



Land and Environment Court
New South Wales

Case Name: Vigor Master Pty Ltd v Northern Beaches Council

Medium Neutral Citation: [2020] NSWLEC 1407

Hearing Date(s): Conciliation conference on 28 August 2020

Date of Orders: 03 September 2020

Decision Date: 3 September 2020

Jurisdiction: Class 1

Before: Dickson C

Decision: See orders at [8] below.

Catchwords: MODIFICATION APPLICATION – modification of boarding house – conciliation conference – agreement between the parties – orders

Legislation Cited: Environmental Planning and Assessment Act 1979
Land and Environment Court Act 1979
Warringah Local Environmental Plan 2000

Category: Principal judgment

Parties: Vigor Master Pty Ltd (Applicant)
Northern Beaches Council (Respondent)

Representation: Counsel:
Y Wang (Solicitor) (Applicant)
S Patterson (Solicitor) (Respondent)

Solicitors:
Vigor Master Pty Ltd (Applicant)
Wilshire Webb Staunton Beattie Lawyers (Respondent)

File Number(s): 2019/242258

Publication Restriction: No

JUDGMENT

- 1 **COMMISSIONER:** This is an appeal pursuant to s 8.9 of the Environmental Planning and Assessment Act 1979 (EPA Act) by Vigor Master Pty Ltd who appeals the refusal of their modification application MOD2019/0226 by Northern Beaches Council.
- 2 The Applicant has the benefit of Development Consent DA2013/0587 granted by the Respondent for construction of a boarding house at Lot 2506 Bundaleer Street, Belrose (Lot 2506 DP 752038). The modification (under s 4.55(1A) of the EPA Act) seeks to modify the development consent by the installation of kitchens, sliding glazed doors and fenced areas of private open space ranging from 8.8m² to 9.1m² on the northern elevation to the four (4) approved basement units.
- 3 In exercising the functions of the consent authority on the appeal, the Court has the power to determine the development application pursuant to s 4.55 of the EPA Act.
- 4 The Court arranged a conciliation conference under s 34(1) of the Land and Environment Court Act 1979 (the LEC Act) between the parties, which was held on 28 August 2020. Following the conciliation, an agreement under s 34(3) of the LEC Act was reached between the parties as to the terms of a decision in the proceedings that would be acceptable to them. The decision agreed upon is that the appeal is upheld, subject to the modified conditions annexed to this judgment.
- 5 As the presiding Commissioner, I am satisfied that the decision is one that the Court can make in the proper exercise of its functions (this being the test applied by s 34(3) of the LEC Act). I have formed this state of satisfaction for the following reasons:
 - (1) The modification application was made with the consent in writing of the owners of the land to which the modification application relates.
 - (2) I am satisfied that the proposed modification is of minimal environmental impact.
 - (3) I am satisfied that the development to which the consent, as modified, relates is substantially the same as the development for which consent was originally granted.

- (4) I am satisfied that the modification application was notified, and any submissions received have been considered in the determination of the modification application.
- (5) In making these orders I have taken into consideration those matters under s 4.15(1A) of the EPA Act as are relevant to the modification application, as well as the reasons given by the consent authority for the grant of the consent.
- (6) Pursuant to Warringah Local Environmental Plan 2000 (LEP 2000), the subject site is located within the C8 Belrose North Locality. Boarding houses are permitted with consent as Category 2 development under LEP 2000.
- (7) In granting consent to the modification application, I have given consideration to the matter detailed in cl 12 of LEP 2000. Specifically, I am satisfied that the development is consistent with the matters listed at cl 12(1) of LEP 2000 and will comply with the matters listed at cl 12(2) of LEP 2000. Further, I am satisfied that the development is consistent with the desired future character described in the relevant Locality Statement.
- (8) The Applicant seeks to vary the housing density provision applicable to the C8 Belrose North Locality through the provisions of cl 20 of LEP 2000. In granting consent, as required by cl 20 of LEP 2000, I am satisfied that the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy. Further, pursuant to the C8 Belrose North Locality Statement, consent for a variation of greater than 10% may only be granted with concurrence of the Director. Such concurrence has been obtained through correspondence of the NSW Department of Planning and Environment dated 9 July 2020.
- 6 As the parties' decision is a decision that the Court could have made in the proper exercise of its functions, I am required under s 34(3) of the LEC Act to dispose of the proceedings in accordance with the parties' decision.
- 7 In making the orders to give effect to the agreement between the parties, the parties have not raised, and I am not aware of any jurisdictional impediment to the making of these orders.
- 8 The final orders to give effect to the parties' agreement under s 34(3) of the LEC Act are:
- (1) The Applicant is granted leave to rely upon the following amended plans and documents:

Document	Prepared by	Date
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Architectural plans numbered M-101, M-200, M-301 and M-302, ref DA2506-0513	Vigor Master Pty Ltd	7 April 2020
Clause 20 Variation request	PPD Planning Consultants	8 April 2020
BASIX Certificate No. 1072370M	Thermal Performance	8 March 2020
BCA 2016 Section J Compliance Report version 5	Thermal Performance	8 March 2020

- (2) Appeal is upheld;
- (3) Section 4.55 Modification Application MOD2019/0226 for modifications to modify Development Consent No. DA2013/0587 ('the boarding house consent') granted for the construction of a boarding house at Lot 2506 Bundaleer Street, Belrose ('the site') by installing kitchens, sliding glazed doors and fenced areas of private open space ranging from 8.8m² to 9.1m² on the northern elevation to the four (4) approved basement units is approved subject to the conditions set out in Annexure A and the consolidated conditions of consent set out in Annexure B.

.....

D M Dickson

Commissioner of the Court

[Annexure A \(61539, pdf\)](#)

[Annexure B \(412971, pdf\)](#)

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Annexure A

Vigor Master Pty Limited v Northern Beaches Council

Conditions of Consent

The addition of the following conditions:**Approved Amended (section 4.55) Plans and Supporting Documents****A. Add Condition No. 5E – Added pursuant to LEC Proceedings No. 2019/00242258, August 2020**

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

a) Modification Approved Plans

Architectural Plans		
Drawing No.	Dated	Prepared By
DA2506-0513 M-101 Site Plan	07/04/2020	Vigor Master Pty Ltd
DA2506-0513 M-200 Parking Floor Plan	07/04/2020	Vigor Master Pty Ltd
DA2506-0513 M-301 South & North Elevations	07/04/2020	Vigor Master Pty Ltd
DA2506-0513 M-302 East & West Elevations	07/04/2020	Vigor Master Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1072370M	08/03/2020	Thermal Performance
BCA Section J Compliance Report	08/03/2020	Thermal Performance

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) This Modification of consent is to be read in conjunction with the Notice of Determination for DA2013/0587 including modifications:
- MOD2015/0160;
 - MOD2016/0302;
 - MOD2017/0028;
 - MOD2017/0100; and
 - MOD2017/0162.

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

Annexure B

Vigor Master Pty Limited v Northern Beaches Council

Consolidated Conditions of Consent

DEFERRED COMMENCEMENT CONDITIONS

This consent shall not operate until the following deferred commencement conditions have been satisfied.

1. Detailed Landscape Plan

Detailed landscape plans are to be submitted to Council to the satisfaction of Council's Deputy General Manager Environment:

- Screen planting provided along the northern boundary (Bundaleer Street), eastern boundary (Linden Avenue) and southern boundary adjoining Lot 2410 Linden Avenue. The Landscape Plan will set out the species and the pot sizes of all plants to be placed in the area, the purpose of which is to present a landscaping screen to the site from the surrounding residents and properties.

2. Recreation Area

A clearly defined area for outdoor use available to the residents of the development is to be provided on the northern or eastern side of the proposed development. Details of the finishing treatments and proposed screening or fencing of this outdoor area to be provided.

3. Tree Survey

A detailed tree survey of all existing trees on site prepared by a suitably qualified Arborist must be provided with the landscape plan.

4. Detailed Plan of Management

A detailed Plan of Management for the management of the premises generally and which includes the outdoor area to be utilized by the residents shall be provided to the satisfaction of Council's Deputy General Manager Environment.

Reason: To ensure adequate information is provided and amenity of surrounding properties. (DACPLADC1)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council's satisfaction 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 conditions, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

5. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A101 - Issue A - Site Plan	May 2013	Vigor Master Pty Ltd
A102 - Issue A - Site Plan	May 2013	Vigor Master Pty Ltd
A105 - Issue A - Sediment Control Plan & Waste Management Plan	May 2013	Vigor Master Pty Ltd
A106 - Issue A - Construction Site Management Plan, Water & Soil Management Plan	May 2013	Vigor Master Pty Ltd
A107- Issue A - Landscaping Plan	May 2013	Vigor Master Pty Ltd
A201 - Issue A - Ground Floor Plan	May 2013	Vigor Master Pty Ltd
A202 - Issue A - First Floor Plan	May 2013	Vigor Master Pty Ltd
A203 - Issue A - Roof Plan	May 2013	Vigor Master Pty Ltd
A301 - Issue A - South & North Elevations	May 2013	Vigor Master Pty Ltd
A302 - Issue A - East & West Elevations	May 2013	Vigor Master Pty Ltd
A303 - Issue A - A-A, B-B Sections	May 2013	Vigor Master Pty Ltd

b)

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Access/Compliance Report	25 April 2013	PSE Access Consulting
Stage 1 (Preliminary) Environmental Site Assessment	April 2013	EBG Environmental Geoscience
Traffic and Parking Assessment	18 April 2013	Varga Traffic Planning Pty Ltd
Updated Bushland Management Plan	19 April 2013	EMGA Mitchell McLennan
DA Environmental Noise Emissions Report	April 2013	PKA Acoustic Consulting
Certified Bushland Assessment Report	April 2013	Terence O'Toole

c). Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

d) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

e) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

f) The development is to be undertaken generally in accordance with the following:

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

5A. Modification of Consent - 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) Modification Approved Plans

Drawing Number	Dated	Prepared By
M-101 Revision A	10.07.2015	Vigor Master
M-102 Revision A	10.07.2015	Vigor Master
M-200 Revision A	10.07.2015	Vigor Master
M-201 Revision A	10.07.2015	Vigor Master
M-202 Revision A	10.07.2015	Vigor Master
M-203 Revision A	10.07.2015	Vigor Master
M-301 Revision A	10.07.2015	Vigor Master
M-302 Revision A	10.07.2015	Vigor Master
M-303 Revision A	10.07.2015	Vigor Master

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

5B. Modification of Consent – 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:

b) Modification Approved Plans

Drawing Number	Dated	Prepared By
M-101 Revision B	8.11.2016	Vigor Master
M-200 Revision B	8.11.2016	Vigor Master
M-201 Revision B	8.11.2016	Vigor Master
M-202 Revision B	8.11.2016	Vigor Master
M-203 Revision B	8.11.2016	Vigor Master
M-301 Revision B	8.11.2016	Vigor Master
M-302 Revision B	8.11.2016	Vigor Master
M-303 Revision B	8.11.2016	Vigor Master
Stormwater Drainage Layout Plan	29.4.2016	A & G Consulting Engineers
Stormwater Drainage Details	19.3.2016	A & G Consulting Engineers
Site Erosion and Sediment Control Layout	19.3.2016	A & G Consulting Engineers
Site Erosion and Sediment Control Details	19.3.2016	A & G Consulting Engineers

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

5C. Modification of Consent - 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) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
S-107 Issue D	27-10-2016	Vigor Master Pty Ltd

b) Any plans and / or documentation submitted to accompany this consent.

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Access/Compliance Report	25 April 2013	PSE Access Consulting

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

d) No consent is granted to any sewage pipe line outside of the land subject to this consent or on any adjoining road reserve.

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

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

5D. Added pursuant to section 34 Agreement dated 6 August 2018

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA2506-0513 M-200 Issue E Parking Floor	30.7.2018	Vigor Master Pty Ltd
DA2506-0513 M-201 Issue E Ground Floor	30.7.2018	Vigor Master Pty Ltd
DA2506-0513 M-202 Issue E First Floor	30.7.2018	Vigor Master Pty Ltd
DA2506-0513 M-301 Issue E South and North Elevations	30.7.2018	Vigor Master Pty Ltd
DA2506-0513 M-302 Issue E East and West Elevations	30.7.2018	Vigor Master Pty Ltd

b) Any plans and / or documentation submitted to accompany this consent.

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Plan of Management – Boarding House Lot 2506 Bundaleer Street, Belrose	30.7.2018	Vigor Master Pty Ltd

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

d) This Modification of consent is to be read in conjunction with the Notice of Determination for DA 2013/0587 including modifications:

- MOD2015/0160;
- MOD2017/0302;
- MOD2017/0028; and
- MOD2017/0100.

Reason: To ensure the work is carried out in accordance with the determination of Court and approved plans (DACPL801)

5E. Added pursuant to LEC Proceedings No. 2019/00242258, August 2020

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

a) Modification Approved Plans

Architectural Plans		
Drawing No.	Dated	Prepared By
DA2506-0513 M-101 Site Plan	07/04/2020	Vigor Master Pty Ltd
DA2506-0513 M-200 Parking Floor Plan	07/04/2020	Vigor Master Pty Ltd
DA2506-0513 M-301 South & North Elevations	07/04/2020	Vigor Master Pty Ltd
DA2506-0513 M-302 East & West Elevations	07/04/2020	Vigor Master Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1072370M	08/03/2020	Thermal Performance
BCA Section J Compliance Report	08/03/2020	Thermal Performance

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) This Modification of consent is to be read in conjunction with the Notice of Determination for DA2013/0587 including modifications:

- MOD2015/0160;
- MOD2016/0302;
- MOD2017/0028;
- MOD2017/0100; and
- MOD2017/0162.

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

6. 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
Ausgrid	Referral Response Ausgrid	6 June 2013
NSW Rural Fire Service	Referral Response DA2013/0587 Lot 2506 DP 752038 Bundaleer Street Belrose	12 June 2013

(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)

7. Occupancy

Nothing in this consent shall authorise the use of structure and the 31 boarding rooms contained in it as detailed on the approved plans for any land use of the site beyond the definition of a 'Boarding House'.

A Boarding House is defined as:

"boarding house:

(a) means any premises that:

- (i) are wholly or partly let as a lodging for the purposes of providing the occupants with a principal place of residence, and*
- (ii) are used and occupied by at least 4 long term unrelated residents, and*
- (iii) include a communal living space used for eating and recreation, and*
- (iv) are not licensed to sell liquor, and*

(b) does not include premises that have been subdivided or in which there is separate ownership of parts of the premises."

(Development is defined by the Warringah Local Environment Plan 2000 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit 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)

8. 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.

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)

9. 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) 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.
- (k) Prior to the commencement of any development onsite for:
 - (i) Building/s that are to be erected
 - (ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - (iii) Building/s that are to be demolished
 - (iv) For any work/s that is to be carried out
 - (v) For any work/s that is to be demolished

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

- (l) 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

- (m) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (n) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any

wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

10. 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 \$ 1,500,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 14,250
Section 94A Planning and Administration	0.05%	\$ 750
Total	1%	\$ 15,000

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 2012.

11. Bonds

Security Bond

A bond (determined from cost of works) of \$2000.00 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's infrastructure. (DACENZ01)

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

12. Approval of the On-site Sewage Management System

Prior to the release of the Construction Certificate, the applicant must submit an 'Approval to Install an On Site Sewage Management System' for the sewer pump holding tank to the Certifying Authority.

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

Reason: To fulfil the requirements under Section 68 of the *Local Government Act 1993*.

12A. Application for Stormwater Drainage Approval

An application for stormwater drainage approval under Section 68 of the *Local Government Act 1993* is to be submitted with Council for the connection of the stormwater drainage system from the site to the existing Council drainage pit in Bundaleer Street which is to be generally in accordance with the hydraulic plan by A & G Consulting Engineers Pty Ltd, drawing number 16005-C01a Rev 1, dated 19.03.2016 and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Specification.

The submission is to include four (4) copies of Civil Engineering plans for the design and construction of the drainage connection which is to be generally in accordance with the hydraulic plan by A & G Consulting Engineers Pty Ltd, drawing number 16005-C01a Rev 1, dated 19.03.2016 and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Specification. The plan is to be amended to include the following:

- i) A hydraulic grade line (HGL) analysis of the connection to indicate the system has sufficient capacity up to and including the 1 in 100 year ARI storm event.
- ii) The connection pipe into the existing Council pipe is to be a minimum of 225mm diameter.

Detailed drainage plans addressing the above requirements are to be prepared by 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.

The fee associated with the assessment and approval of the Section 68 of the *Local Government Act 1993* application 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 relevant Construction Certificate.

Reason: Ensure stormwater works are designed in accordance with Council's standards. (DACENCPCC3)"

13. Stormwater Disposal

Plans indicating all details relevant to the collection and disposal of stormwater from the site, 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 site to Bundaleer Street.

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)

13A. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with Council's Stormwater Drainage Policy. Engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer.

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

Reason: To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site. (DACENC04)

13B. 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 site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the existing Council stormwater drainage pit in Linden Avenue.

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 arising from the development. (DACENC06)

13C. Sub-Soil Seepage

All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being the stormwater pit in Linden Avenue and is to be carried out in accordance with relevant Australian Standards.

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

- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 Plumbing and drainage – Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 / Amdt 1 - 2006 Plumbing and drainage - Stormwater drainage.)

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

Reason: To ensure appropriate drainage and stormwater management on site to protect amenity of residents. (DACENC10)

14. 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)

15. Vehicle Driveway

Driveway to be redesigned to ensure retention of trees on site and within Linden Ave road reserve. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the protection of significant trees. (DACENC13)

15A. Basement car park design

The basement car park in terms of grade, widths and height clearance must be in accordance with Standards Australia AS 2890.1-2004.

Reason: Traffic operation and safety (DACTRCPC1)

15B. Vehicle Driveway Gradients

Driveway gradients within the private property including the access to the basement car park are to be in accordance with AS/NZS2890.1:2004. 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)

16. Bin enclosure to be setback 2m from boundary

[Deleted]

17. Mechanical Ventilation Certification

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the mechanical ventilation system complies with the design requirements. (DACHPCPC5)

18. Trees and Landscaping

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

(a) Existing trees which must be retained

All trees not listed as exempt or noxious in Warringah.

(b) Tree protection

- i) No tree roots greater than 50mm diameters are to be cut unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites.
- iv) All tree protection measures are to be in place prior to commencement of works

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

19. Detailed Landscape Plan

A detailed landscape plan is to be prepared in accordance with bushfire management requirements and be submitted to the satisfaction of the Certifying Authority prior to issue of a construction certificate.

The landscape plan is to detail:

- a) landscape plantings between the dwelling and the southern side boundary and Linden Avenue comprising local native species which will achieve a vegetated screen in these areas using species with a variety of mature heights including trees shrubs and groundcovers
- b) landscape plantings along the length of the Linden Avenue frontage of the site of a minimum width of 5 metres comprising local native species which will achieve a variety of mature heights including trees shrubs and groundcovers.

Reason: Environmental amenity. (DACLACPCC1)

20. Archaeological Survey

An archaeological survey shall be conducted of the site. This survey shall be carried out by an appropriately qualified person (Heritage Planner or Consultant, Archaeologist or the like) and shall identify the likelihood of remains and/or artefacts, whether European or Aboriginal, being present on site.

If this report identifies that such items are likely to be on site, then demolition, earthworks and excavation shall be undertaken under the direct supervision of the Consultant Archaeologist and both Council and the Certifying Authority (if any) involved in the issue of the Construction Certificate shall be informed.

In the event that remnants or artefacts are found during the progression of works on the site, all works are to cease until the full requirements of this condition have been addressed.

Reason: Preservation of cultural amenity (DACLACPCC2)

21. Landscaping

All plants used in the landscaping for this development must be local native species consistent with Bloodwood Scribbly Gum Woodland.

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 (DACNEC02)

22. 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 Bushland Management Plan of the property are fully implemented and complied with at all times.

The Project Ecologist shall meet the following minimum requirements:-

- (a) A vegetation management specialist with at least 4 years' experience in the management of native bushland in the Sydney region; and
- (b) TAFE Certificate III in Bush Regeneration or Conservation and Land Management
- (c) Natural Area Restoration
- (d) 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 Council and the Certifying Authority prior to commencement.

Reason: To ensure bushland management. (DACNEC07)

23. Surrender of Consent

The applicant shall surrender to Council Development Consent No: DA2009/1024 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 Construction Certificate.

Reason: To prevent inconsistencies between consent applying the site (ref s80A (5) EPAA & cl97 EPA Reg). (DACPLC10)

24. Separate access path to garbage bin room.

A separate path (not accessed through the driveway) between the garbage room and the collection/service point (kerbside) that is continuous, slip proof and free of obstructions must be provided on the site as part of this development.

The access path shall connect to a door at the rear of the garbage bin room. Any door on the garbage bin room must not be lockable and be able to be latched in an open position.

Details demonstrating compliance are to be provided prior to the issue of a Construction Certificate.

Reason: To ensure appropriate access is provided to the garbage bin room in accordance with Council's requirements. (DACPLCPCC1)

25. Provision of a construction management plan

A construction management plan which addresses construction vehicle access to and from the site during demolition, excavation and construction must be provided for Council's consideration. Where it is intended to operate traffic control the construction management plan is to provide a traffic management plan authorised by a suitably qualified individual in accordance with the RMS traffic control at worksites manual.

Reason: To reduce impact on existing road network (DACTRCPC1)

25A. Provision of a waste management plan

A Waste Management Plan that addresses Clauses C8 and C9 in the Warringah DCP must be prepared for this development.

The plan must include details relating to the excavation of the basement, the method of transportation of all excavated material and the location of the waste/recycling centres to be used.

Details demonstrating compliance must be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environment friendly manner.

26. Addition of 5 car spaces to the onsite car park

[Deleted]

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

27. 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)

28. Bushland Protection Fencing

Prior to the commencement of any onsite building works or commencement of vegetation clearance/modification, a temporary 2m steel mesh fence is to be erected 2m from the outer edge of the silt fence (being on the opposite side of the silt fence from the dwelling) as shown on 'Construction Site Management Plan, Water and Soil Management Plan' dated 06/2013 – Drawing Number A106 and prepared by Vigor Master Pty Ltd. This fence is to remain in place for the duration of construction work.

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

Reason: To ensure that the vegetation in the restricted development area is protected during and after construction. (DACNED01)

29. Delineation of the Asset Protection Zones

The boundary of the Asset Protection Zone - Outer Protection Zone as shown on 'Bushfire Protection Zones' dated 06/2013 – Drawing Number A004 and prepared by Vigor Master Pty Ltd. must be surveyed and marked by a registered surveyor.

Prior to the commencement of any onsite building works or commencement of vegetation clearance/modification, the extent of the Asset Protection Zone 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 any construction works.

The installation of this fence to delineate the Asset Protection Zone is to be supervised by the Project Ecologist. A certificate demonstrating compliance must be prepared by the Project Ecologist and submitted to Council and the Certifying Authority prior to commencement.

Reason: Bushland Protection. (DACNED02)

30. Bushland management during construction

The procedures, targets and recommendations detailed in the Bushland Management Plan 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 is to be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Management of bushland (DACNEDPC2)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

31. Vehicle Crossings

The provision of one vehicle crossing 3.5 metres wide in accordance with Warringah Council Drawing No A4-3330/4 Extra High 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)

32. Layback Construction

A layback 3.5 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)

33. 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)

33A. 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)

34. Kitchen Design, construction and fit out of food premises certification

[Deleted]

35. 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. (DACLAEO3)

36. 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)

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

37. 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)

37A. Positive Covenant for the Maintenance of Stormwater Pump-out Facilities

[Deleted]

38. Waste Water System

[Deleted]

38A. Approval to Operate the On-site Sewage Management System

Prior to the release of the Occupation Certificate, the applicant must submit an 'Approval to Operate an On Site Sewage Management System' for the sewer pump holding tank to the Certifying Authority.

Reason: To fulfill the requirements under Section 68 of the *Local Government Act 1993*. (DACHPFPOC4)

39. Required Planting

The tree/s listed in the following schedule shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Pot Size
All trees	As indicated on the approved Landscape Plan	As indicated on the approved Landscape Plan	As indicated on 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 maintain environmental amenity. (DACLAF01)

39A. Supplementary Landscape Screening

Low earth mounding is to be placed between 2.0m to 5.0m from the new basement level windows around the perimeter of the building (excluding any access, pathway ancillary building structures and the like) up to RL67.00. The earth mounding is to be landscaped with a suitable mix of native ground cover plants and low screen tree planting as per the following schedule:

No. of Trees Required.	Species	Location	Pot Size
10 plants per square metre	Native ground covers and native grasses. Selected from Council's "Tree Planting Guide".	To cover the earth mounding between 2.0m and 5.0m around the perimeter of the building.	Tube stock
1 plant per 2 square metres	Native "small" trees selected from Council's tree planting guide.	Evenly spaced and within the earth mounding area between 2.0m and 5.0m around the perimeter of the building.	Minimum 2 litre pot size.

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

Reason: To maintain a rural landscape setting and screen the ground floor and basement level."

39B. Basement Level Louvres

Horizontal louvres / grilles (maximum 100mm spacing) are to be fixed to the exterior of the basement level storeroom windows.

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

Reason: To reduce visual impact of the basement service area.”

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. Garbage and Recycling Facilities

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

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

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

42. House / Building Number

A house or building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings. (DACPLF04)

43. 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)

44. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorized Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site

www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to “Water

Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

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)

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

45. Boarding Rooms

All 31 boarding rooms are to be single occupancy only.

Reason: To limit the capacity of the development in order to manage amenity impacts.

46. Management on Site

A manager/caretaker must reside on the site and be contactable 24 hours a day. A contact phone number of the manager/caretaker must be clearly and publicly displayed on the front exterior of the building.

Reason: To prevent nuisances and ensure neighbourhood amenity is protected. (DACBCGOG1)

47. Compliance with the Boarding House Plans of Management

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

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity. (DACHPGOG5)

48. Occupancy of Boarding House

In addition, a Public Health Management Plan for the premises is to be prepared to the satisfaction of the Certifying Authority detailing the methods to be applied to ensure compliance with the legislative provisions. Details are to be submitted prior to the issue of any construction certificate.

The Public Health Management Plan required to be prepared by this consent is to be implemented in perpetuity upon issue of an interim/final occupation certificate. The building must comply with Public Health Regulation 2012, Clause 46 for sleeping accommodation. In order to maintain the approved occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy.

Reason: To ensure the amenity of occupants (DACHPGOG6)

49. Complaints Register

A complaint's register as required under the Plan of Management is to be kept on site at all times and made available to Council officers for review on their request.

Reason: To ensure neighbourhood amenity is protected (DACBCGOG2)

50. Visitor Sign

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

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 that visitors are aware that parking is available on site and to identify those spaces to visitors. (DACPLG04)