the sheeting is turned up to form a cove, a solid preformed coving fillet shall be used to support the sheeting.
33. Cupboards, cabinets and counter construction must be free of voids, cracks and crevices and designed so they can be easily cleaned and not

give harbourage for vermin. They should be fitted a minimum of 150mm above the floor level or situated on a solid plinth a minimum of 75mm in height and meet the same specifications as the floor and be covered.

34. Fixtures, fittings and equipment shall be designed and constructed in accordance with the requirements given in Table 4.3 & 4.4 of AS 4674-2004 Design, construction & fit-out of food premises.
35. The ceiling over all food handling areas (including over the kitchen and cafe) must be non-perforated and finished free of open joints, cracks and crevices. The ceiling shall be finished with a sealant that is of light colour, washable and an impervious material. Drop panel type ceilings are not appropriate for these areas.
36. Hand washbasins must be provided in the food cafe/kitchen area, preferably installed with hands free taps. A hand wash basin should ideally be located within 5 metres of any food handling and be easily accessible and useable.
37. Hand washbasins must be provided with:
  - (i) an adequate supply of potable warm running water delivered through a single spout,
  - (ii) a supply of liquid soap, and
  - (iii) single use hand towel.
38. Premises shall be provided with equipment for cleaning and sanitizing as specified within Tables 4.1 and 4.2 of AS 4674-2004 Design, construction & fit-out of food premises.
39. Dishwashers and glass washers that are used for sanitizing food contact surfaces and eating and drinking utensils must comply with AS 2945.
40. Grease arrestors and access openings to the sanitary drainage must not be located within any food preparation and/or handling area.
41. All service pipes, conduits and electrical wiring shall be either concealed in floors, walls, ceilings or plinths or be fixed on brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe and the adjacent horizontal surface.
42. All food preparation areas and areas where food is displayed must be suitably protected from the likelihood of contamination
43. All shelving, cupboards, doors and the like must be impervious and easy to clean on all exposed surfaces and as far as practicable be constructed and installed to prevent vermin harbourage.
44. A commercial kitchen must be provided with a kitchen exhaust hood complying with [AS/NZS 1668.1](#):1998 (Fire and smoke control in multi-compartment buildings and

[AS 1668.2](#)-1991 (Mechanical ventilation for acceptable indoor-air quality) where:

- a) any cooking apparatus has:
    - (i) a total maximum electrical power input exceeding 8 kW,
    - (ii) a total gas power input exceeding 29 MJ/h.
  - b) the total maximum power input to more than one apparatus exceeds:
    - (i) 0.5 kW electrical power; and
    - (ii) 1.8 MJ gasper m<sup>2</sup> of [floor area](#) of the room or enclosure.
45. Provision must be made for storage of garbage containers, containers for recyclable material in an external area of the premises or in a room specifically for that purpose.
  46. External garbage areas must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean.
  47. Roomed garbage areas must have impervious floors that are coved at the floor/wall intersection and be graded and drained to the sewage system. Walls of roomed garbage areas must be smooth and impervious. The room must be ventilated, proofed against pests and be provided with a hose tap connected to the water supply.
  48. No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the premises.
  49. No noise nuisance shall be caused through the operation of any plant or equipment at the premises. Noise generated from the premises must not exceed the limits as specified in the NSW Industrial Noise Policy.
  50. Sanitary facilities are to comply with the requirements set out within Table F2.3 of the BCA.
  51. Medical treatment rooms are to comply with the "Infection Control Guidelines for Oral Health Care Settings" published by NSW Health.
  52. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pool Act 1992, Regulation and Australian Standard 1926.1-2007, Safety barriers for swimming pools
  53. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.
    - a) The warning notice (i.e. sign) must contain all of the following words:



- i. "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",
    - ii. "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
    - iii. "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES".
  - b) In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
    - (i) that are set out in accordance with the relevant provisions of that Guideline,
    - (ii) that comply with the other relevant guidelines of the Australian Resuscitation Council, and
    - (iii) that are illustrated by drawings with key words only in bold print,
  - c) a statement to the effect that formal instruction in resuscitation is essential,
  - d) the name of the teaching organisation or other body that published the sign and the date of its publication.
54. The multi-purpose room in Building J is for the sole use of ARV staff, residents and their guests only and is not to be used by those external to the site.
55. This consent does not approve or regularise any works on adjoining sites.
56. The full length of the existing dish drain in Brands Lane between the roundabouts (constructed under the current approval (N0102/05) to provide access to the proposed carpark) is to be removed and replaced with barrier kerb and gutter to Council's Requirements.
57. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

**C. Matters to be satisfied prior to the issue of the Construction Certificate:**

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Engineering details showing the Water Reuse Scheme are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified practicing Water/Environmental/Civil Engineer with corporate membership of the Institution of Engineers Australia (MIE Aust), or who is eligible to become a corporate member and has appropriate experience

and competence in the related field, confirming that the plans/details comply with Pittwater 21 DCP.

2. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
3. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped the plans before the issue of any Construction Certificate.
4. The applicant shall submit to the accredited Certifier details of the kitchen, café, and kiosk. The design, fitout and construction of these food areas must comply with AS 4674 and Food Safety Standard 3.2.3.
5. Driveway Access to Brands Lane - Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier or Council with the Construction Certificate application.
  - a) Street Levels must be obtained from Council for all access driveways across the public road verge to road edge. The street levels provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway,
  - b) A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge i.e. other than a plain concrete finish, within the public road reserve,
  - c) All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor, and
  - d) Councils Fees and Charges apply to Street Levels and Deed of Agreement for Access Driveway.
6. An updated Water Management Report, based on the Water Management Report - GHD December 2006 and GHD letter 18 January 2011 supporting Stage 3, detailing the design and plans for all works needed to achieve full compliance with the *Warriewood Valley Water Management Specification (February 2001)* and *Pittwater 21 Development Control Plan* is to be submitted by the applicant.

The detailed design and specification of all works associated with the water management system must provide for a complete system which meets the objectives and requirements of the *Warriewood Valley Water Management Specification (February 2001)* and the updated Water Management Report referred to in the paragraph above.

The updated Water Management Report is to address the following:

- Confirmation of the Probable Maximum Flood (PMF) level (for 0.9m sea level rise) for establishing the finished floor level for the Independent Living Units of buildings J/K based on the 2100 Climate Change Scenario for the PMF condition,

- A detailed flood Emergency Response Plan for the site and its surrounds including the Multipurpose Room and associated facilities to cater for a flood up to the level of the Probable Maximum Flood (PMF) with a 2100 Climate Change Scenario (for 0.9m sea level rise);
- The above is to be incorporated into a Management Plan and implemented by staff on the Multipurpose Room and all associated facilities. An evacuation plan including details of when residents will be required to evacuate as well as evacuation routes are to be clearly displayed around the Multipurpose Room and associated facilities; and
- Demonstrate that the impervious areas of the development does not exceed 55% of the site being 6-14 Macpherson St, Warriewood.

The Flood Emergency Response Plan may involve evacuation from the site or 'shelter-in-place' and shall be incorporated into the total site overall disaster/ emergency management plan.

7. The Flood Management System is to be designed to meet the objectives and requirements of the Warriewood Valley Integrated Water Management Strategy and Warriewood Valley Water Management Specification and is to include and provide for:-

(i) Design of the works to achieve:

- a) An unobstructed floodway is constructed from Brands Lane leading to Narrabeen Creek to carry floodwaters in a Probable Maximum Flood event with a 2100 climate change scenario (for 0.9m sea level rise),
- b) All habitable floor levels of the adjacent building J/K, are at the Probable Maximum Flood level 2100 climate change scenario (for 0.9m sea level rise), and
- c) The entrance gate to the driveway at Brands Lane is to be designed to allow the passage of water.

(ii) The Stormwater Management System is to include a design for a stormwater drainage system, which drains collected roof, road and surface water from the site and is to cater for flows from upstream catchments. The systems are to include combined piped and overland flow components, which convey the 1% AEP and Probable Maximum Flood events and comply with relevant Australian Standards and contemporary engineering best practice.

8. The updated Water Management Report and all associated plans must be certified in accordance with the *Warriewood Valley Water Management*

*Specification (February 2001)* as meeting the requirements of these conditions.

9. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
10. Erosion and Sediment Management Plan is to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of the N.S.W. Department of Land and Water Conservations *Urban Erosion and Sediment Control* manual.

The plan is to include specific details required to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

11. A waste management plan as per Appendix 4 of the Warriewood Valley Urban Land Release Planning Context and Criteria is to be prepared and submitted to the Private Certifying Authority with the Construction Certificate application for all construction and site works including excavation and / or removal of existing waste and debris from the site, construction of roads, drainage facilities, buildings and other structures where waste may be generated.
12. Detail landscape plans to be prepared by a qualified landscape architect showing detail of landscape works generally in accordance with Landscape Plan LA01 as prepared by Taylor Brammer Landscape Architects. Landscape plans to include the following elements:
  - Setback to Macpherson Street to maximise use of all areas for screening shrub/tree planting. Turf/paved areas to be minimised with intensive shrub planting 2-3m in height to be densely planted with trees at 10m centres along the entire frontage.
  - All trees to Brands Lane, Macpherson Street and internal access road frontages to be 400 litres in size. Native palms to be 3-5m clear trunk height. Shrub planting as per planting schedule (Taylor Brammer LAOI). Mounding up to 500mm to the frontage to assist screening of the built form would be accepted.
  - Report from qualified landscape architect independently certifying that works as installed are in accordance with detail landscape plans is to be submitted and approved by nominated certifier prior to release of occupation certificate.
13. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the Sydney Water Act, 1994. 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](http://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.

14. A Schedule of Works prepared by a qualified practising Structural Engineer with corporate membership of the Institution 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 is to be submitted to the Accredited Certifier or Council in respect of the following items:
  - 1) The details and location of all intercept drains, provided uphill of the excavation, to control runoff through the cut area,
  - 2) The proposed method of disposal of collected surface waters is to be clearly detailed, and
  - 3) Procedures for excavation and retention of cuts, to ensure the site stability is maintained during earthworks.
15. Certification from the Accredited Access Adviser that design details and specifications comply with the Accessibility Control and the DA Access Report, must be submitted to the Accredited Certifier or Council with the Construction Certificate application.
16. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.
17. Design details and technical specifications relevant to recommendations in the Access Report, Prepared by Access Associates Sydney dated September 2010, must be submitted to the Accredited Access Adviser for written confirmation and submitted to the Accredited Certifier or Council with the Construction Certificate application.

**D. Matters to be satisfied prior to the commencement of works and maintained during the works:**

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. No works are to be undertaken in Council's Road Reserve without the written approval of the Council under Section 139 of the Roads Act, 1993.

2. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's road reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed on site.
3. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
4. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
5. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.
6. All waste docket and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.
7. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
8. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
12. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
  - 1) The builder's name, builder's telephone contact number both during work hours and after hours,
  - 2) That no works are to be carried out in Council's Road Reserve without the written approval of the Council,
  - 3) That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site,
  - 4) That no skip bins or materials are to be stored on Council's Road Reserve, and
  - 5) That the contact number for Pittwater Council for permits is 9970 1111.

13. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
  - 1) Quantity of material to be transported,
  - 2) Proposed truck movements per day,
  - 3) Proposed hours of operation, and
  - 4) Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
14. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
15. Toilet facilities are to be provided in a location, which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
16. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
  - A Construction Traffic Management Plan (CTMP) prepared by a suitably qualified traffic consultant for the contractor is required to be submitted for approval by Council prior to the commencement of any site works.
17. Prior to commencement of works, at least three photographs of the road reserve and footpath area adjoining the site, on front-on and one from each side of the property, are to be submitted to Pittwater Council with the notification of the commencement of works, showing the condition of the street trees and road reserve. The photographs must be dated, and accompanied by a statement that they are a true and accurate representation of the scene depicted.
18. An all weather vehicular access must be maintained throughout the construction period to ensure continuous access to Foley's Nursery in Brands Lane. Such access must accommodate all vehicles including retail customers and service / delivery vehicles.

**E. Matters to be satisfied prior to the issue of Occupation Certificate:**

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this

process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994, is to be forwarded to Council or the accredited certifier, prior to release of the Occupation Certificate.
2. All appropriate infrastructure is to be provided to service the development, including roads and access ways, drainage facilities, landscaping, water management facilities, and siltation and sedimentation control measures.
4. A Certificate by a qualified Engineer or Architect confirming that all access driveways in the public road reserve have been constructed in accordance with the approved plans is to be submitted to the Council and the accredited certifier (if any) prior to the issue of the Occupation certificate.
5. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained.
6. All parking areas and driveways are to be sealed to an all weather standard, line marked, signposted and maintained prior to occupation/use of the site.
7. Appropriate easements are to be created where service lines or drainage lines pass through private property other than the lot which they benefit. Full details in this regard are to be submitted to Council, prior to release of the Occupation Certificate.
8. The following documents and payments are to be submitted to Council in a single package to ensure the efficient release of the Occupation Certificate:
  - (i) A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994,
  - (ii) The private certifier's Compliance Certificate. Each component of the works as outlined above is to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. In particular, the construction of the Water Management System is to be supervised and certified by person(s) with appropriate experience and expertise in Environmental Science, Hydrology and Hydraulics, and must be NPER registered members of the Institution of Engineers (Australia),
  - (iii) Works-as-executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements or which will require ongoing maintenance by Council,

The plans are to be in paper and electronic format (dwg or dxf file) and comprise at least the following:

- Boundary layout,



- Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls,
- Signage (including type and wording), line marking,
- Easements, survey numbers and marks, reduced levels and co-ordinates,
- Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains,
- Water quality devices, ponds, creek line corridors, parkland, play equipment, and
- Significant landscaping.

(iv) A security deposit of 5 % of the value of the works is to be made to ensure rectification of any defects during the maintenance period. A maintenance period is to apply to all works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Occupation Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or as would be reasonable expected under the design conditions.

9. Certification is to be provided to Council, by an experienced civil engineer who is NPER accredited by the Institution of Engineers Australia, that all roads, drainage and other civil engineering works relating to the development site have been carried out and completed in accordance with the engineering plans and specifications required under the conditions of this consent.
10. A Certificate by a qualified Engineer or Architect confirming that all driveways have been constructed in accordance with the approved plans is to be submitted to the Council and the accredited certifier (if any) prior to the issue of the Occupation certificate for each stage of development.
11. Certification is to be provided to Council, by an appropriately qualified professional, that works associated with the water management system have been carried out and completed in accordance with the Water Management Report required under the conditions of this consent. Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001).
12. All works associated with the water management system required under the conditions of this consent are to be completed prior to the issue of the Occupation Certificate for each stage of development.
13. A copy of the updated Water Management Report required under the conditions of this consent must be submitted to Council. The Water Management Report must contain all reports, assessments and plans as required by the Warriewood Valley Water Management Specification (February 2001).

14. Notification to Council, certified by the appropriately qualified professional, of the properties to be notated under Section 149(2) for either Flood Category 1 or 2. Such notification is required to be submitted in sufficient time to allow process through the elected Council (approximately 6 weeks).
15. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
16. Street numbers are to be affixed to the building prior to occupation.
17. The Certifying Authority is to submit to Council the completed and signed Food Premises Occupation Certificate Fit-Out Form, this form is available at [http://www.pittwater.nsw.gov.au/business/commerce\\_and\\_industry\\_premises/information\\_for\\_food\\_premises](http://www.pittwater.nsw.gov.au/business/commerce_and_industry_premises/information_for_food_premises)
18. Council's Environmental Health Officer is to be contacted (phone: 9970-1111) to make arrangements for an inspection of the premises for verification of compliance with the form. A minimum of 48 hours notice is required for the inspection
19. Council is to forward written advice of the result of the inspection in order to confirm that there is no objection to the issuing of the Occupation Certificate.
20. Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority **prior to the issue of the Occupation Certificate.**
21. Documentation supplied by a practicing mechanical engineer certifying that all mechanical exhaust ventilation systems, as installed, complies with AS/NZS 1668.1:1998 (Fire and smoke control in multi-compartment buildings) and 1668.2-1991 (Mechanical ventilation for acceptable indoor-air quality), must be provided to the certifying authority **prior to the issue of the Occupation Certificate.**
22. The certifying authority must be provided with evidence that the food business has been notified with NSW Food Authority. Notification may be done either online at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or by lodging a completed food notification form to Council.

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

23. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

24. Noting that its the applicants stated intention to develop a total of 260 dwellings overall, should Consent N0102/05 not be modified to reduce the overall combined dwelling yield under Consent N0102/05 and this Consent to 260 dwellings a contribution of **\$325,567.77** is to be made pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, for the provision of public infrastructure in accordance with Warriewood Valley

Section 94 Contributions Plan, relative to the 15 additional dwellings provided for within this consent. The breakdown of the contribution for 15 additional dwellings is follows:

<b>Element</b>	<b>Contribution</b>	<b>Cashier Code</b>
Traffic & Transport	\$75,546.57	SWTT
Community Facilities	\$56,009.55	SWCF
Public Recreation	\$142,527.00	SWPR
Pedestrians/Cycleways	\$38,695.80	SWPC
Library Services	\$12,788.85	SWLS

The *Warriewood Valley Section 94 Contributions Plan* may be inspected at Pittwater Council, 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the occupation certificate unless consent N0102/05 is modified as per this condition.

**F. Advice:**

1. Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its fixtures and contents.
2. You are advised that best practice advice and Council policies on climate change are likely to change with time, as more definitive information becomes available from climate change scientists around the world. Consequently Council's Flood Hazard Classification on this property may change with time. Any change in Flood Hazard Classification must be adopted by the elected Council, owners notified in writing and be placed on public exhibition for a minimum of 28 days.
3. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
4. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
5. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the

conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.

6. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
7. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
8. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
9. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
10. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
11. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.