



Warringah Council

NOTICE OF DETERMINATION

Application Number: DA2011/1670

APPLICATION DETAILS

Applicant Name and Address: Crosby Textor c/- Tony Polvere
GPO Box 4399
SYDNEY NSW 2001

Land to be developed (Address): Lot 8 DP 1035344 Lot 8/ Beacon Hill Road
BROOKVALE NSW 2100

Proposed Development: Construction of a dwelling house

DETERMINATION – DEFERRED COMMENCEMENT

Made on (Date): 7 June 2012

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

Consent to lapse on (Date): 5 years from activation of Consent

Details 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.



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DEFERRED COMMENCEMENT CONDITIONS

This consent shall not operate until the following deferred commencement condition has been satisfied.

1. Additional information is provided to Council's satisfaction that the area and design of the asset protection zone (APZ) are the best solutions available to ensure the narrowest APZ, and particularly any reasonable measures that could be incorporated into the Development Application design and particularly construction materials, orientation and size of the dwelling house, and potential to design a fence to act as a radiant heat barrier.

Evidence required to satisfy these conditions must be submitted to Council within 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:

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

2. 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:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A001 -A003 (Issue B)	01/12/2011	Greg Pickworth Architect
A101- A103 (Issue B)	01/12/2011	Greg Pickworth Architect
A200- A201 (Issue B)	01/12/2011	Greg Pickworth Architect

Report	Author	Dated
Geotechnical Assessment	GeoEnviro Consultancy	20/12/2012
Flora & Fauna Impact Assessment	GIS Environmental Consultants	11/2011

The development must also comply with the terms of the ESMP prepared in accordance with Condition 18.

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



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3. Compliance with External Department, Authority or Services Requirement

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

External Department, Authority or Service	E-Services Reference	Dated
Ausgrid	Response Ausgrid Referral	18 January 2012
NSW Rural Fire Service	Rural Fire Service Referral Response	31 January 2012
Aboriginal Heritage Office	Response Aboriginal Heritage Referral	24 January 2011

(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 External Department, Authority or Bodies. (DACPLB02)

4. Prescribed Conditions

- (a) All building works 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.



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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. (DACPLB09)

5. 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.



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- 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) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- i) All sound producing plant, 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.)
- j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.

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

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

6. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan		
Contribution based on total development cost of		\$489,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	\$4,646
S94A Planning and Administration	0.05%	\$245
Total	1.0%	\$4,890



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

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACPLC01)

7. 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.

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:

Australian Standards are adhered to.

- (a) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (b) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (c) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (d) AS 4970 - 2009 'Protection of trees on development sites'***
- (e) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**

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

8. External Colours and Materials (Dwellings)

The external finishes of the dwelling are to be natural/earthy tone and roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

Reason: To ensure that the external finishes of the development harmonies with the natural surrounds and minimise glare or reflectivity. (DACPLC03)

9. Bonds

Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

Reason: To ensure adequate protection of Council infrastructure. (DACENC01)



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10. Stormwater Disposal

Plans indicating all details relevant to the collection and disposal of stormwater from the buildings, paved areas and where appropriate adjacent catchments, shall be submitted prior to the issue of the Construction Certificate. The plans must indicate the provision of a rainwater tank in accordance with the BASIX certificate. Stormwater shall be conveyed from the proposed driveway to the kerb in Northcliffe Ave and from the proposed roof areas to a level spreader.

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

Reason: To ensure appropriate provision for disposal and stormwater management and compliance with the BASIX requirements, arising from the development. (DACENC07)

11. Vehicle Crossings Application Formwork Inspection

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

Reason: To facilitate suitable vehicular access to private property (DACENC12)

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. Utilities Services

Prior to the issue of the Construction Certificate, evidence is to be submitted to the Certifying Authority that

- (a) A letter from the telecommunications service provider confirming that satisfactory arrangements have been made for the provision of underground telecommunications for the approved development have been made; and
- (b) Evidence that notification has been received from an Electricity Service Provider of electricity supply requirements for the development can be provided.

Reason: To ensure that services have been provided as required by this consent. (DACENC15)



14. Elevated Parking Facility

The elevated parking facility is to be constructed in accordance with the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls. An appropriate qualified and practising Structural Engineer or Traffic Engineer is to submit written certification to the Certifying Authority that the proposal complies with these requirements, prior to the issue of the Construction Certificate.

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

Reason: To ensure the provision of a safe parking facility in accordance with the relevant Australian/New Zealand Standards. (DACENC16)

15. 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)

16. Landscaping

All plants used in the landscaping for this development must be grown from local provenance seed and cuttings as per the species list for Bloodwood Scribbly Gum Woodland and Peppermint –Angophora Forest.

Species lists are available at

http://www.warringah.nsw.gov.au/plan_dev/VegetationCommunitySpeciesList.aspx

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

Reason: To ensure compliance with the requirements of the Threatened Species Conservation Act 1995 (DACNEC01)

17. Environmental Site Management Plan

An Environmental Site Management Plan (“ESMP”) is to be prepared by the Project Ecologist for the entirety of Lot 8 DP 1035344 and including all retained vegetation. The plan is to be approved by Council prior to the issue of a Construction Certificate.



The ESMP shall include the following:

- a) An **Environmental Feature Survey** is to be produced for the site showing the location of all environmental features to be retained on site (including trees, seeps, soaks and rock outcrops), and the boundary delineating the asset protection zones from the development footprint. The locations of features should be marked using differential GPS. The Project Ecologist is to ensure that all environmental features identified in this survey are protected and ultimately retained post development.
- b) A **Works Environment Protection Plan (WEPP)** is to be prepared to ensure that all personnel working on the site are aware of the elements of the site to be protected. A copy of the WEPP must be kept in the site office. All site personnel must be inducted by the Project Ecologist with an induction record being maintained and available onsite at all times.
- c) All site personnel inducted will:-
 - I. Be familiar with the names and contact details of relevant people and authorities in the event of any environmental or site management emergency that may arise;
 - II. Be familiar with the presence of environmentally significant areas and species prior to construction commencing;
 - III. Be familiar with the location of trees with hollows and their importance to a variety of wildlife species;
 - IV. Be familiar and aware of the presence of weed locations and the potential of weed seed propagules accidentally being introduced to the site.
 - V. Identify species of fauna that may be present or venture into the subject site.
 - VI. Identify threatened species of fauna that may be cryptic.
 - VII. Be familiar with animal welfare issues and procedures should human-wildlife interactions take place during the construction phase.
 - VIII. Have an understanding of site specific flora and fauna management issues.
- d) A **Soil and Water Management Plan (SWMP)** is to be prepared and must cover and apply to all works on the site, along with staging and maintenance requirements. The SWMP must meet, as a minimum, the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction – Volume 1, 4th Edition (2004)*. The SWMP is to be cross-referenced to other “plans” required by these conditions, where appropriate. The SWMP shall contain mechanisms for monitoring the condition of the surface water run off from the site to ensure control mechanisms are working and that the surface run off complies with the requirements of the above referenced Landcom publication. The monitoring program shall be designed in accordance with the “Study Design” requirements of Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC, 2000) and incorporate suitable spatial and temporal replication.
- e) A **Biodiversity Management Plan (BMP)** must be prepared for the entirety of Lot 8 DP 1035344 by the Project Ecologist in accordance with Council’s Biodiversity Management Plan Guidelines available at:

http://www.warringah.nsw.gov.au/plan_dev/NaturalEnvironmentGuidelines.aspx

The BMP must include a plan/map of all trees required to be removed and those to be retained for the Asset Protection Zone and building envelope.



Details demonstrating compliance are to be submitted to the Certifying Authority and Council prior to the issue of the Construction Certificate. The Biodiversity Management Plan must include provisions for management, monitoring and reporting of biodiversity during clearing and post construction and management of fire hazard Asset Protection Zones. The BMP will apply to the site in perpetuity.

Reason: To promote the long-term sustainability of ecosystem functions (DACNEC03)

18. Hydrology Compliance Certification

- i) In order to prevent impacts on downstream environments, further site assessment and soil profile analysis is required to adequately define/refine the pre-development hydrology of the site. In this regard, a report outlining this assessment shall be prepared and certified by a person with a qualification in Geomorphology, Civil or Environmental Engineering with previous experience in identifying microtopography and hydrologic features on sites with similar topographical and ecological features of the land to be developed. The report will need to demonstrate that the following investigations have been completed and incorporated into the design:
 - (a) That the alteration of vegetation in the Asset Protection Zone and Riparian Lands does not result in adverse changes in hydrology or water quality on the downstream environment.
 - (b) Existing drainage flow paths and seepage areas are to be accurately located by assessing the micro-topography of the site. This is required in order to appropriately site diffuse stormwater discharge structures to existing flow paths and seepage areas.
 - (c) The hydraulic properties of existing drainage flow paths and seepage areas shall be determined in order to refine the discharge characteristics required by the diffuse stormwater discharge structures.
 - (d) The diffuse stormwater discharge structures shall be configured on the basis of a) and b) so as to match the post-development hydrologic conditions of the site to those that existed prior to development for all existing natural drainage pathways and seepage areas in the Asset Protection Zone, Riparian Lands and the Conservation Area of the site.

19. Dewatering during excavation works

If excavation works require dewatering below the water table, a bore license must be applied for and obtained from the NSW Office of Water. 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.

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

20. Utilities and Services

Utility and service lines are not to be located within riparian zones, unless they:



- (a) Do not require access tracks for maintenance or other purposes.
- (b) Do not restrict existing vegetation or rehabilitation.

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

Reason: Environmental Protection, Monitoring and Enhancement. (DACNEC16)

21. Trees and / or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

Existing trees which must be retained

Approval is NOT granted for the removal of the following trees, which Council has determined to be significant landscape elements.

- (i) All trees outside the approved Asset Protection Zone
- (ii) All trees identified for retention in the ESMP

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

22. Protection of Waterway and Riparian Lands

Bushfire asset protection zones shall be maintained outside of riparian land as per Council's Protection of Waterway and Riparian Land Policy. Natural ecological processes of waterway and riparian lands shall be maintained and enhanced to the greatest extent possible. Where a waterway has not yet been identified on Council's Waterways and Riparian Land Map, the riparian land widths are to be applied as follows:-

- A minimum 10 metre riparian zone plus a 10 metre riparian buffer.
- Any permanently flowing first order watercourse will require a 20 metre riparian zone plus a 10 metre riparian buffer.

Where development is proposed within waterways and riparian land, a suitably qualified environmental engineer's report shall be submitted to demonstrate that the development will either enhance, or as a minimum, will not adversely affect ecological function or limit opportunities to reinstate the area in the future to the greatest possible extent. Where appropriate, a Waterway Impact Statement is to demonstrate through an attached engineer's report the proposed development is not at risk from damage from creek bank erosion.

Reason: Environmental Protection, Monitoring and Enhancement

23. Exotic Plant Species not to be Planted or Placed Within or Near the Riparian Zones

No exotic plant species, other than temporary sterile cover crops, are to be planted within, or within **10 metres** of, the riparian zones on the Site.



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Only certified weed free and contaminant free mulch is to be used on the Site. This is because mulch products imported onto the Site may contain weed seeds and viable vegetative matter and other contaminants, which could impact adversely on the vegetation, soil, water quality or ecology of the Site.

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

Reason: Environmental Protection, Monitoring and Enhancement (DACNEC14)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

24. Boundary Markers

The portion of the site in which the proposed dwelling and associated APZ are located is to be surveyed by a Registered Surveyor and physically marked on site. The boundary markers are to be in accordance with the Subdivision Plan as approved by the Land and Environment Court (Development Consent No. DA2010/0478).

From the survey markers, the boundary is to be clearly delineated and visibly distinguishable for both the southern and western boundaries. Temporary, high visibility material such as heavy duty plastic bunting or the like shall be installed prior to any clearing on the site to form this delineation. During installation of the boundary markers and bunting, no damage is to occur to the bushland within the E2 zone. The bunting is to be left in place until all landscaping works have been completed and the interim occupation certificate is issued.

Reason: To ensure accurate boundary delineation and to ensure the protection of remnant bushland.

25. Public Liability Insurance - Works on Public Land

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

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

26. Protection of Trees during Works

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during demolition, excavation and construction on the site. Details of protection methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.



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27. Temporary Bushland Protection Fencing

Prior to the commencement of any construction works onsite other than the clearing of a two metre strip of land (or wider with the written approval of Council) which may be carried out at the time the fence is being surveyed and constructed), a temporary 2.0 metre steel mesh fence is to be erected around the construction area. A certificate demonstrating compliance must be prepared by the Project Ecologist and submitted to the Certifying Authority prior to commencement.

Reason: To ensure that native vegetation is protected during and after construction. (DACNED01)

28. Delineation of the Asset Protection Zones

The boundary between the E2 restricted development zone and the Asset Protection Zone must be surveyed and marked by a registered surveyor.

A permanent fence is to be erected to delineate the Asset Protection Zone from the conservation area. The fence is to be:

- (a) constructed with bushfire resistant posts 3-5m apart; and
 - (b) connected by horizontal wires 150mm apart,
- Or as otherwise approved in writing by the Council.

Where the natural barrier forms a boundary of an Asset Protection Zone on the site, the Council may upon application, in writing, dispense the requirements for a fence.

A certificate demonstrating compliance must be prepared by the Project Ecologist and submitted to the Certifying Authority prior to commencement other than the clearing of a two metre strip of land (or wider with the written approval of Council) on the house side of the approved fence line which may be carried out at the time the fence is being surveyed and constructed).

Reason: Bushland Protection (DACNED02)

29. Project Ecologist

Prior to any works being undertaken on site, a Project Ecologist is to be engaged for the duration of the onsite works and issue compliance certification as per the requirements of this consent.

The Project Ecologist is to be engaged as required by this consent and associated documentation to ensure all conditions relating to the Biodiversity Management Plan on the property are fully implemented and complied with at all times.

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;

A legally signed contract demonstrating compliance is to be submitted to the Certifying Authority prior to commencement.

Reason: To ensure bushland management (DACNED04)



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CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

30. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans. (DACPLE01)

31. 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.

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)

32. Vehicle Crossings

The provision of 1 vehicle crossing 3 metres wide in accordance with Warringah Council Drawing No A4-3330/1 Normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

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



33. Layback Construction

A layback 3 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

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

34. 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.

Reason: Public Safety. (DACENE09)

35. 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
- (e) Subgrade level / basecourse level
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. 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)

36. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.



Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLAE03)

37. Fauna and Tree Hollow re-location

During any vegetation clearance the Project Ecologist is to be present to supervise the relocation of 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.

A certificate demonstrating compliance including details of relocated fauna must be prepared by the Project Ecologist and submitted to the Certifying Authority and Council prior to the issue of the Occupation Certificate.

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

38. Bushland management during construction

The procedures, targets and recommendations detailed in the flora and fauna impact statement prepared by GIS Environmental Consultants and the ESMP must be followed in full to ensure that the remaining bushland on the site is conserved and restored in the appropriate manner by appropriately qualified people. The work outlined in this Plan must be started as soon as site works commence.

The Project Ecologist is to be responsible for ensuring that the works are carried out in accordance with the Plan.

The Project ecologist is to certify that this condition has been complied with and provide the PCA with compliance certificates in the form of bush regeneration reports each three months, copies are to be immediately forwarded to Warringah Council.

Removal of all temporary structures/material and construction rubbish including all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences is to be removed from the site once construction has been completed.

Details prepared by the project ecologist in writing demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Management of bushland (DACNEE07)



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

39. Section 88b Instrument for Bushland Conservation

All retained native vegetation Lot 8 DP 1035344 is to be conserved, rehabilitated and managed in accordance with the ESMP at all times in perpetuity.

Prior to the issue of the Occupation Certificate, an instrument containing a public positive covenant in favour of the Council pursuant to Section 88e Conveyancing Act 1919 shall be prepared in respect of the native vegetation to be retained, conserved, rehabilitated, and managed in accordance with the Biodiversity Management Plan.

Prior to the issue of the Occupation Certificate a section 88B instrument which includes the covenant pursuant to section 88E Conveyancing Act 1919 in registrable form shall be prepared by the owner of the land and produced to Council for approval and execution. Prior to the issuing of an occupation certificate, the covenant is to be registered on title.

The instrument must stipulate that the only person with the right to release, vary or modify the covenant is the Council. All costs associated with the preparation, execution and registration of the instrument are to be borne by the owner of the land.

The form of the Section 88(e) positive covenant to benefit the Council is to require the owner of the land (or if the land has been subdivided, the owner of that portion of the land including the proposed residence) to comply with the ESMP in perpetuity.

The intention of this condition is that if at any time the land is subdivided, the land to be burdened by the positive covenant obliged to comply with the terms of the ESMP shall be the allotment including the proposed residence, but shall require the owner of that residence to do such things as are necessary on the remainder of the existing site to comply the requirements of the ESMP.

Reason: Buffering of development and occupation impacts and protection of bushland

40. 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)

41. House / Building Number

House/building number is to be affixed at the street frontage 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)



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42. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

43. 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)

44. Certification Elevated Parking Facility Works

An appropriately qualified and practicing Structural Engineer or traffic engineer shall certify to the Council / Principal Certifying Authority that the elevated parking facility was constructed in accordance with this consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Occupation (or Subdivision) Certificate.

Reason: Compliance with this consent. (DACENF13)

45. Certification of Fauna and Tree Hollow re-location

A certificate demonstrating that the Project Ecologist supervised the relocation of displaced fauna and salvageable tree hollows within the development area prepared by the Project Ecologist and submitted to the Certifying Authority and Council prior to the issue of the Occupation Certificate.

Reason: To ensure bushland management in accordance with Local Habitat Strategy 2007 (DACNEF05)



46. Certification of Bushland management during construction

The Project Ecologist is to provide written certification to the Certifying Authority and Council that Condition 9 has been complied with.

The certification will be supplied to the Certifying Authority and Council prior to the release of the Occupation Certificate.

Reason: Management of bushland (DACNEF08)

47. Sydney Water Approval

Prior to occupation certificate (Interim or Final), submit to the Principal Certifying Authority written evidence from Sydney Water regarding evidence of a trade waste agreement.

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

Reason: Statutory requirement of Sydney Water (DACHPF05)

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

48. Fertiliser

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

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

49. 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 Warringah Council's website.

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 (DACNEE02)

50. General Watercourse and Riparian Areas Matters

Unless in accordance with the approved works the Consent holder must ensure that:

- (a) No materials or cleared vegetation that may obstruct flow or cause damage to river banks are left within the riparian zone.
- (b) All drainage works must not obstruct flow of water within the watercourse. Drain discharge points are stabilised to prevent erosion. Any excavation must not result in diversion of any watercourse, bank instability or damage to native vegetation.
- (c) The surfaces of river banks are graded to enable the unimpeded flow of water and bank retaining structures result in a stable river bank.



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- (d) Any vegetation or other material removed from the area of operations shall be disposed of lawfully. Burning of the material is not permitted.
- (e) The riparian zones are to function as ecological systems and as such, all works, access routes, roads, recreational areas, asset protection zones, service easements and any other non-ecologically functioning work or activity are to be located beyond the riparian zones other than provided by the consent.

Reason: Environmental Protection, Monitoring and Enhancement (DACNEE10)

Review of Determination

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

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

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Signed on behalf of the consent authority

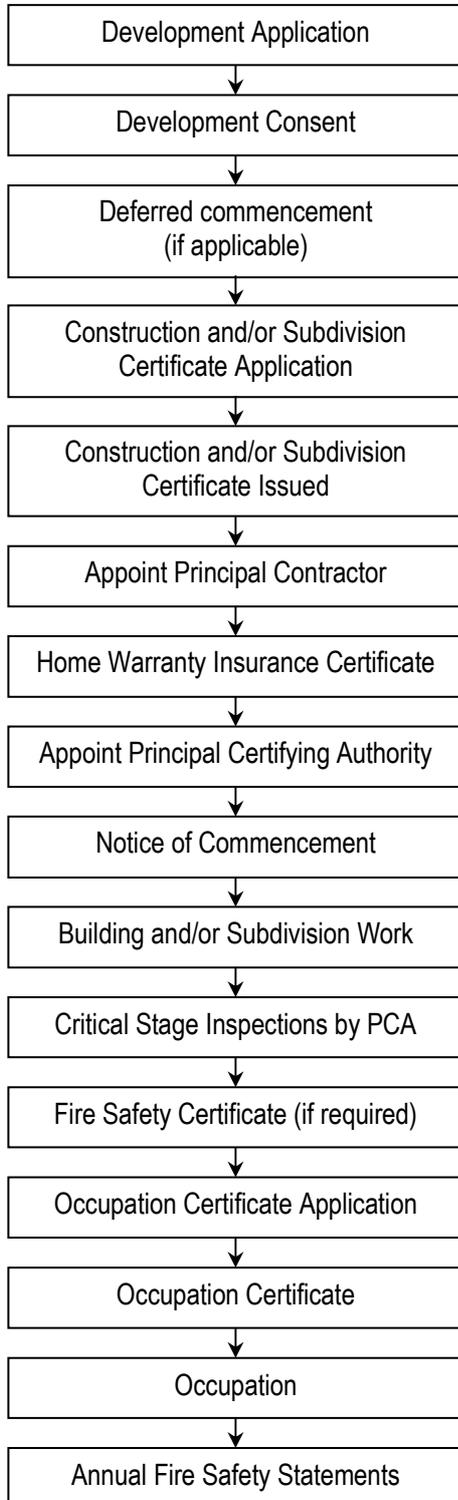
Signature _____
Name Steve Findlay, Development Assessment Manager

Date

Notice of Determination

Advisory Notes (General)

Where are you in the development process?



Check consent conditions to see if you are affected by a deferred commencement condition. If applicable satisfy all requirements and submit to Council (allow 4 weeks (min.) for review).

Check the consent conditions to see if you need a construction certificate. Pay any applicable bonds / fees / s94A Development Contributions / Long Service Levy.

Make sure that you satisfy all conditions required to be satisfied prior to the issue of the Certificate

Sign a contract with a licensed builder and make sure that the builder has proper insurance in place.

Obtain a copy of the builder's home warranty insurance for your development. (if residential work) This must be given to the PCA

Sign a PCA service agreement with Council or an Accredited Certifier to conduct building inspections.

Complete the Notice of Commencement form and lodge with Council before work commences. A Failure to comply may result in Fines and Legal Action being taken by Council.

Comply with all Consent Conditions. A Failure to comply may result in Fines and Legal Action being taken by Council.

Make sure you give required notice to your PCA to allow for required building inspections to be done.

Complete a Fire Safety Certificate and attach certificates for all essential fire safety measures to it.

Make Application for the Occupation Certificate and attach to it the Fire Safety Certificate.

Do not occupy any new part of the building without at least an Interim Occupation Certificate - A Failure to comply may result in Fines and Legal Action being taken by Council.

Make sure you comply with development consent conditions relating to ongoing use.

The building owner(s) must make sure that they maintain essential fire safety measures and certify them annually to Council. A Failure to comply may result in Fines and Legal Action being taken by Council.

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General Advice

The attached Notice of Determination includes conditions of consent which must be complied with.

(Note: A failure to comply is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)

Building Certification

The Environmental Planning and Assessment Act 1979 provides that:

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

Please refer to process chart for more detail.

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

Certification Services

Construction Certificates / Occupation Certificate / Subdivision Certificates / Strata Certificate, 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.warringah.nsw.gov.au or speak to our Customer Service Officers if you have any further questions about our Certification Services or if you wish to use Council as your certifier.

Charges Associated with the Development Consent

All bonds, fees, (s94A) Development Contributions, Long Service Levy detailed within the Notice of Determination are required to be paid prior to the issuing of any Construction Certificate.

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 *will* 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.

(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 being taken, and orders for demolition.)

Other Matters not detailed within the Notice of Determination

The Notice of Determination does not stipulate every requirement that must be completed to satisfy New South Wales and Commonwealth legislation.

You should check, as may be relevant, with other authorities including but not limited to:

- Workcover NSW* for work safety and asbestos requirements
- Sydney Water – Quick Check Agent* for the provision of water and sewer services
- Energy & Gas suppliers* for utility services
- Department of Fair Trading* for advice about builders and licensing
- Building Professionals Board* for advice about private certifiers
- NSW Roads and Traffic Authority* for works on state roads only
- Human Rights and Equal Opportunity Commission* for access issues
- NSW Land and Property Information Service* for Land Title matters

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- *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;

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 Warringah 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.

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(5) No access across public reserves or parks is permitted.

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

Road Opening Permit

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

Special Permits

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

- Permit for on-street mobile plant*
Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.
- Hoarding Permit*
Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.
- Storage of building materials and building waste containers (skips) on Council's property*
Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.
- Kerbside restrictions, work zones*
Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Other permits may include out of construction hours permits.

Licensing requirements for removal of bonded asbestos

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

Pool Access

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

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 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

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

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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).

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.

OTHER MATTERS

Child Care Centres

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

Disability Access

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

Food Premises

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

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

Wheel washing facility

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

Monitoring State of Roadways

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.



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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.

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