



Issued: 29 July 2016 10:37 AM

JUDGMENT/ORDER

COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2016/00159587

TITLE OF PROCEEDINGS

First Applicant	Vigor Master Pty Ltd
First Respondent	Northern Beaches Council ABN 57284295198

DATE OF JUDGMENT/ORDER

Date made or given	22 July 2016
Date entered	28 July 2016

TERMS OF JUDGMENT/ORDER

The final orders to give effect to the parties' agreement under s34(3) of the Land and Environment Court Act 1979 are:

- (1) The Applicant is granted leave to rely upon the plans set out in operational condition 1 in Annexure "A".
- (2) The Applicant is to pay the Respondent's costs thrown away as a result of amending the development application pursuant to s.97B as may be agreed or assessed.
- (3) The appeal is upheld.
- (4) Development Consent is granted to Development Application No. DA2014/1180 for construction of a boarding house on vacant land at No.76 Willandra Road, Narraweena, subject to the conditions in Annexure "A".

SEAL AND SIGNATURE



Signature	J Gray
Capacity	Registrar
Date	29 July 2016

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

FURTHER DETAILS ABOUT Applicant(s)

First Applicant
Name Vigor Master Pty Ltd
Address Unit 201A
24 Thomas Street
CHATSWOOD NSW 2057
Telephone 9422 3998
Fax 9413 3983
E-mail
Client reference

Legal representative for plaintiffs

Name Pei Long Wu
Practicing certificate number
Address Suite 201A
24 Thomas Street
CHATSWOOD NSW 2067
DX address
Telephone
Fax
Email

FURTHER DETAILS ABOUT Respondent(s)

First Respondent

Name Northern Beaches Council
ABN 57284295198
Address 725 Pittwater Road
DEE WHY NSW 2099
Frequent User Identifier NBCC

ATTACHMENTS TO ORDERS

(159587.16 gtb (C).pdf)

[attach.]

Annexure 'A'**Conditions of Consent****Vigor Master Pty Ltd v Northern Beaches Council****CONDITIONS OF APPROVAL**

Application Number:	NSW LEC 2016/00159587 (DA2014/1180)
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APPLICATION DETAILS

Applicant Name and Address:	Vigor Master Pty Ltd Unit 201A 24 Thomas Street CHATSWOOD NSW 2067
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Land to be developed (Address):	Lot 811 DP 752038 No.76 Willandra Road NARRAWEENA
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Proposed Development:	Construction of a boarding house
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DETERMINATION – DEFERRED COMMENCEMENT

Made on 22 July 2016:	As per NSW LEC Proceedings 2016/00159587
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Consent to operate from (Date):	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
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Consent to lapse on (Date):	5 years from activation of Consent
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DEFERRED COMMENCEMENT CONDITIONS

1. Sewer Infrastructure Connection

The proposed Boarding House on Lot 811 in DP 752038 must be connected to the urban sewer line network in order to manage sewerage from the development. Details of the final design approval from Sydney Water and any other relevant Authorities for planned construction of the required sewer infrastructure shall be submitted to Northern Beaches Council. Approval plans are to be generally in accordance with the following concept plans:

- a. *Sewerage Pump, Gravity Sewer and Rising Main Layout Plan, dated 10/6/2016, drawn by Sydneywide Engineering Consultancy; and*
- b. *Concept Plan Case No.154858WW, Sheet 1 of 1, undated, drawn by Sydney Water Corporation.*

Reason: To ensure essential infrastructure is provided to service the site and minimise risks to the natural environment from effluent disposal. (DACENADC1)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

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

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A001 Site Plan Rev 2	Apr 2016	Vigor Master Pty Ltd
A101 Ground Floor Rev 2	Apr 2016	Vigor Master Pty Ltd
A102 First Floor Plan Rev 2	Apr 2016	Vigor Master Pty Ltd
A103 Second Floor Plan Rev 2	Apr 2016	Vigor Master Pty Ltd

A104 Roof Plan Rev 2	Apr 2016	Vigor Master Pty Ltd
A201 East Elevation Rev 2	Apr 2016	Vigor Master Pty Ltd
A202 West Elevation Rev 2	Apr 2016	Vigor Master Pty Ltd
A203 North and South Elevations Rev 2	Apr 2016	Vigor Master Pty Ltd
A204 Section 1 Rev 2	Apr 2016	Vigor Master Pty Ltd
A301 Kitchen Interior Drawings Rev 2	Apr 2016	Vigor Master Pty Ltd
A302 External Finishes Schedule Rev 3	Jun 2016	Vigor Master Pty Ltd

Engineering Plans		
Drawing No.	Dated	Prepared By
Site Stormwater Drainage Layout Plan 16010-C01	8/4/16	A and G Consulting Engineers
Site Stormwater Drainage Details 16010-C02	8/4/16	A and G Consulting Engineers
Proposed Kerb and Gutter and Footpath Layout Plan 16010-C05	24/4/16	A and G Consulting Engineers
Vehicle Crossing K and G and Footpath Details 16010-C06	24/4/16	A and G Consulting Engineers
Stormwater Pits and Headwall Details 16010-C07	24/4/16	A and G Consulting Engineers
A005 Driveway Longitudinal Section Rev 2	Apr 2016	Vigor Master Pty Ltd

Reports/Documentation – All recommendations and requirements contained within:		
Report No./Page No./Section No.	Dated	Prepared By
Boarding House Plan of Management No.76 Willandra Road Narraweena	Apr 2016	Vigor Master Pty Ltd
Section J Compliance Report V1	31 Aug 2014	Thermal Performance
Biodiversity Management Plan A14123BMP	Apr 2016	Travers Bushfire and Ecology
Bushfire Protection Assessment A14123B	30/8/2014	Travers Bushfire and Ecology
Access Compliance Report	11/10/2014	PSE Access Consulting

DA Acoustic Report 214 129 R01v1	17/9/2014	PKA Acoustic Consulting
Assessment of Contamination Risks Report V1	8 Apr 2016	Woodlots and Wetlands Pty Ltd
Waterways Impact Statement 76 Willandra Road Narraweena V1	9 Oct 2014	Woodlots and Wetlands Pty Ltd

- 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) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
- e) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
A003 Landscape Calculation Plan Rev 2	Apr 2016	Vigor Master Pty Ltd
L/01 Proposed Landscape Plan Rev A	29/9/14	Discount Landscape Plans

Sediment Controls and Waste Management Plans		
Drawing No.	Dated	Prepared By
Soil and Water Management General Notes and Requirements Dwg 01	12/4/2016	Sydneywide Engineering Consultancy
Soil and Water Management Plan / Construction Management Plan Dwg 02	12/4/2016	Sydneywide Engineering Consultancy
Soil and Water Management Standard Drawings – 1 Dwg 03	12/4/2016	Sydneywide Engineering Consultancy
Soil and Water Management Standard Drawings – 1 Dwg 04	12/4/2016	Sydneywide Engineering Consultancy
Waste Management Plan 76 Willandra Road Narraweena	14/10/2014	Ivy Wang

Note: References to “Warringah Council” are now administered by the “Northern Beaches Council”. To this effect the website www.northernbeaches.nsw.gov.au is linked to www.warringah.nsw.gov.au

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference	Dated
NSW Rural Fire Service	NSW Rural Fire Service Referral Response	9 December 2014
Aboriginal Heritage Office	Aboriginal Heritage Office Referral Response	21 November 2014
Department of Primary Industries	Office of Water Referral Response	19 December 2014

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

3. Occupancy

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a "Boarding House".

For the purposes of this development consent a Boarding House is defined as:

Boarding house means a building that:

- (a) *is wholly or partly let in lodgings, and*
- (b) *provides lodgers with a principal place of residence for 3 months or more, and*
- (c) *may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) *has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

Any variation to the approved land use and/occupancy of any element beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent. (DACPLB03)

4. No Approval for any Signage

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2011 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under

Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

5. Prescribed Conditions

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

- (c) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- (d) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and

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

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

Reason: Legislative Requirement (DACPLB09)

6. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) All sound producing plant, air conditioners, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

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

FEES/CHARGES/CONTRIBUTIONS

7. Policy Controls

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's *Section 94A Development Contributions Plan*.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 1,140,00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 10,830
Section 94A Planning and Administration	0.05%	\$ 570
Total	1%	\$ 11,400

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

Reason: To provide for contributions in accordance with the *Warringah Section 94A Development Contributions Plan*.

9. Bonds

(a) Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Councils Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

(b) Construction, Excavation and Associated Works Bond (Road)

A Bond of \$85,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

(c) Construction, Excavation and Associated Works Bond (Drainage)

A bond of \$65,000 as security against any damage or failure to complete the construction of stormwater drainage works required as part of this consent.

(d) Construction, Excavation and Associated Works Bond (Pollution)

A bond of \$10,000 as security to ensure that there is no transmission of material, soil etc. off the site and onto the public road and/or drainage systems.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

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

10. Stormwater Disposal

Engineering Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the buildings, paved areas and where appropriate adjacent catchments are to be submitted. Stormwater shall be conveyed from the proposed development by gravity to the table drain in Willandra Road and to a level spreader downstream of the proposed buildings, parallel with the contours, to ensure stormwater is discharged evenly within the property. The design shall be generally in accordance with the stormwater drainage plan by A & G Consulting Engineers Pty Ltd, drawing number 16010 – C01 dated 08.04.2016.

The level spreader shall be located a minimum 20 metres up gradient of Biodiversity Conservation Area as identified in the Biodiversity Management Plan prepared by Travers Bushfire and Ecology dated October 2014.

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

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development. (DACENC06)

11. Application for Works to be approved within Council's Roadway

An application for works to be approved within Councils roadway under Sections 138 & 139 of the Roads Act 1993 is to be submitted to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the driveway crossing, layback, kerb & gutter and associated stormwater drainage and footpath along the frontage of the site up to the existing kerb, gutter and footpath to the south of the site, which are to be generally in accordance with the civil design by A & G Consulting Engineers Pty Ltd, drawing numbers 16010 – C05, C06 and C07 dated 24.04.2016 and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

The fee associated with the assessment and approval of the plans is to be in accordance with Council's fees and charges.

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

Reason: To ensure compliance with Council's specification for engineering works. (DACENC08)

12. Vehicle Driveway Gradients

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 Council's Minor Works Policy.

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

Reason: To ensure suitable vehicular access to private property. (DACENC13)

13. 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 Certifying Authority prior to the issue of the Construction Certificate.

Reason: Safety. (DACENC19)

14. Contaminated Land Requirements

The site has been subject to previous unauthorised development activities and therefore prior to the issue of any Construction Certificate, a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of the Certifying Authority. The plan shall detail:

- a) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant 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*;
- b) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (24 hours a day), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Northern Beaches Council and the Principal Certifying Authority.

- c) A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:

During construction in order to monitor water and soil quality the following is to be implemented:

- i) Before and post-construction water testing, at the lowest drainage point on the site, is to be completed in accordance with *Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring*
 - ii) Before and post-construction Soil Testing in order to detect contaminants is with a minimum of two (2) samples in accordance with the *NSW EPA Contaminated Site Sampling Design Guidelines*.
- (d) The requirements of (c) (i) and (d) (ii) above are to be implemented from the commencement of works as follows:
- i) Fortnightly during excavation works
 - ii) Monthly during building works
- (e) All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility.

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination:

- i) *Protection of the Environment Operations Act 1997; and*
 - ii) *Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).*
- (f) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.

Note: The following standards applied at the time of determination:
Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

- (g) For stipulating protocols for the importation of any landfill material onto the site, the protocols shall include:

'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the site or to the site and other premises.
Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall suitable for the use on the land.
Any landfill material being brought to the site shall have a validation report prepared to

the satisfaction of the Principal Certifying Authority (prepared in accordance with the Department of Environment & Climate Change's guidelines).

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

Reason: Protection of the environment, SEPP 55 compliance. (DACHPCPCC6)

15. Landscaping

Landscaping for this development must be revised from the approved Landscape Plan to provide planting as follows:

Distance from habitable building wall. Inner protection area of the APZ.	Plant Selection	All Densities to be Planted in full.
Within 5 metres (m) surrounding the boarding house.	No trees. Lawn and private open space.	No trees or shrubs.
Between 5m and 10m distance from the boarding house, on the Willandra Road side of the building.	Endemic Large Tree (mixed species)	Two (2) trees per 100m ²
Between 10m and 20m from the boarding house, where property boundaries are practicable, on the Willandra Road side of the building.	Large endemic canopy trees (mixed species); and Medium endemic canopy tree (mixed species); and Endemic shrubs and ground covers (mixed species).	Four (4) trees per 400 m ² Four (4) trees per 400 m ² Forty (40) plants per 400 m ²
Between 5m and 10m distance from the boarding house, on any side of the building except the Willandra road side.	Large endemic canopy trees (mixed species).	One (1) tree per 100m ²
Between 10m and 20m distance from the boarding house, on any side of the building, except the Willandra road side.	Large endemic canopy trees (mixed species); and Medium endemic canopy tree (mixed species); and Endemic shrubs and ground covers (mixed species).	Two (2) trees per 400 m ² Three (3) trees per 400 m ² Twenty (20) plants per 400 m ²

Trees, shrubs and ground covers are to be selected from Council's *Tree Replacement Guide* at www.warringah.nsw.gov.au or the species as listed in the submitted Biodiversity Management Plan.

No *Grevillea*, *Banksia* or Lilly Pilly hybrids are to be used in the landscaping for this development.

Planting densities, to be completed prior to occupation, and are subject to *NSW Rural Fire Service* maintenance requirements for bushfire safety protection.

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

Reason: To ensure provide landscape screening and provide local wildlife habitat subject to bushfire protection (DACNEC02)

16. Bushland Covenant

Bushland is to be protected, conserved, rehabilitated and managed through the use of a Section 88B (*Conveyancing Act 1919*) Instrument in which Northern Beaches Council shall be named as the sole authority to release or modify the restriction.

The instrument is to be written and registered on the title so that the owners are bound to manage and protect the area in perpetuity according to development consent conditions and the Biodiversity Management Plan prepared for the approved development. This instrument is to be approved by Council's Bushland & Biodiversity section prior to lodgement with the *NSW Department of Lands*.

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

Reason: Management and protection of bushland. (DACNEC05)

17. Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works. The Project Ecologist will provide certification in writing to Council and the PCA for this development. The Project Ecologist will ensure that all conditions relating to biodiversity management of the property are fully implemented in accordance with Council's consent conditions and biodiversity management plan.

The Project Ecologist shall meet the following minimum requirements:-

- A vegetation management specialist with at least 4 years' experience in the management of native bushland in the Sydney region; and
- TAFE Certificate III in Bush Regeneration or Conservation and Land Management – Natural Area Restoration
- A member of the Ecological Consultants Association of NSW Inc.

or as otherwise agreed by the Council;

Reason: To ensure bushland management. (DACNEC07)

18. Erosion and Sediment Control Plan

A detailed site Erosion and Sediment Control Plan (ESCP) consistent with the approval sediment control plan, shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004)*. The ESCP must include the following as a minimum:-

- Site Boundaries and contours;
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities);
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls;
- North point and scale.

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

Reason: To mitigate environmental impact resulting from site disturbance (DACNEC22)

19. Amendment to Boundary of Biodiversity Conservation Zone and Managed Landscape

Clearing of native vegetation is to be restricted to the construction footprint and Asset Protection Zone only. The proposed boundary between the Biodiversity Conservation Area and Managed Landscape (Biodiversity Management Plan - Schedule 1) is to be amended to include all areas mapped as Managed Landscape outside of the Asset Protection Zone. The revised boundary is to include permanent fencing.

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

Reason: Bushland Protection (DACNECPCC1)

20. Compliance with Standards

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

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

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

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (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**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*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 http://www.humanrights.gov.au/disability_rights/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. (DACPLC02)

21. External Building Bulk

In order to minimise building bulk and scale, the roof pitch and colour is to remain consistent with the approved plans.

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

Reason: To maintain consistency with the Desired Future Character under WLEP2000. (DACPLC11)

22. Site Facilities - Laundry

In order to ensure adequate site facilities the fit out is to remain consistent the approved plans (including appliances and fixtures shown), and include the installation of two (2) external rotary clothes lines in the location proposed.

Details demonstrating compliance are to be provided on Construction Certificate plans to the satisfaction of the Certifying Authority.

Reason: Adequate site facilities for the intensity of use.(DACPLCPCC1)

23. Site Facilities - Kitchen

In order to ensure adequate site facilities the fit out is to remain consistent the approved plans including two (2) x four burner stove tops, two (2) ovens, two (2) double sinks, two (2) fridge-freezer units and two (2) microwave ovens, a dishwasher machine and adequate bench space areas and storage cupboards to serve the occupants needs.

Details demonstrating compliance are to be provided on Construction Certificate plans to the satisfaction of the Certifying Authority.

Reason: Adequate site facilities for the intensity of use (DACPLCPCC2)

24. Site Facilities - Waste and Recycling

The internal waste and recycling room (adjacent the stairwell) is to be fitted with a self-closing doors to contain smells and noise. This utility room is to be used for the day to day sorting of recyclables and storage of utility items with waste bins being transferred, by a designated person for the boarding house, to the main bin holding area adjacent Willandra Road as needed.

A covered awning, with a batten side screen to the road, is to be provided on the northern side of the external bin enclosure (adjacent the entry driveway) in order to provide 4 cubic metres of space for waste bulky domestic goods from the boarding house.

Details demonstrating compliance are to be provided on Construction Certificate plans to the satisfaction of the Certifying Authority.

Reason: Adequate and convenient site facilities for the intensity of use (DACPLCPCC3)

25. Site Facilities - Telecommunications

A digital television coaxial socket outlet is to be provided for the ground floor common lounge and first floor common lounge and all bedrooms within the Boarding House, serviced by a common antenna facility.

Details demonstrating compliance are to be provided on Construction Certificate plans to the satisfaction of the Certifying Authority.

Reason: Provision of telecommunications facilities (DACPLCPCC4)

26. Parking Dimensions and Gradients

That car parking spaces and motorcycle parking are to conform with the requirements of AS2890.1. The dimensions and cross-falls for the disabled parking space are to conform to the requirements of AS2890.6. Bicycle parking is to be provided in accordance with AS2890.3

Details demonstrating compliance are to be shown on the Construction Certificate plans to the satisfaction of the Certifying Authority.

Reason: To ensure compliance with Australian Standards. (DACTRCPC1)

27. Willandra Road Frontage

Willandra Road carriageway is to be widened to 13.0m for the extent of kerb, guttering and driveway along the property frontage, in order to allow other traffic to pass the site safely during ingress/egress from the proposed driveway.

Details are to be provided to the satisfaction of Northern Beaches Council with the required works application under 138 & 139 of the Roads Act 1993.

Reason: To reduce vehicular conflicts and improve traffic safety (DACTRCPC2)

28. Sight Distances at Property Boundary

A pedestrian sight triangle of 2.0 metres by 2.5 metres, in accordance with AS2890.1 is to be provided at the vehicular access to the property.

Additionally, a sight distance adjacent the driveway for vehicles exiting the driveway is to be in accordance with AS2890.1 (Reference: Figure 2)

Details demonstrating compliance are to be shown on the Construction Certificate plans to the satisfaction of the Certifying Authority.

Reason: To reduce vehicular conflicts (DACTRCPC3)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

29. 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 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. (DACEND01)

30. Delineation and Fencing of the Asset Protection Zones and Biodiversity Conservation Area

Prior to construction certificate and vegetation clearance/modification, the Boundary between the Asset Protection Zone and Biodiversity Conservation Area must be fenced. The fence shall conform to the specification for bush protection fencing consisting of 1150mm high galvanised hinge joint fencing (8/115/30) ('Stocktite' or similar) fixed to fence with 3x strands 3.15mm galvanised fencing wire. Posts are to be capped, 50mm round galvanised pipe at 3m centres. End posts are to be stayed with galvanised pipe stay every 15m. Inline stays are to be fixed to 50mm post. Posts are to be concreted into the ground. This fence is to be constructed prior to clearing and construction works.

The installation of this fence to delineate the Asset Protection Zone and Biodiversity Conservation Area is to be supervised by the Project Ecologist. Minor boundary clearing required to facilitate fence construction must be supervised by the project ecologist.

Details demonstrating compliance is to be submitted to the Principal Certifying Authority.

Reason: Bushland Protection. (DACNED02)

31. 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 (DACNED06)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

32. Progress Certification (Road works)

Written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Certifying Authority for the following stages of works.

- (a) Silt and sediment control facilities
- (b) Sub-grade trimmed and compacted **
- (c) Base-course laid and compacted **
- (d) Kerb and gutter construction
- (e) Footpath and driveway crossing construction
- (f) Road shoulder pavement
- (g) Landscaping and vegetation
- (h) Clean-up of site, and of adjoining Council roadway and drainage system.

(**To be tested by a recognised N.A.T.A. approved laboratory).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works (see www.warringah.nsw.gov.au). (DACENE02)

33. Vehicle Crossings

The provision of one vehicle crossing 6.0 metres wide at the boundary, and 7.5 metres wide at the kerb, in accordance with "Warringah Council Drawing No A4-3330/1 N and specifications". The proposed kerb and gutter to the south of the proposed crossing is to be extended to incorporate the new crossing in an alignment at the edge of the existing bitumen. The vehicle crossing and associated works within the road reserve shall be constructed in plain concrete.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

34. Civil Works Supervision

All civil works approved in the Roads Act approval are to be supervised by an appropriately qualified and practising Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

35. Civil Works Construction

All civil works approved in the Roads Act approval are to be constructed by an appropriately qualified and practicing civil contractor, who is listed as an approved prequalified contractor for road works by Roads & Maritime.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and Council.

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

36. Footpath Construction

The applicant shall extend the existing footpath along the western side of Willandra Road in front of the site, between the existing pedestrian crossing (near the Rural Fire Service Building) and the proposed concrete driveway entry to the site. The footpath shall be plain concrete and 1.5 metres wide. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's minor works policy.
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath.
- (c) The existing 'Armco' guardrail is to be relocated to suit the alignment of the new footpath.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of footpath works with Council's specification for engineering works. (DACENE07)

37. Layback Construction

A layback 6 metres wide (excluding the wings) is to be constructed in accordance with "Warringah Council Drawing No A4-2276 and specifications". The layback is to be constructed on an alignment at the edge of the existing bitumen. The proposed kerb and gutter is to be extended to incorporate the new layback and provide a return beyond the layback to the existing table drain on the north side of the proposed crossing.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

38. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work. All works are to be at no cost to Northern Beaches Council.

Reason: Public Safety. (DACENE09)

39. Notification of Inspections

Council's Development Engineer is to be given 48 hours' notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits

- (d) Prior to pouring of kerb and gutter and laybacks
- (e) Subgrade level / base course level
- (f) Prior to pouring driveway slabs
- (g) Prior to pouring footpath slabs

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

40. 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 Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

41. Kerb and Gutter Construction

Kerb and gutter along the frontage of the site up to the existing kerb and gutter to the south of the site is to be constructed as 150mm kerb & gutter in accordance with "Warringah Council Drawing No A4 2276/A and specifications".

Reason: To ensure compliance with of kerb and gutter works with Council's specification for engineering works. (DACENEDW1)

42. Compliance with the Contamination Management Plan

The requirements of the Recommendation contained within the Environmental Site Assessment required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of any interim / final occupation certificate.

Reason: Protection of the environment, SEPP 55 compliance. (DACHPEDW1)

43. Compliance with the Boarding House Plan of Management

The requirements of the Boarding House Plan of Management required by this consent must be fully implemented in perpetuity from the issue of any interim / final occupation certificate.

Reason: To ensure the premises a maintained in an appropriate manner in perpetuity. (DACHPEDW2)

44. Fauna and Tree Hollow Relocation

During any vegetation clearance for Asset Protection Zones and construction works the Project Ecologist is to be present to re-locate any displaced fauna that may be disturbed during this activity.

Tree hollows are to be salvaged from trees within the development area and placed within the Conservation Areas within the Lots. This is to be done by a qualified and experienced Arborist, under the direction of the Project Ecologist.

Details prepared by the project ecologist in writing demonstrating compliance is to be submitted to Council and the Principal Certifying Authority.

Reason: To ensure bushland management in accordance with Local Habitat Strategy 2007. (DACNEE01)

45. Weeds

No noxious or environmental weeds, as listed on the “Northern Beaches Council / Warringah” website are to be imported on to the site. [www.warringah.nsw.gov.au]

Any noxious weeds or environmental weeds on the site are to be managed continuously, in accordance with the *Noxious Weeds Act 1993* and the Biodiversity Management Plan and/or Plan for this development.

Details prepared by the project ecologist in writing demonstrating compliance is to be submitted to Council and the Principal Certifying Authority.

Reason: To ensure bushland and riparian management. (DACNEE02)

46. Trees to be Retained

Existing trees which must be retained as identified in the following report / documentation:

Report/Plan	Dated	Prepared By
<i>Biodiversity Management Plan - A14123BMP</i>	April 2016	<i>Travers Bushfire Travers Bushfire and Ecology</i>

Reason: Bushland Protection (DACNEEDW1)

47. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with “Warringah Council Specifications for Erosion and Sediment Control”.

All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised. Tar or petroleum-based erosion/sediment controls are not to be used.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

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

48. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

Note: The following Standards and Codes applied at the time of determination:

- (a) Australian/New Zealand Standard AS/NZS 3500.3 - 2003 - Plumbing and drainage - Stormwater drainage
- (b) Australian/New Zealand Standard AS/NZS 3500.3 - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

49. Certification of Civil Works and Works as Executed Data

A suitably qualified Civil Engineer who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering shall certify that the completed civil works within Willandra Road have been constructed in accordance with this consent and the approved Roads Act plans.

Works as Executed data certified by a registered surveyor prepared and submitted to the Council for approval prior to the issue of any interim/final Occupation Certificate. Full details of the information to be submitted to Council, as part of the Works as Executed Data, are outlined in Council's 'Guideline for preparing Works as Executed data for Council stormwater assets' which is available from Council's Natural Environment Unit. The Works as Executed data is to be verified by the Principal Certifying Authority prior to submission of any documentation.

The Works as Executed Data is to include but not be limited to the following:

- Works As Executed (WAE) plan,
- a spread-sheet schedule of all stormwater asset attributes and
- a CCTV Report of the completed pipeline

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

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENF06)

50. CCTV of Stormwater Drainage Works

The applicant shall submit to Council a CCTV inspection of the completed drainage works that revert to Council's care and control.

A CCTV Report for Council Stormwater Asset prepared in accordance with Council's Guidelines (*GUIDELINE for Closed Circuit Television (CCTV) Investigation of Council Stormwater Asset*) available at www.warringah.nsw.gov.au

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

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENF09)

51. Surrender of Consent

The applicant shall surrender to Northern Beaches Council, Development Consent No: DA2009/1358 (Construction of a Dwelling House) in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

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

Reason: To prevent inconsistencies between consent applying the site (ref s80A (5) EPAA & cl97 EPA Reg). (DACENF06)

52. Kitchen Design, Construction and Fit out of Communal Kitchen

Certification is to be provided from a person who is eligible as a 'Member' of Environmental Health Australia (EHA) that the design, construction and fit out of the communal kitchen area is compliant with the requirements of *AS 4674 Design, construction and fit out of food premises*.

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

Reason: Environmental health and hygiene for communal food preparation facilities. (DACHPFPOC3)

53. Compliance with Contamination Management Plan

Prior to the issue of any interim / final occupation certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the Contamination Management Plan prepared for this consent have been compliance with throughout excavation, demolition and development work stages. The certification shall also include:

- a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.

- c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: Protection of the environment, SEPP 55 compliance. (DACHPFPOC5)

54. Boarding House Plan of Management

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the operator that the requirements of the approved Boarding House Plan of Management (PoM) have been implemented and are compliant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity. (DACHPFPOC7)

55. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management. (DACPLF01)

56. Garbage and Recycling Facilities

All internal walls of the storage area adjacent Willandra Road 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. Screen planting is to be provided in the front setback to Willandra Road for the bin facility building as per the approved landscape plan.

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

Reason: To prevent pollution of the environment and to protect the amenity of the area. (DACPLF03)

57. House/Building Number

A street address number is to be affixed to the property letterbox and is 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 interim/final Occupation Certificate.

Reason: Proper identification of buildings. (DACPLF04)

58. Intercom

An intercom system/security keypad must be provided in adjacent the front door entry to enable security control access to the front entry / common area of the building.

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

Reason: To ensure controlled access is available for visitors to the building. (DACPLF05)

59. Fire Safety Matters

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

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

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

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

60. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation, as applicable/determined by the service provider.

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, 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 interim / final Occupation Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLF08)

61. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim/final Occupation Certificate.

Reason: To ensure waste is minimised and recycled. (DACWTF02)

62. Positive Covenant for Waste Services

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available at www.warringah.nsw.gov.au), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities (DACWTF03)

63. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (*Department of Lands* standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. 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. (DACWTF04)

64. Front Boundary Fencing

A post and wire fence is to be constructed along the site road frontage (Lot 811 only). The fence shall be of rural style post and wire fencing consisting of 1150 millimetre (mm) high galvanised hinge joint fencing (8/115/30) ('Stocktite' or similar) fixed to the tensioned fence-line with 3x strands 3.15mm galvanised fencing wire. Square posts of hardwood timber (at least) 90mm thickness, or 50mm capped and galvanised pipe, shall be concreted in at 3.0 metre (m) spacing's. End / corner posts are to be fully stayed and in-line posts are to be stayed every 15m. Any gate entry points are to be setback to comply with AS2890.

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

Reason: Minimise potential traffic safety hazards along Willandra Road.

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

65. Fertiliser

No fertilisers are to be spread on any portion of the Lot at any time.

Reason: To ensure bushland and riparian zone management (DACNEG01)

66. Exotic Plant Species/Weeds

All exotic plant species, noxious and environmental weeds are to be managed continuously and are not to be imported to the site. Further information is available on Northern Beaches Council website [www.warringah.nsw.gov.au].

Only certified weed free and contaminant free mulch is to be used on the site, as they may contain weed seeds and viable vegetative matter and other contaminants, which may impact adversely on the vegetation, soil, water quality or ecology of the site.

Reason: To ensure bushland and riparian management (DACNEG05)

67. Maximum Occupancy

The maximum residential occupancy for the Boarding House is limited to 13 lodgers.

Reason: To ensure occupancy remains a low intensity/low impact use and consistent with the conditions of consent.

END OF CONDITIONS