

16 November 2020



J & G Knowles & Associates Pty Ltd  
346 South Road  
HAMPTON EAST NSW 3188

Dear Sir/Madam

**Application Number:** DA2020/0579  
**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 Residential Flat Building, semi-detached dwelling, dwelling house and Community Title Subdivision, including internal private road

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

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

- 1 - Laneway Dimensions
- 2 - Contamination

The evidence required to satisfy these conditions must be submitted to Council within two (2) years of the date of this Deferred Commencement Consent. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement conditions, the consent shall be operative for Development Application DA2020/0579 subject to the conditions listed within the Notice of Determination.

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

**You may apply for modification of the conditions attached to your Deferred Commencement Consent under Section 4.16(3) of the Environmental Planning and Assessment Act, 1979.**

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

**Please read your deferred commencement consent carefully** as you are required to undertake and

complete specific tasks before the consent becomes operative. A Construction Certificate cannot be issued and subsequent works cannot commence until Council acknowledges, in writing, that the conditions for deferred commencement have been satisfied.

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

Regards,



Peter Robinson  
**Executive Manager Development Assessment**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2020/0579
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	J & G Knowles & Associates Pty Ltd
<b>Land to be developed (Address):</b>	Lot 29 DP 5464 , 27 Warriewood Road WARRIEWOOD NSW 2102 Lot 28 DP 5464 , 25 Warriewood Road WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Construction of a Residential Flat Building, semi-detached dwelling, dwelling house and Community Title Subdivision, including internal private road

### DETERMINATION - APPROVED - DEFERRED COMMENCEMENT CONSENT

<b>Made on (Date)</b>	28/10/2020
<b>Consent to operate from (Date):</b>	Once Council is satisfied as to those matters specified in the deferred commencement conditions, Council will nominate by way of written notice to the Applicant, the date from which the consent operates
<b>Consent to lapse on (Date):</b>	2 years from the operation date of Consent

### Detail of Conditions

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

#### Note:

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

## DEFERRED COMMENCEMENT CONDITIONS

### 1. Laneway Dimensions

The laneway shall be designed with a 6.0m clear width from Lorikeet Grove to at least the first town house, and the entry to the laneway shall be treated as a driveway.

Design plans and vehicular swept paths demonstrating two (2) B99 class vehicles passing one another through the 'bend' are to be submitted to and approved by Council's Traffic Team prior to the consent becoming active.

Reason: To ensure access is efficient and safety risks are minimized.

### 2. Contamination

- (a) In accordance with recommendation 2 of the Phase 1 Preliminary Site Contamination Report dated 29 May 2020 prepared by GETEX the applicant shall prepare a Detailed Asbestos Investigation to determine the human health risk for the proposed development with regards to asbestos.
- (b) Where a Detailed Asbestos Investigation identifies an asbestos human health risk so that remediation is required, then the remediation is to be undertaken in accordance with a Remedial Action Plan (RAP) developed and implemented in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997.
- (c) The Detailed Asbestos Investigation report and any Remedial Action Plan, if required, shall be submitted to and approved by Council prior to the consent becoming active.

Reason: Protection of the environment, SEPP 55 compliance.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

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

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 3. Approved Plans and Supporting Documentation and Staged Construction and Occupation

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

- a) Approved Plans

**Architectural Plans - Endorsed with Council's stamp**

<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA-020 Rev 4 Proposed Site Plan	28 May 2020	V/M Architects
DA-021 Rev 4 Site Plan - Northern Boundary	28 May 2020	V/M Architects
DA-030 Rev 3 Subdivisions Staging Plan	28 May 2020	V/M Architects
DA-053 Rev 4 Site Plan Landscape Area	28 May 2020	V/M Architects
DA-100 Rev 7 Proposed Apartment Ground Floor Plan / Dwelling Lower Level Plan	12 August 2020	V/M Architects
DA-101 Rev 7 Proposed Apartment First Floor Plan / Dwelling Mid Level Plan	12 August 2020	V/M Architects
DA-102 Rev 6 Proposed Apartment Second Floor Plan / Dwelling Upper Level Plan	12 August 2020	V/M Architects
DA-104 Rev 6 Proposed Overall Roof Plan	12 August 2020	V/M Architects
DA-105 Rev 7 Overall Basement Plan	12 August 2020	V/M Architects
DA-120 Rev 4 Typical Dwelling Layouts	28 May 2020	V/M Architects
DA-200 Rev 3 Proposed Elevations	28 May 2020	V/M Architects
DA-201 Rev 4 Proposed Elevations	28 May 2020	V/M Architects
DA-250 Rev 4 Proposed Sections	28 May 2020	V/M Architects
DA-251 Rev 5 Proposed Sections	28 May 2020	V/M Architects
DA-260 Rev 3 Section Details - Roof Plant and Bi-fold shutters	28 May 2020	V/M Architects
Materials Palette Project 1510121	19 May 2020	V/M Architects

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
SW101 Rev D Stormwater Concept Design Specification Sheet	26 May 2020	SGC Engineering Value
SW200 Rev D Stormwater Concept Design Basement Plan	26 May 2020	SGC Engineering Value
SW201 Rev D Stormwater Concept Design Ground Floor Plan	26 May 2020	SGC Engineering Value
SW202 Rev D Stormwater Concept Design Level 1 Plan	26 May 2020	SGC Engineering Value
SW203 Rev D Stormwater Concept Design Level 2 Plan	26 May 2020	SGC Engineering Value
SW204 Rev D Stormwater Concept Design Roof Plan	26 May 2020	SGC Engineering Value
SW300 Rev D Stormwater Concept Design Details Sheet 1 of 2	26 May 2020	SGC Engineering Value
SW301 Rev D Stormwater Concept Design Details Sheet 2 of 2	26 May 2020	SGC Engineering Value
SW400 Rev D Erosion and Sediment Control Plans and Details	26 May 2020	SGC Engineering Value

SW500 Rev D Stormwater Concept Design Music Catchment Plan	26 May 2020	SGC Engineering Value
EW201 Rev C Civil Works General Arrangement Plan Stage 2 Laneway	26 May 2020	SGC Engineering Value
EW301 Rev C Civil Works Longitudinal Section along KR1, KR2 and Laneway Control Line	26 May 2020	SGC Engineering Value

EW401 Rev C Civil Works Cross Section along Laneway Control Line	26 May 2020	SGC Engineering Value
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<b>Subdivision Plans</b>		
Ref 18442_Sub_1B Rev B Proposed Subdivision Plan Lot 1 and 2 DP 1248056 (unregistered) No. 23 - 27 Warriewood Road Sheet 1 of 6.	15 April 2020	Survey Plus
Ref 18442_Sub_1B Rev B Stage 2A - Facilitating Subdivision of Lot 1 and 2 DP 1248056 (unregistered) No. 23 - 27 Warriewood Road Sheet 2 of 6.	15 April 2020	Survey Plus
Ref 18442_Sub_1B Rev B Stage 2A Facilitating Subdivision of Lot 1 and 2 DP 1248056 (unregistered) No. 23 - 27 Warriewood Road Sheet 3 of 6.	15 April 2020	Survey Plus
Ref 18442_Sub_1B Rev B Stage 2B - Community Titled Subdivision of Lot 1 and 2 DP 1248056 (unregistered) No. 23 - 27 Warriewood Road Sheet 4 of 6.	15 April 2020	Survey Plus
Ref 18442_Sub_1B Rev B Stage 2C - Community Titled Subdivision of Lot 1 and 2 DP 1248056 (unregistered) No. 23 - 27 Warriewood Road Sheet 5 of 6.	15 April 2020	Survey Plus
Ref 18442_Sub_1B Rev B Detail Survey Plan of Lot 1 and 2 DP 1248056 (unregistered) No. 23 - 27 Warriewood Road Sheet 6 of 6.	15 April 2020	Survey Plus

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Phase 1 Preliminary Site Contamination Investigation Ref 11356.01aPSCA	29 May 2020	GETEX Pty Ltd
Water Management Report Issue 10 Ref 20160112-R02	26 May 2020	SGC Engineering Value
Geotechnical Risk Management Report	28 May 2020	Geotechnique Pty Ltd
Noise Impact Assessment	15 August 2017	WSP Australia Pty Ltd
Noise Impact Assessment Addendum Letter	3 July 2020	WSP Australia Pty Ltd

Operational Waste Management Plan Rev 9	25 May 2020	TTM
BCA Compliance Report Rev C	May 2020	McKenzie Group
Access Design Review Report Ref 171022 Rev 2	27 May 2020	3D Access

- b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- d) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
TP01D Rev D Landscape Plan - Composite Ground, First and Second Floor	27 May 2020	CDA Design Group
TP02_P1 Landscape Detail	March 2020	CDA Design Group

<b>Waste Management Plan</b>		
<b>Drawing No./Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	15 May 2020	Janelle Pirone

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

### **Staged Sub-Division, Construction and Occupation**

(e) The following conditions refer to the staged subdivision, construction and occupation of the development as detailed in the approved plans, including:

(i) Stage 1 – the consolidation of the small area of land on the southern side of Lorikeet Grove to be part of the residential care facility lot, including landscaping of the small area of land, and the creation of future lot 11 and future lot 12.

(ii) Stage 2 – Community Title Subdivision of the remainder of Future Lot 12. The subdivision will create 3 lots:

- Lot 1 – Community Association Property;
- Lot 2 future Strata Lot for the residential flat building; and
- Lot 3 development of lot for the future dwellings fronting Warriewood Road.

Note: The small areas of landscaping on the eastern side of the internal accessway are to be landscaped in Stage 3.

The residential flat building on Future Lot 2 will be constructed in Stage 2. The laneway and common open space, associated landscaping and stormwater infrastructure will be constructed on Lot 1.



The residential flat building, internal accessway and central open space will be constructed before this plan is finalised and registered.

(iii) Stage 3 -the construction of the dwelling and semi-detached dwellings fronting Warriewood Road and Community Title Subdivision of Lot 3 into 11 lots. The proposed dwellings will be constructed before this plan is finalised and registered

### **Staged construction and occupation of the development**

(f) This development consent permits the staged construction and occupation of Stages 2 and 3 of the development hereby approved, as indicated on the approved plans that identify specifics relating to each construction stage.

An occupation certificate for the residential flat building approved as part of Stage 2 shall not be issued until the Principal Certifying Authority is satisfied that Stage 1 in its entirety (as detailed on the approved plans) has been implemented including the construction of the following:

- (i) Stormwater infrastructure for all stages.
- (ii) The internal road.
- (iii) All landscaping associated with the residential flat building (Lot 2) and that part of the Community Association Property (Lot 1) between the accessway and Lot 2.

(g) An occupation certificate for the dwellings fronting Warriewood Road approved as part of Stage 3 of this consent shall not be issued until such time as all relevant conditions have been satisfied and all works associated with Stage 3, including landscaping of the Community Association Property located to the east of the internal accessway have been completed to the satisfaction of the Principal Certifying Authority or Council.

#### **4. Compliance with Other Department, Authority or Service Requirements**

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

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Response Ausgrid Referral	15 July 2020

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

#### **5. Prescribed Conditions**

- (a) All building works involved in Stage 2 and 3 must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and



a telephone number on which that person may be contacted outside working hours, and

(iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

(i) in the case of work for which a principal contractor is required to be appointed:

- A. the name and licence number of the principal contractor, and
- B. the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative requirement.

## 6. General Requirements

(a) Unless authorised by Council:  
Building construction and delivery of material hours involved in Stage 2 and 3 are restricted to:

- 1 7.00 am to 5.00 pm inclusive Monday to Friday,
- 1 8.00 am to 1.00 pm inclusive on Saturday,
- 1 No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 1 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.
- (k) 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.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
  - (ii) Swimming Pools Amendment Act 2009
  - (iii) Swimming Pools Regulation 2008
  - (iv) Australian Standard AS1926 Swimming Pool Safety
  - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
  - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## FEES / CHARGES / CONTRIBUTIONS

### 7. 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 are required 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, and details demonstrating payment are to be submitted to the Certifying

Authority prior to the issue of the Construction Certificate for Stage 2.

Details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 2.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

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

**8. Construction, Excavation and Associated Works Security Bond (Road damage)**

The applicant is to lodge a bond with Council of \$40000 as security against any damage to Council's adjoining road and footpath network.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 2.

Reason: Protection of Council's infrastructure.

**9. Warriewood Valley Contributions Plan - No creekline corridor**

(a) Prior to the issue of the Construction Certificate or Subdivision Certificate (whichever occurs first) or prior to the issue of the subdivision certificate where no construction certificate is required for the

Stage 2 of the development (being Community Title Subdivision of Part Lot 2, the land on the Northern side of the Lorikeet Grove with a total area of 7784sqm as identified in subdivision certificate SC2020/0011, to create 3 lots and a laneway, and construction of common open space, associated landscaping and stormwater infrastructure, and 32-unit residential flat building) a cash contribution of \$2,231,488.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Warriewood Valley Development Contributions Plan (as amended). This is calculated based on the applicable rate of \$69,734.00 perlot/dwelling, for the creation of 32 dwellings.

(b) Prior to the issue of the Construction Certificate or Subdivision Certificate (whichever occurs first) or prior to the issue of the subdivision certificate where no construction certificate is required for the Stage 3 of the development (being re-subdivision of Lot 3 as identified in survey 18442\_SUB\_1B into 11 lots. Construction of 10 semi-detached dwellings, a dwelling house fronting Warriewood Road) a cash contribution of \$767,074.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Warriewood Valley Development Contributions Plan (as amended). This is calculated based on the applicable rate of \$69,734.00 per lot/dwelling, for the creation of 11 dwellings.

(c) Written evidence (receipt/s) from Council for the payment of the monetary contribution of is to be provided to the Certifying Authority prior to issue of the construction certificate or subdivision certificate (whichever occurs first) or prior to the issue of the subdivision certificate where no construction certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter in which the development consent is issued, the amount unpaid (whether it be the full monetary contribution amount or a part thereof) will increase on a quarterly basis in accordance with the applicable Consumer Price Index.

(d) The Applicant may negotiate with Council for the direct provision of other facilities and

services, and/or the dedication of land in lieu of the monetary contribution above (or any portion of that monetary contribution) or the deferral of payments through a Material Public Benefit Agreement between Council and the Applicant in accordance with the Warriewood Valley Development Contributions Plan (as amended). The agreement for Material Public Benefit Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

The Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3) may be viewed at 725 Pittwater Road, Dee Why or on Council's website Development Contributions. Reason: To provide for contributions in accordance with the Contribution Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Warriewood Valley Release Area.

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

### 10 Surrender of Consent

The applicant shall surrender to Council Development Consent No: DA2018/1826.

Details demonstrating compliance shall be submitted to Council prior to the issue of a subdivision certificate relating to Stage 1.

### 11 Subdivision Works Certificate

A Subdivision Works Certificate is to be approved by Certifying Authority for the provision of engineering works.

Engineering plans for the subdivision works within this development consent are to be submitted to the Certifying Authority for approval under Section 6.13 of the Environmental Planning and Assessment Act 1979.

Civil Engineering plans for the subdivision works are to be designed in accordance with the Council's specification for engineering works – AUS-SPEC #1. The plans shall be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

The Subdivision Works Certificate (Stage 2) must be supported by engineering plans, calculations, specification or any certification relied upon.

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

### 12 Utilities Services

Prior to the issue of the Subdivision Works Certificate, the Applicant is to obtain the following:

- a. A letter from the utility provider confirming that satisfactory arrangements have been made for the approved development have been made; and
- b. Evidence that notification has been received from a utility authority that, requirements for the development can be provided.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Subdivision Works Certificate (Stage 1).

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

### 13 Pre-Commencement Dilapidation Report

The applicant must prepare and submit a pre-commencement dilapidation report providing an



accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The pre-construction / demolition dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifying Authority prior to the issue of the any Subdivision Works Certificate (Stage 2) and the commencement of any works including demolition.

Reason: Protection of Council's Infrastructure during construction.

#### **14 Traffic Management and Control**

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Subdivision Works Certificate for Stage 2. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

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

#### **15 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 Geotechnical Report prepared by Geotechnique dated 28 May 2020 are to be incorporated into the construction plans for Stage 2 and 3. Prior to issue of the Construction Certificate for Stage 2 and 3, 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 for Stage 2 and 3.

Reason: To ensure geotechnical risk is mitigated appropriately.

#### **16 On-site Stormwater Detention Details**

The Applicant is to submit stormwater drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Warriewood Valley Water Management Specification dated 2001, and generally in accordance with the concept drainage plans prepared by SGC Project No 20160112, drawing number SW101, SW200, SW201, SW202, SW203, SW204, SW300, SW301 (all issue D), dated 26 May 2020. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to National Professional Engineers Register (NER) or RPENG (Professionals Australia) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate for Stage 2 and 3.

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

#### **17 Vehicle Driveway Gradients**

The Applicant is to ensure driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate for Stage 2 and 3.

Reason: To ensure suitable vehicular access to private property.

### **18 Tanking of Basement Level**

The basement area is to be permanently tanked. The Applicant is to submit structural details of the tanking, 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 NSW Office of Environment and Heritage. The bore license must be obtained prior to commencement of dewatering works. All requirements of the NSW Office of Water are to be complied with and a copy of the approval must be submitted to the Certifying Authority. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 2.

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

### **19 Utilities Services**

Prior to the issue of the Construction Certificate for Stage 2 and 3 the Applicant is to obtain the following:

- a. A letter from the utility provider confirming that satisfactory arrangements have been made for the approved development have been made; and
- b. Evidence that notification has been received from a utility authority that, requirements for the development can be provided.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 2 and 3.

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

### **20 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 the Construction Certificates for Stage 2 and 3.

Reason: To protect services and minimise visual clutter.

### **21 Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 2 and 3.



Reason: To provide public and private safety.

## **22 Shoring of Council's Road Reserve (Temporary road anchors)**

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining properties with engineering drawings, detailing the proposed shoring works for their consideration and approval.

Written approval from Council under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 2 and 3.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

## **23 Construction Certificate Drainage Details**

The applicant is to provide drainage plans including specifications and details showing the site stormwater management to the Accredited Certifier for approval prior to the issue of the Subdivision Works Certificate for Stage 2 and the Construction Certificate for Stage 2 and 3.

Such details are to be accompanied by a certificate from qualified practicing Civil Engineer with NER or RPENG accreditation, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management arising from the development.

## **24 Geotechnical Report Recommendations have been correctly incorporated into designs and structural plans**

The Applicant is to submit Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) and is to be completed and submitted to the Accredited Certifier, prior to issue of the Construction Certificate for Stage 2 and 3.

Reason: To ensure geotechnical risk is managed appropriately.

## **25 Roller door to bin room**

A roller door shall be provided to the bin room with a head clearance of 2.1 metres, the same as the bin room ceiling.

Plans shall be submitted to and approved by the Certifying Authority demonstrating compliance with the condition for the requirement of a 2.1m high roller door to the bin room prior to the issue of a Construction Certificate for Stage 2.

Reason: To comply with Councils Guidelines for Residential Waste Facilities.

## **26 Detailed Landscape Plans**

Prior to the issue of a Construction Certificate for Stage 2, the following landscape details and amendments shall be documented on the landscape plans to be approved by Council to satisfy the requirements of the Warriewood Valley Landscape Masterplan and Design Guidelines (WVLMG), and all other landscape controls (SEPP No.65 - Design Quality of Residential Flat Development; SEPP 65 Apartment Design Guide; Pittwater 21 DCP controls, including C1.1; C6.2; C6.7; D16.1; D16.5; D16.10; and D16.12:

A) Landscape treatment to Residential Apartment:

i) the on structure area between the two residential buildings shall include planters of sufficient

- soil volume to support small tree planting to soften the built form,
- ii) all tree planting shall be preferably located 5 metres from buildings, with a minimum of 2 metres away from the edge of the sewer easement,
  - iii) a landscape buffer planted with mixed shrubs and small trees shall be planted between the Laneway and the Apartment building open space area, with consideration to safe visual surveillance of the common open space areas and play area,
  - iv) the nominated 'garden bed' areas shall be mass planted with a mix of small trees, shrubs, accents and groundcovers,
  - v) detailed planting design including layout, species selection, quantities and container sizes shall be provided in a plant schedule.
  - vi) a shade canopy structure for the play area over the BBQ area shall be provided incorporating seating and picnic amenities,
  - vii) details are to be submitted indicating the proposed method of waterproofing to concrete slabs and planters to which soil and planting is proposed, including compliance to the required soil depths listed in C1.1,
  - viii) details are to be submitted by a structural engineer that the structural slab upon which landscape works shall be installed is designed to support the 'wet weight' of the landscape materials.

Prior to the issue of a Construction Certificate for Stage 3, the following landscape details and amendments shall be documented on the landscape plans to be approved by Council to satisfy the requirements of the Warriewood Valley Landscape Masterplan and Design Guidelines (WVLMDG), and all other landscape controls Pittwater 21 DCP controls, including C1.1; C6.2; C6.7; D16.1; D16.5; D16.10; and D16.12:

B) Landscape treatment to 11 x Semi-Detached Dwellings:

- i) small and medium canopy tree planting in accordance with the WVLMDG shall be planted in the front and rear setbacks to achieve a 50% screening of the buildings, and shall be preferably located 5 metres from buildings, except for the small narrow trees nominated to the Laneway area,
- ii) a shrub screen buffer capable of attaining 2 metres in height at maturity shall be planted between the Warriewood Road and the Dwellings along the frontage,
- iii) the nominated 'garden bed' areas shall be mass planted with a mix of small trees, shrubs, accents and groundcovers,
- iv) detailed planting design including layout, species selection, quantities and container sizes shall be provided in a plant schedule.
- v) no fences are permitted forward of the building line along Warriewood Road, and boundaries between public and private land shall be delineated by vegetation, such as low hedges, garden beds or the like.

Prior to the issue of a Construction Certificate for Stage 2 and 3 the following plans shall be submitted and approved by Council.

C) Detailed Landscape Plans:

- i) hardscape plans shall be submitted including layout and design of pavements, ramps, planters, walling, playground surfaces and materials, and the like,
- ii) planting plans shall be submitted including design layout and a planting schedule,
- iii) the following Large canopy trees shall be incorporated into the planting scheme, as listed in the Plant List within WVLMDG: Angophora costata, Eucalyptus punctata, Syncarpia glomulifera, and at least one Ficus rubiginosa to be located within the common open space area,
- iv) the following Medium canopy trees shall be incorporated into the planting scheme, as listed in the Plant List within WVLMDG: Eucalyptus haemastoma, Melaleuca styphelioides, and Tristaniopsis laurina,
- v) the following Small canopy trees shall be incorporated into the planting scheme, as listed in the Plant List within WVLMDG: Backhousia myrtifolia, Elaeocarpus reticulatus, Hymenosporum

flavum, and *Melaleuca linariifolia*.

D) The Detailed Landscape Plans shall be approved and certified by Council as compliant to the above requirements.

Reason: to satisfy the landscape requirements of the landscape controls.

## 27 Permeable Surfaces

All paving located within the areas coloured green on the diagrams on the Site Diagram - Landscaped Area plan 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 for Stage 2.

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

## 28 Adaptable Housing

Prior to the issuance of the construction certificates for Stage 2 and 3, 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.

## 29 Residential Apartment Development

Prior to the issuance of the construction certificate for Stage 2, 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.

## 30 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.

## 31 Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- a. AS2601.2001 - Demolition of Structures\*\*
- b. AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- c. AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- d. AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- e. AS 4970 - 2009 'Protection of trees on development sites'\*\*
- f. AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- g. AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- h. AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- i. AS 2890.5 - 1993 Parking facilities - On-street parking\*\*

- j. AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- k. AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- l. AS 1428.1 – 2009\* Design for access and mobility - General requirements for access – New building work\*\*
- m. AS 1428.2 – 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*

\*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [www.hreoc.gov.au/disability rights /buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm). <[www.hreoc.gov.au/disability%20rights%20/buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm).>

\*\*Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 2.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

### 32 Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing for Stage 2 and Stage 3, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- ; "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- ; Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

### 33 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 for Stage 2 and 3.

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

### 34 BASIX Requirements

BASIX affected development must comply with the schedule of BASIX commitments specified within the BASIX Certificate.

Details demonstrating compliance are to be included on the plans/specifications is required prior to the issue of the construction certificate for Stage 2 and 3.

Reason: Legislative requirement.

### 35 Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate stage 2 and 3.

Note: If the proposal, when compliant with the Northern Beaches 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.

### 36 Construction Traffic Management Plan.

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate for Stage 2 and 3.

The CTMP must address following:-

- The proposed phases of construction works on the site, and the expected duration of each construction phase;
- 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;
- Make provision for all construction materials to be stored on site, at all times;
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- 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;
- 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;
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- 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.
- 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.
- 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.
  - 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;
  - 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.
  - 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;
  - Proposed protection for Council and adjoining properties;
  - The location and operation of any on site crane; and

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. Confirming appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner’s property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.  
(DACTRCPC1)

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 37. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$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 for Stage 2 and 3 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.

### 38. **Permit Applications**

All necessary permits shall be submitted to and approved by Council prior to associated works commencing. These works include, but are not limited to:

- Concrete Pours
- Traffic Control
- Stand Plant (equipment or vehicles on Council property)

- Work Zones
- Crane over airspace
- Building Waste Container (Skip Bin)

Reason: To ensure necessary permissions have been obtained to undertake works

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

### **39. Road Reserve**

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

Reason: Public safety.

### **40. Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process involved in Stage 2 and 3 shall be removed and disposed of in accordance with the following requirements:

- ; Work Health and Safety Act;
- ; Work Health and Safety Regulation;
- ; Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- ; Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)];
- ; Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- ; The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

### **41. Contamination Management**

#### **(a). Requirement to Notify about new contamination evidence.**

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

#### **(b). Remediation Action Plan**

During works, recommendations contained within the Site Contamination Report dated 29 May 2020 prepared by GETEX are to be implemented. Should the Detailed Asbestos Investigation, required under deferred commencement condition 2, require a Remedial Action Plan (RAP) then the works associated with the remediation must be implemented in accordance with the approved RAP and the relevant regulatory requirements.

The Remedial Action Plan (RAP) is to be submitted to an accredited Certified Environmental Practitioner for review and approval prior to remediation.

Details demonstrating compliance are to be submitted to Northern Beaches Council and the Principal Certifying Authority prior to the issue of the first Occupation Certificate.

#### **(c) Asbestos Clean-up works**

Alternatively if a Remediation Action Plan is not required the applicant must engage appropriately qualified and experienced persons to assess the nature and extent of any asbestos contamination on the premises and prepare a detailed methodology and plan (the Clean-up Plan)



for the lawful removal of any asbestos from the premises (the Clean-up works).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and Northern Beaches Council prior to the commencement of excavation work.

**(d) Off site disposal of Contaminated Soil – Chain of Custody**

'Chain of Custody' documentation shall be kept and submitted for any transport of the validated fill material from the subject site at 25 -27 Warriewood Road, Warriewood, to an appropriately licenced waste facility.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and Northern Beaches Council within seven (7) days of transport.

Reason: For the protection of the environment.

**42. 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 Roads 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.

**43. Cleaning 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. Compliance with the Clean-up Plan**

Engage appropriately qualified and experienced persons to carry out and supervise the Clean-up Works in accordance with the Clean-up Plan and relevant policies, procedures and requirements of NSW Safework.

Reason: To ensure compliance with relevant regulations, protection of environment and human health.

**45. Dust during works**

Measures shall be, documented and implemented to minimise dust created as a result of excavation, vehicle movements and construction to minimise impact on neighbouring premises. The proponent shall inform all potentially impacted neighbours of the nature of works to be carried out, as well as contact details of the contractors, before any work commence.

Reason: To control dust impacts to neighbouring properties 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 prepared by Knowles group dated August 2017 for site works, building design and equipment. Specifically the measures shall comply with those provided in table 4.1 of the noise impact assessment including a requirement for the proponent to inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact detail, before any work commences. 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

#### **48. Acid Sulfate Soils Management**

If Acid Sulfate Soils are exposed during remediation, excavation or construction works associated with Stage 2 and 3 the Principle Certifying Authority must be notified as soon as reasonably practicable. An Acid Sulfate Soil Management Plan must be submitted to the Principle Certifying Authority before works continue and complied with during works. The Acid Sulfate Soils Management Plan is to be accordance with the New South Wales 'Acid Sulfate Soil Manual' (1998) written by Acid Sulfate Soil Management Advisory Committee.

Reason: To reduce the risk of harm to environment.

#### **49. Protection of existing street trees**

All existing street trees in the vicinity of the works and the street tree at the site frontage shall be retained during all construction stages (stage 2 and 3). Existing tree guards shall be maintained in place.

Should any street tree along the site frontage not contain a tree guard or the existing tree guard is damaged during works, tree protection fencing consisting of a four sided 1.8m high x 2.4m length standard wire mesh construction fence, in accordance with Australian Standard AS 4687-2007: Temporary Fencing & Hoardings, shall be installed around the tree for the duration of the works.

Any street tree damaged or removed shall be replaced at a container size of 400 litres or 200 litres as determined by Council, subject to ground conditions, and planting shall occur in accordance with guidelines provided by Council.

Reason: to retain and protect street tree planting on development sites.

#### **50. Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by SGC Consulting Engineers prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

The discharge of sediment-laden waters from the site may result in clean-up orders and/or fines

under Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Reason: Protection of the receiving environment

#### **51. Waste / Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan.

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

#### **52. Waste/ Recycling Requirements (Materials)**

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

#### **53. Dewatering Management**

Council proactively regulates construction sites for sediment management.

Where a one-off instance of dewatering of groundwater or tailwater is required during works, Council's Catchment Team must be notified of your intention to discharge. Discharges should meet the water quality requirements below. Notification must be via the Team's email address - [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au).

If continuous dewatering or dewatering on multiple events is expected, a dewatering permit is required from Council's Catchment Team at [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au).

To obtain a permit, the following information must be contained in a dewatering management plan and provided to Council's Catchment Team. The dewatering management plan must be certified by a suitably qualified civil engineer who has membership of Engineers Australia and appears on the National Engineering Register (NER). Council will issue a permit based on the plan and general terms of approval from WaterNSW, and a dewatering permit provided by WaterNSW prior to dewatering commencing.

1. Preliminary testing of groundwater/tailwater must be conducted by a NATA accredited laboratory to establish a correlation between NTU and TSS. This will allow the use of grab sampling at short notice prior to planned discharges.
2. Grab samples from at least three locations must be collected within 1 hour of discharge that comply with the parameters in the table below.
3. The groundwater/tailwater to be discharged must be compliant with the water quality requirements below, the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Water Quality (<one hour of planned discharge)

Oil and grease, not visible

pH, 6.5-8.5

Total Suspended Solids (TSS), <50mg/L NTU from a meter/grab sample

4. All records of approvals, water discharges and monitoring results are to be documented and kept on site. Records must include a diagram showing testing locations, and photos of the water to be discharged at the time of testing. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

5. Tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted. Where there is no stormwater pit within 100 metres of the site, Council's Catchment Team must be contacted to discuss alternative arrangements.

On receipt of a satisfactory dewatering management plan, Council's Catchment Team will issue a permit that will allow dewatering for up to one year.

Reason: Protection of the receiving environment

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

### 54. Validation of Remediation

If a RAP is required, then a validation and site monitoring report, including details of all sites used for landfill disposal is to be prepared in accordance with relevant guidelines issues under the Contaminated Land Management Act 1997. The validation report must be reviewed and approved by an accredited Certified Environmental Practitioner and must be in accordance with the protocol outlined in the NSW EPA (1997) document entitled Guidelines for Consultants Reporting Contaminated Sites, and state that the site is suitable for its proposed use.

Details demonstrating compliance are to be submitted to Northern Beaches Council and the Certifying Authority prior to the issue of the first Occupation Certificate.

Reason: To ensure environmental amenity is maintained.

### 55. Waste and Recycling Facilities Certificate of Compliance

(a). The works associated with Stage 2, the construction of the residential flat building, shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate for Stage 2.

(b). The works associated with Stage 3, the dwelling and semi-detached dwellings, shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate for Stage 3.

Reason: To ensure waste and recycling facilities are provided.

### 56. Waste / Recycling Compliance Documentation

(a). Evidence of disposal for recycling from the construction/demolition works associated with Stage 2 shall be submitted to the Certifying Authority prior to the issue of any final Occupation Certificate for Stage 2.

(b). Evidence of disposal for recycling from the construction/demolition works associated with Stage 3 shall be submitted to the Certifying Authority prior to the issue of any final Occupation

Certificate for Stage 3.

Reason: To ensure waste is minimized and recycled.

**57. Garbage and Recycling Facilities**

All internal walls of the waste rooms 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. Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate for Stage 2.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

**58. Positive Covenant for Council and Contractor Indemnity**

A positive covenant shall be created on the title of the land prior to the issue of the final Occupation Certificate for Stage 2 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 requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. 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.

**59. Authorisation of Legal Documentation Required for Waste Services**

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of the Final Occupation Certificate for Stage 2. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council. If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

**60. Registration of community title subdivision**

Prior to issuing the final occupation certificate for Stage 2 (residential flat building lot) the community title subdivision is to be registered to create the Community Association Property Lot 1, Lot 2 (apartment lot ) and Lot 3 (dwellings fronting Warriewood Road) as illustrated on the Community Titled Subdivision prepared by Survey Plus

**61. Landscape completion**

Landscaping shall be completed in accordance with the Detailed Landscape Plans, certified as approved at Construction Certificate stage.

- (a) Prior to the issue of an Occupation Certificate for Stage 2, a landscape report prepared by a Landscape Architect or Landscape Designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved Landscape Plan and inclusive of any conditions.

- (b) Prior to the issue of the final Occupation Certificate for Stage 3, a landscape report prepared by a Landscape Architect or Landscape Designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved Landscape Plan and inclusive of any conditions

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

## 62. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes and the Warriewood Valley Water Management Specification 2001 by a suitably qualified Civil Engineer with NER or RPENG accreditation (Civil). Details demonstrating compliance including certification and work as executed plans are to be submitted to the Principal Certifying Authority for review prior to the issue of any Occupation Certificate for Stages 1 and 2.

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

## 63. Post-Construction Road Reserve Dilapidation Report (Major Development)

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

(a). A Post Construction Dilapidation Report after the completion of all building works for stage 2 is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

(b). A Post Construction Dilapidation Report after the completion of all building works for stage 3 is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

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

## 64. Post-Construction Dilapidation Report

(a) Prior to the issue of an Occupation Certificate for Stage 2 post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- i Compare the post-construction report with the pre-construction report,
- i Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- i Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate for Stage 2.

(b). Prior to the issue of an Occupation Certificate for Stage 3 post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- i Compare the post-construction report with the pre-construction report,
- i Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- i Should any damage have occurred, suggested remediation methods



Reason: To maintain proper records in relation to the proposed development.

**65. Positive Covenant for the Maintenance of Stormwater Pump-out Facilities**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance of the pump-out facility on the property being developed. Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Northern Beaches Council's delegate shall sign these documents prior to the submission to the NSW Land Registry Services. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate for Stage 2.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard.

**66. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures**

(a) Following the completion of all works associated with Stage 2 the Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of final Occupation Certificate for Stage 2.

(b) Following the completion of all works associated with Stage 3 the Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.



Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of final Occupation Certificate for Stage 3.

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard

**67. Removal of Sediment and Erosion Controls**

(a). Before demobilising from the site, associated with Stage 2, and once vegetation cover has been re-established across 70 percent of the site, the applicant is to remove all temporary sediment and erosion controls.

Any area of the site that requires ongoing stabilisation must have jute mesh or matting incorporated into the revegetated area. Mulch may be used on slopes subject to sheet flow with a gradient of no more than 1 metre in height for every 3 horizontal metres. Mulch must be laid to a depth of 50-100mm. If using mulch within two metres of the top of bank of a waterway, coir logs or similar must be placed at the downslope edge of the mulched area to prevent migration of the mulch to the waterway.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Occupation Certificate for Stage 2.

(b). Before demobilising from the site, associated with Stage 3, and once more vegetation cover has been re-established across 0 percent of the site, the applicant is to remove all temporary sediment and erosion controls.

Any area of the site that requires ongoing stabilisation must have jute mesh or matting incorporated into the revegetated area. Mulch may be used on slopes subject to sheet flow with a gradient of no more than 1 metre in height for every 3 horizontal metres. Mulch must be laid to a depth of 50-100mm. If using mulch within two metres of the top of bank of a waterway, coir logs or similar must be placed at the downslope edge of the mulched area to prevent migration of the mulch to the waterway.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Occupation Certificate for Stage 3.

Reason: Protection of the receiving environment

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

(a). The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate for Stage 2.

(b). The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate for Stage 3.

Reason: To ensure geotechnical risk is mitigated appropriately.

**69. Environmental Reports Certification**

(a). Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council for work associated with Stage 2 in the following reports have been completed:

(1). Phase 1 Preliminary Site Contamination Investigation Ref 11356.01aPSCA, dated 29 May

2020, prepare by GETEX Pty Ltd.

- (2). Water Management Report Issue 10 Ref 20160112-R02, dated 26 May 2020, prepared by SGC Engineering Value.
- (3). Geotechnical Risk Management Report, dated 28 May 2020 prepared by Geotechnique Pty Ltd.
- (4). Noise Impact Assessment Addendum Letter dated 3 July 2020 prepared by WSP Australia Pty Ltd.
- (5). Operational Waste Management Plan Rev 9, dated 25 May 2020 prepared by TTM.
- (6). BCA Compliance Report Rev C, dated May 2020 prepared by McKenzie Group.
- (7). Access Design Review Report Ref 171022 Rev 2, dated 27 May 2020 prepared by 3D Access.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Final Occupation Certificate for Stage 2.

(b). Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council for work associated with Stage 3 in the following reports have been completed:

- (1). Phase 1 Preliminary Site Contamination Investigation Ref 11356.01aPSCA, dated 29 May 2020, prepare by GETEX Pty Ltd.
- (2). Water Management Report Issue 10 Ref 20160112-R02, dated 26 May 2020, prepared by SGC Engineering Value.
- (3). Geotechnical Risk Management Report, dated 28 May 2020 prepared by Geotechnique Pty Ltd.
- (4). Noise Impact Assessment Addendum Letter dated 3 July 2020 prepared by WSP Australia Pty Ltd.
- (5). Operational Waste Management Plan Rev 9, dated 25 May 2020 prepared by TTM.
- (6). BCA Compliance Report Rev C, dated May 2020 prepared by McKenzie Group.
- (7). Access Design Review Report Ref 171022 Rev 2, dated 27 May 2020 prepared by 3D Access.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Final Occupation Certificate for Stage 3.

Reason: To ensure compliance with standards.

## **70. Asbestos Clearance Certificate**

(a) Prior to the issue of an Occupation Certificate for Stage 2.

Submit to the Principal Certifying Authority documentation and certification from appropriately qualified and experienced persons confirming that the Clean-up Works have been carried out and completed in accordance with the Clean-up Plan. This documentation is to include an asbestos clearance certificate.

(b) Prior to the issue of an Occupation Certificate for Stage 3.

Submit to the Principal Certifying Authority documentation and certification from appropriately qualified and experienced persons confirming that the Clean-up Works have been carried out and completed in accordance with the Clean-up Plan. This documentation is to include an asbestos clearance certificate.

Reason: To ensure compliance with relevant regulations, protection of environment and human health.

## **71. Noise Barrier**

Prior to the issue of an Occupation Certificate for stage 2.

As per the recommendations on page four of the Acoustic Report entitled “25-27 Warriewood Road, Warriewood Noise Impact Assessment Addendum” prepared by WSP and dated 3 July 2020: a noise barrier is to be installed the length of the entire northern edge of the north apartment rooftop platform. The noise barrier must have a height of minimum 100 mm beyond the top of the installed VRF (variable refrigerant flow) units, shall be constructed as a solid element without any gaps, and have a minimum surface mass of 10 kg/m squared.

Reason: To protect the acoustic amenity of adjacent residences and comply with the Industrial Noise Policy (DACHPFPOC8)

**72. House / Building Number**

(a) Prior to the issue of a Final Occupation Certificate for Stage 2 building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate for Stage 2.

(b) Prior to the issue of a Final Occupation Certificate for Stage 3 building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate for Stage 3.

Reason: Proper identification of buildings.

**73. Unit Numbering for Multi Unit Developments (Residential, Commercial and Industrial)**

Prior to the issue of an Occupation Certificate for Stage 2. The units within the development are to be numbered in accordance with the Australia Post Address Guidelines ([https://auspost.com.au/content/dam/auspost\\_corp/media/documents/Appendix-01.pdf](https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-01.pdf)).

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website Unit Numbering for Multi-Unit Developments Form

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with any Interim/Final Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access.

**74. Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation prior to the Issue of an Occupation Certificate for Stage 2 and Stage 3 respectively.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://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 Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate for Stage 2 and 3. Reason: To ensure compliance with the statutory requirements of Sydney Water.

#### **75. Materials**

(a). Prior to the issuance of the occupation certificate for Stage 2, 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, and any conditions of this consent.

(b). Prior to the issuance of the occupation certificate for Stage 3, 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, 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.

#### **76. Fire Safety Matters**

(a) Prior to the issue of an Occupation Certificate for Stage 2.

At the completion of all works for Stage 2, 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 Fire and Rescue NSW.

(b) Prior to the issue of an Occupation Certificate for Stage 3.

At the completion of all works for Stage 3, 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 Fire and Rescue NSW

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and Fire and Rescue NSW, 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.

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

#### **77. Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: preservation of environmental amenity.

#### **78. Roof Top Plant**

Air-conditioning units on the roof shall be screened so that it will not be visible from the public domain.

Reason: To avoid additional visual clutter.

#### **79. Landscape maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plans.

Reason: to maintain local environmental amenity.

### **CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE**

#### **80. Positive Covenant for On-site Stormwater Detention**

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Community Title Subdivision Certificate (Stage 2 and 3).

Reason: To ensure ongoing maintenance of the on-site detention system.

#### **81. Provision of Services for Subdivision**

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Community Title Subdivision Certificate (Stage 2 and 3).

Reason: To ensure that utility services have been provided to the newly created lots.

#### **82. Right of Carriageway**

The Applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument, to include all vehicular access and manoeuvring areas.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Community Title Subdivision Certificate (Stage 2).

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

**83. Services**

The Applicant shall ensure all utilities/services and street lighting is installed. The Applicant is to submit a Certification stating the above requirement has been complied with by the relevant authority(s) and/or authorised contractor.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Community Title Subdivision Certificate (Stage 2 and 3).

Reason: To ensure services have been provided in accordance with the relevant authorities requirements.

**84. Easement for Drainage**

The Applicant shall create an easement for drainage (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Community Title Subdivision Certificate (Stage 2).

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919

**85. Easement for Services**

The Applicant shall create an easement for services (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all utility services are located within the appropriate easement(s).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Community Title Subdivision Certificate (Stage 2).

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.

**86. Community Title Subdivision Certificate Application**

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, four copies of the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Community Title Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919

**87. Community Management Statement**

Prior to the issuance of the subdivision certificate for Community Title subdivision (Stage 2), 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). Bi-laws are to be created outlining the required maintenance responsibilities for all private infrastructure, including the on site stormwater detention tanks, rainwater reuse tanks, common



vehicle accessway 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.

**88. Title Encumbrances**

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Community Title Subdivision Certificate (Stage2).

Reason: To ensure proper management of land.



## 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



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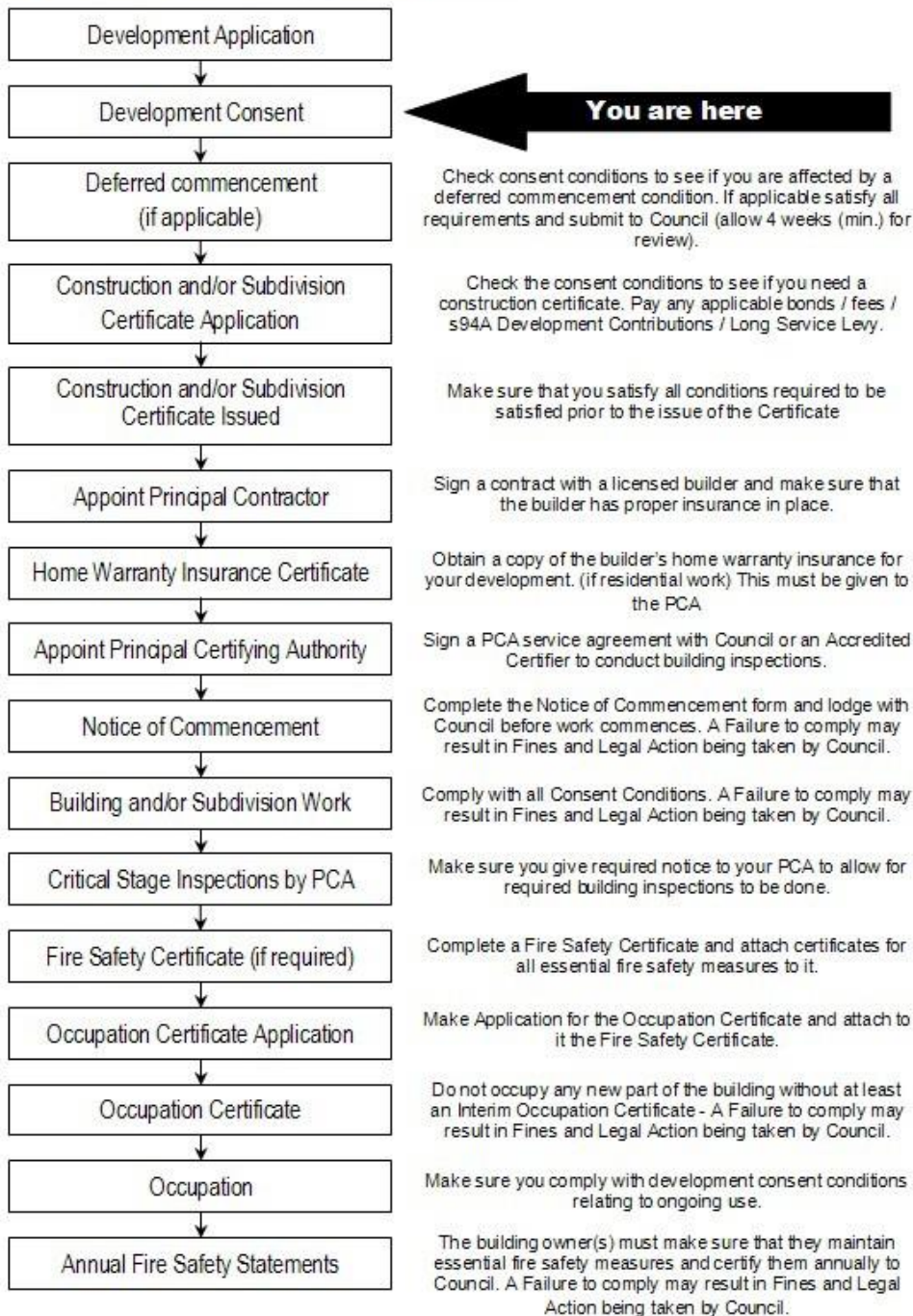
Name                Peter Robinson  
                          **Executive Manager Development**  
                          **Assessment**  
Date                    16/11/2020

**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 28/11/2020.

## 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:

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

Please refer to process chart for more detail.

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

## **Certification Services**

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

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

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

All bonds, fees, 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:
  - i the development is complete
  - i damage has not been caused to council assets during the works
  - i 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:

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

### **Dial Before You Dig**

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

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

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact :Telstra's Network Integrity Team on Phone Number 1800810443.

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

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

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

### **Model**

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

### **Trade waste agreement**

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

### **Waste collection**

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

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

### **Aboriginal Heritage**

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

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

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

### **Cost of Works**

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

### **Relocation of stormwater drainage**

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

### **Tree preservation**

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

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

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



### **Protection of Public Places**

- (1) If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place.

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

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained.

### **Road Opening Permit**

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

### **Special Permits**

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time.

#### **1 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.

#### **1 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.

#### **1 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.



## 1 Kerbside restrictions, work zones

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.  
Other permits may include out of construction hours permits.

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

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

### **Pool Access**

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

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2012;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

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

### **Dewatering**

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

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

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

### **Flood Evacuation Plan**

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

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

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

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

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

### **Utility Service Requirements**

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

### **Plant & Equipment Kept Within Site**

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This does not prevent any requirement to comply with the Protection of the Environment Operations Act.

### **Lighting**

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

### **Silt and Sediment Control**

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

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

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

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

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

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

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

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

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

### **Dividing Fences Act 1991**

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

### **OTHER MATTERS**

### **Child Care Centres**

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

### **Disability Access**

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

### **Food Premises**

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

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

### **Wheel washing facility**

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

### **Monitoring State of Roadways**

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

### **Storage of Dangerous Goods**

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

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

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

### **Noise and Vibration**

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

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

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

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

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

### **Food Premises Construction Requirements**

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

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

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

### **Legionella Control**

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

### **Pool/Spa Safety**

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

### **Grease Trap**

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

### **Bandicoot/Penguin**

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

- 1 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.
- 1 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.
- 1 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.

- 1 When the North Head Long-nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- 1 Dead Long-nosed Bandicoots or Little Penguins should be reported by phoning Manly Council on 9976 1500 or Department of Environment and Conservation on 9960 6266.
- 1 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.
- 1 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.
- 1 Report all sightings of feral rabbits, feral or stray cats and/or foxes to N B Council.