

CONSENT NO: N0102/05
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

**CONNELL WAGNER PTY LTD, ANGLICAN RETIREMENT VILLAGES DIOCESE OF SYDNEY, PO
BOX 538 NEUTRAL BAY NSW 2089**

Being the applicant in respect of Development Application No N0102/05

Pursuant to section 80(3) of the Act, notice is hereby given of the determination of a **Deferred Commencement Consent** by Pittwater Council, as the consent authority, of Development Application No N0102/05 for:

Demolition of existing structures and construction of a SEPP Seniors Living development including 260 self contained dwellings in nine (9) separate buildings, 119 bed Residential Aged Care Facility, ancillary facilities including administration offices, chapel/hall, community centre, café and store, health/fitness centre, child care centre, construction of associated roadwork, carparking and support facilities.

At:

Lot B DP 400488, Lot A DP 400488, Lot 22 DP 5464 Lot B DP 358765 and Lot A DP 358765

6, 8, 10, 12 and 14 MACPHERSON STREET, WARRIEWOOD NSW 2102

Decision:

Plans Numbered	Prepared By	Issue	Dated
0439-DA01	boffa robertson group	B	October 2005
0439-DA03	boffa robertson group	B	October 2005
0439-DA04	boffa robertson group	B	October 2005
0439-DA05	boffa robertson group	B	October 2005
0439-DA06	boffa robertson group	B	October 2005
0439-DA07	boffa robertson group	B	October 2005
0439-DA08	boffa robertson group	B	October 2005
0439-DA09	boffa robertson group	B	October 2005
0439-DA10	boffa robertson group	A	October 2005
0439-DA11	boffa robertson group	A	October 2005
0439-DA12	boffa robertson group	A	October 2005
0439-DA13	boffa robertson group	A	October 2005
0439-DA14	boffa robertson group	A	October 2005
0439-DA15	boffa robertson group	A	October 2005
0439-DA16	boffa robertson group	A	October 2005
0439-DA17	boffa robertson group	A	October 2005
0439-DA18	boffa robertson group	A	October 2005
0439-DA19	boffa robertson group	A	October 2005
0439-DA20	boffa robertson group	A	October 2005
0439-DA21	boffa robertson group	A	October 2005

0439-DA22	boffa robertson group	A	October 2005
0439-DA23	boffa robertson group	A	October 2005
0439-DA24	boffa robertson group	A	October 2005
0439-DA25	boffa robertson group	A	October 2005
0439-DA26	boffa robertson group	A	October 2005
0439-DA27	boffa robertson group	A	October 2005
0439-DA28	boffa robertson group	A	October 2005
0439-DA29	boffa robertson group	A	October 2005
0439-DA30	boffa robertson group	A	November 2005
0439-DA31	boffa robertson group	A	November 2005
0439-DA32	boffa robertson group	A	November 2005
0439-DA33	boffa robertson group	A	November 2005
0439-DA34	boffa robertson group	A	November 2005
0439-DA35	boffa robertson group	A	November 2005
0439-DA36	boffa robertson group	A	December 2005
0439-DA37	boffa robertson group	A	December 2005
0439-DA38	boffa robertson group	A	December 2005
0439-DA39	boffa robertson group	A	December 2005
0439-DA40	boffa robertson group	A	October 2005
A191-A202	Merrin and Canston	P-03	4/7/05
A191-A203	Merrin and Canston	P-03	4/7/05
A191-A501	Merrin and Canston	P-01	7/12/05
DA01D	PSB	D	20/10/05
DA02D	PSB	D	20/10/05
LA01	taylor brammer	A	October 2005
LA02	taylor brammer	B	November 2005

- Accessibility Report, prepared by: MGAC, Dated: 20 October 2005
- Vegetation Management Plan, prepared by: PSB, Dated: 20 October 2005
- Acid Sulphate Soils Management Plan, prepared by: GHD LongMac, Dated: September 2005
- Remedial Action Plan, prepared by: GHD LongMac, Dated: September 2005
- Geotechnical Risk Management Report, prepared by: GHD LongMac, Dated: October 2005
- Waste Management Plan, prepared by: Connell Wagner, Dated: 18/2/05

as amended in red (shown clouded), and subject to the conditions contained in the draft Development Consent Conditions in the Agenda to the Environment and Planning Committee on 3 April 2006 at Pages 202 – 254 and to include the following additional condition.

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

Endorsement of date of consent 6 April 2006

Mark Ferguson
GENERAL MANAGER

Per:

PART 1

THE COMMENCEMENT OF THIS CONSENT IS DEFERRED UNTIL THE CONSENT AUTHORITY IS SATISFIED AS TO COMPLIANCE WITH THE FOLLOWING CONDITION/S:

- A. The commencement of this consent is deferred until the consent authority is satisfied as to the compliance with the following conditions: -
1. Detailed designs and additional information to the Water Management Report are to be submitted and accepted by the Council that demonstrates full compliance with the *Warriewood Valley Water Management Specification February 2001* (WMS) and DCP 30 *Pittwater Flood Risk Management (December 2002)*.

The design details and additional information to the Water Management Report is to address the following outstanding issues:

Issue	
Overall Report	A single Water Management Report is to be submitted encapsulating all the final Water Management features proposed for the site and to be fully complying with the requirements of the Warriewood Valley Water Management Specification.
Water Balance	The impact on the Swamp Mahogany stand in dry years is to be resolved to ensure that there is no detrimental effect on the stand including comment from an appropriately qualified ecologist to supplement any water management advice.
Water Quality Management	Pollutant load balance table showing the range of results for the various years analysed is required. The locations of the GPT's are to be revised to be located as a series of small systems on the inlets of major bioretention systems. Pollution load modelling to be updated.
Stormwater Quantity Management	A Stormwater Concept Drainage Plan showing all of the relevant information on an A1 sheet is required including: Creekline corridors Easements Site constraints (eg location of services, trees to be retained, etc). Flood Extents are to be shown for full and half creek construction for the 100 year ARI and the PMF.
Creekline Corridor Rehabilitation	As part of the requirements of the Warriewood Valley Water Management Specification, preliminary engineering design for creekline corridor for both interim (half creek) and final conditions for the full length of the ARV site (i.e. from Brands Lane to the south-east boundary) to include longitudinal sections and cross sections. The cross sections

Issue	
	<p>are to identify where the ARV land boundary line is located.</p> <p>Clarification of impact of proposed creek works on inundation regime to Swamp Mahogany area including comment from an appropriately qualified ecologist to supplement any water management advice.</p> <p>Acid sulphate soils (ASS) management plan is to outline specifically how the ASS is to be managed for the creekline corridor works.</p>
Flood Analysis	<p>Revised flood analysis to demonstrate that there is no adverse affect on the adjoining properties due to the 100year ARI (1% AEP) event and the Probable Maximum Flood event and including:</p> <p>Further evaluation of the impacts of the proposed roundabouts on flood behaviour in Macpherson Street at the PMF.</p> <p>Review of design floor levels and car park entry levels and details to be submitted to Council</p> <p>Interim flood protection works to be identified</p> <p>Accompanying figures are to correspond with the levels reported in the text for the floor levels of the buildings.</p> <p>Vertical evacuation within Building J to be provided.</p>

- 2 *The applicant must enter into an agreement with Sydney Water which ensures that works will be undertaken at the Warriewood Sewage Treatment Plant ("STP") so as to mitigate the impact of odour from the STP on the development the subject of this consent. The agreement must be in terms satisfactory to the Council, such terms to include:*
- (a) *an agreement by Sydney Water to carry out such of the odour mitigation works at the STP in substantially the form described in the Warriewood STP Odour Mitigation Concept Design Report dated June 2003 prepared by Sydney Water ("Concept Plan Report") as are necessary to ensure that the odour emissions from the STP predicted to be experienced at any part of the site the subject of this development consent do not exceed the odour performance criteria of 2.0 odour units/m³ when assessed using a Level 3 odour impact assessment in accordance with the NSW EPA Draft Policy for Assessment and Management of Odour from Stationary Sources in NSW dated January 2001 and its accompanying Technical Notes using the CALPUFF Odour Dispersion Modelling Methodology (the "Appropriate Criteria"); and*
 - (b) *clear identification of the nature and extent of works proposed to be carried out in order to meet the criteria specified in paragraph (a) of this condition (the "Odour Mitigation Works"); and*
 - (c) *an agreement by Sydney Water to carry out the Odour Mitigation Works in accordance with a timetable which will ensure that the Odour Mitigation Works can be completed prior to occupation of any part of the development the subject of this consent.*

- 3 *The applicant must engage a suitably qualified and experienced consultant to carry out a Level 3 odour impact assessment in accordance with the EPA Draft Policy for Assessment and Management of Odour from Stationary Sources in NSW order to assess the likely odour impact from the STP predicted to occur at the site the subject of this development consent following completion of the Odour Mitigation Works. The consultant must be approved by the Council before they are engaged by the applicant and the Council must also approve the brief provided to the Consultant.*
- 4 *The odour impact assessment undertaken pursuant to Deferred Commencement Condition 3 must demonstrate to the satisfaction of the Council that the Odour Mitigation Works will result in the STP achieving the Appropriate Criteria referred to in Deferred Commencement Condition 2(a).*

Upon receipt of evidence within twelve (12) months from the date of this consent satisfying the above, the consent will become operative, subject to the conditions listed in Part 2 below.

The consent will lapse if evidence satisfying the above conditions is not received within the prescribed time period.

PART 2

Conditions of Approval

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

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the Environmental Planning & Assessment Regulation 2000. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site, or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
5.
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

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

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

7. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
8. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

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

1. The landowner must comply with all aspects of the approved Vegetation Management Plan, Prepared by Pittendrigh Shinkfield Bruce Pty Ltd, Dated 20 October 2005 over the life of the development.
2. Over the life of the development all declared noxious weeds are to be managed / removed in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and/or controlled.
3. No environmental weeds are to be planted on the site.
4. For the life of the development no bush rock is to be removed or destroyed without prior approval from NSW Department of Environment and Conservation and Pittwater Council. The removal or destruction of bush rock has been listed as a Key Threatening Process under the NSW Threatened Species Conservation Act, 1995.
5. Fencing is to be passable by Native Wildlife and comply with:
Type 1 , Type 2 or Type 3 fencing as per fencing guidelines on the Pittwater web page.
6. For the life of the development Cats are to be kept in a cat run and / or inside the dwelling such that they are prevented from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on the site or surrounding properties.
7. Any vegetation planted within the creekline corridor or outside approved landscape zones is to be consistent with:
 - a. Species listed in the Vegetation Management Plan
 - b. Species listed from the Endangered Ecological Community Sclerophyll Swamp Forest
 - c. Locally native species or locally native plants growing on site and / or selected from the list pertaining to vegetation community(s) on the site as per the Warriewood Valley Landscape Masterplan available from Council and on the Pittwater Web Site.
8. Only locally native canopy trees are to be planted on the site. Canopy tree species are to be from the vegetation community(s) on the site as per the lists in the Warriewood valley masterplan available from Council and on the Pittwater Web Site. All native trees are to be

retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

9. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
10. The car wash bay must be operated so as to not allow polluted waters to enter the stormwater drain.
11. The construction, fit out and finishing of all areas within the hairdresser and beautician parts of the premises must comply with Schedule 2 and 3 under the Local Government (Orders) Regulation 1999.
12. No odour nuisance shall be caused from the carrying out of any operation within the premises.
13. Sanitary facilities must comply with the Building Code of Australia Provision must be made for storage of garbage containers, containers for recyclable material in an external areas of the premises or in a rooms specifically for that purpose.
14. External garbage areas must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean.
15. Roomed garbage areas must have impervious floors that are coved at the floor/wall intersection and be graded and drained to the sewage system.
16. Walls of roomed garbage areas must be smooth and impervious. The room must be ventilated, proofed against pests and be provided with a hose tap connected to the water supply.
17. At all times, commercial garbage and recycling from kindergarten, kitchens, cafes, kiosks, hairdressers and salons, offices and the residential aged care facility, must be stored in physically separated rooms from residential garbage and recycling.
18. All Commercial and medical wastes and recycling shall be collected by a commercial/trade waste contractor.
19. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and National Parks and Wildlife Service (NPWS) are to be notified.
20. The pool backwash water is to be disposed to the Sydney Water sewer.
21. The development is to comply with the standards outlined in State Environmental Planning Policy (Seniors Living) 2004, except in relation to height, 2 storey requirement, visitor parking.
22. Pool fencing is to be designed and located and maintained in accordance with the Swimming Pool Act 1992, AS 1926.1-1993 *Fencing for swimming pools*, AS 1926.1-1995 *Location of fencing for private swimming pools*.

23. A Resuscitation and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.
24. All utility services including overhead power supply and communication cables located in the adjacent road verge are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.
25. The installation of in-sink food waste disposal units is prohibited due to the increased loading placed on the Warriewood Sewage Treatment Plant particularly during wet weather.
26. The solid fuel or wood burning appliances shall comply with Australian Standard AS 4013-1992 or any subsequent amending standard.
27. No water pollution shall result from the operation of any plant or equipment or activity carried out.
28. Noise from the operation of any plant or equipment at the premises shall not exceed 5dB(A) above the background noise level.
29. Any identification signage is to be the subject of a separate development application.
30. Water conservation devices with an AAA rating must be installed, including tap flow regulators, shower head roses and dual flush toilets. All new hot water systems are to have a minimum rating of 3.5 stars.
31. A waste management plan as per Appendix 4 of the Warriewood Valley Urban Land Release Planning Context and Criteria is to be prepared and submitted to the Private Certifying Authority with the Construction Certificate application for all construction and site works including excavation and / or removal of existing waste and debris from the site, construction of roads, drainage facilities, buildings and other structures where waste may be generated.
32. Dwelling(s) are to be constructed to allow internal access for telecommunications, intelligent lighting and home automation facilities from underground street electrical and telecommunications cabling.
33. All external glazing is to have a maximum reflectivity index of 25%.
34. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application. No white or light coloured roofs are permitted.
35. Timber log retaining walls are not permitted and are not to be included in the proposed development.
36. Roofs to all structures are to be dark grey, brown and/or green tones only.
37. Street lighting facilities to the development street frontages of the site and to the existing Public Road reserve are to be provided at the full cost of the developer and in accordance with the requirements of Energy Australia.

38. All services, including electrical and telecommunications within the development, shall be provided underground in accordance with the draft Warriewood Valley Development Control Plan. The location of any trenching shall have regard for future and proposed landscaping.
39. Storage of hazardous materials, electrical items, items of plant, equipment or stock and any other items which may be susceptible to water damage are to be protected from flooding by reference to the Flood Planning Level as determined in the Water Management Report. (The level will be the 1% AEP flood level plus a freeboard safety factor of 500mm). This may be achieved by suitable flood protection works where the works are located below the relative level of the Flood Planning Level.
40. All new construction and services shall comply with the *Development Control Plan No. 30 Pittwater Flood Risk Management December 2002*.
41. The public footways and roadways adjacent to the site are to be maintained in a safe condition at all times during the construction phase. Pedestrian access is to be maintained at all times during the construction phase.
42. A minimum of 20 places for children aged less than 2 years is required in the child care facility.
43. A minimum of 5% of the Independent Living Units must be 1 bedroom.
44. All fencing is to be in keeping with the requirements of Section D14.16 of Pittwater 21 DCP.
45. All ancillary use operations proposed on site are required to be the subject of separate development applications.
46. The multi-purpose room in Building J is for the sole use of ARV staff, residents and their guests only and is not to be used by those external to the site.
47. This consent does not approve or regularise any works on adjoining sites.

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

1. Three sets of Detail Landscape Plans/Working Drawings are to be submitted prior to the release of the Construction Certificate. Plans are to be prepared in accordance and compliance with the Landscape Master Plan (05-121/LAO1 issue B, as prepared by Taylor Brammer, Landscape Architects). Landscape Plans to provide working drawings which cover the following elements of the proposed site works.
 - MacPherson Street Streetscape Works (as part of Warriewood Valley Landscape Master Plan). - Existing trees along street frontage to be retained where feasible. Use of 400 litre *Ficus rubiginosa* for island plantings with no use of turf in road reserve areas. Applicant to liaise with Council in relation to retention/removal of street trees in the MacPherson Street road reserve and documentation of any civil works in the road reserve. All areas to be mass planted.
 - MacPherson Street Building Setback Area – use of small tree/shrubs to screen building mass from street (use of 45/100 litre sizes for trees) in accordance with landscape cross section C LA02B.

- Entry driveway (off MacPherson Street) - use of 400 litre trees for avenue planting, use of large 2m-4m sized sandstone boulders as entry statement. Incorporation of water course as identified.
 - Brands Lane – no bioswale to be located in public road reserve area to be used for extensive landscaping/screening of cycleway and proposed residences. Use of 200/400 litre trees to provide avenue along the lane from entry to end.
 - Brand Lane Setback Area – extensive use of small tree shrub planting to building setback to screen bulk and scale of development from Brands Lane as per cross section FLA LA02B.
 - Riparian Buffer/Landscape Setback – Extensive landscape works as outlined in Riparian Corridor Design Drawings as prepared by Pittendrigh Shinkfield Bruce DA01D, Taylor Brammer LA01/Cross Section B LA02B and generally in accordance with Landscape Master Plan Riparian Corridor Planting to be detail documented for construction purposes.
 - Water Quality Pond/Lake – As detailed by Taylor Brammer Master Plan 05-121/LA01A to include tree planting of endemic Eucalypts (45 litre) and aquatic edge treatment/lakeside pavilion.
 - Village Green – To include large canopy tree plantings of 400 litre size as indicated – Taylor Brammer 05-121/LA01A.
 - Eastern Boundary Setback – Extensive use of large small canopy trees/shrubs to reduce bulk and scale of building from adjoining residences.
2. If the applicant elects to carry out the creek-line corridor works, then copies of a detailed Vegetation Management Plan covering the revegetation/restoration of the creek-line corridors and remnant bushland are to be submitted and approved in writing prior to the release of any Construction Certificate. All details of the Vegetation Management Plan are to be certified by an appropriately qualified and experienced professional and a signed statement of certification must be submitted to the Council with the Plan. The Vegetation Management Plan is to be consistent with the Warriewood Valley Integrated Water Management Strategy and Warriewood Valley Water Management Specification. .

The Vegetation Management plan is to provide for the following matters:

1. Define each project task to be undertaken during regeneration/ revegetation/ restoration; how each task will be done; the duration of each task; the priority order for each task; and who will be responsible for undertaking each task.
2. Prepare a timeframe for all tasks involved, including routine including post construction maintenance post construction and on-going maintenance.
3. Local native species only to be planted in regeneration and revegetation areas, except for established natives required to achieve screening of the development in the short term. Established natives may be sourced from the Sydney Basin, provided the local native plant stock source is identified. Appropriate species are provided in the Warriewood Valley Landscape Masterplan.

4. Prepare annotated maps/diagrams including proposed vegetation replacement or enhancement (species/ communities) including: density of planting; size of plants (virocells, longstems, tubestock, etc); sediment and erosion control to protect the vegetation, etc. This is to include wetland plantings associated with the water quality basin
5. Prepare maps/ diagrams including zonation from water to land, or zonation from retained bushland to fire protection zone, areas of wetland planting or corridors/ linkages, etc.
6. Specify techniques to be used for domestic and feral animal control.
7. Specify fire prescriptions that will be applied to maintain the ecology of the site, if required.
8. Detail planting plan showing site preparation, including:
 - a. Protection of trees, vegetation, habitat, bush rock or other natural features to be retained
 - b. Installation of sediment and erosion control devices
 - c. Completion of any site works (if any)
 - d. Weed control prior to site disturbance (techniques and sequences of removal)
 - e. Weed control immediately following completion of site works (techniques and sequences of removal)
 - f. Application of herbicides (if any) prior to site disturbance
 - g. Application of herbicides (if any) immediately following completion of site works
 - h. Top soil/ litter layer storage
 - i. Soil remediation
 - j. Surface preparation (including levelling, deep ripping, scarifying, mulching)
 - k. Surface stabilisation (must be suitable for the site vegetation) – matters including erosion matting, mulch, brush matting, sterile cover crops, binding sprays
 - l. Site drainage.
9. Planting program and method including installation of weed matting, mulch, stakes and ties, tree guards, use of fertiliser and type (including justification of use of fertiliser), use of water retaining crystals.
10. Details of intended contractual arrangements for professional site maintenance on all the lots, including sediment and erosion controls, weeding, watering, plant replacement, plant disease and insect control, staking and mulch for a period of 2 years commencing at registration of subdivision.

Details of intended contractual arrangements for professional monitoring to ensure adequate levels of site vegetation maintenance in landscaped and bush regenerated

areas on the subdivision, including sediment and erosion controls, weeding, watering, plant replacement, plant disease and insect control, staking and mulch for a period of 2 years commencing at registration of subdivision.

11. *The location of stockpiles to prevent the placement of soil or storage of any materials in the drip line of trees or native vegetation or habitat to be retained on the site.*
 12. Monitoring and review (develop method for performance evaluation, replacement of plant losses and other relevant matters).
 13. Other issues including public safety, signage, relevant legislation, planning instruments/ guidelines, OH&S, community involvement, liaison with Department of Land and Water Conservation and other government departments, how other areas of the property and adjacent areas can be managed to complement the vegetation strategy (weed control, drainage, planting of indigenous canopy)
 14. Detail the enhancement and regeneration of retained remnants. Where thickets of noxious or environmental weeds are to be removed, such removal is to be gradual and staged to prevent a sudden complete loss of habitat.
 15. Identification of protection of trees, vegetation, habitat, bush rock or other natural features, prior to works commencing on the site to prevent damage or injury during development
 16. Materials, stockpiles and vehicle stockpile areas are to be located on already cleared and disturbed land well away from creek line, trees, vegetation, habitat, bush rock or other natural features.
3. Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier or Council with the Construction Certificate application.
- (a) Street Levels must be obtained from Council for all access driveways across the public road verge to road edge. The street levels provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
 - (b) A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge i.e. other than a plain concrete finish, within the public road reserve.
 - (c) All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
 - (d) Councils Fees and Charges apply to Street Levels and Deed of Agreement for Access Driveway.
4. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
5. Erosion and Sediment Management Plan is to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken

through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of the N.S.W. Department of Land and Water Conservations *Urban Erosion and Sediment Control* manual.

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

6. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
7. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped the plans before the issue of any Construction Certificate.
8. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the Sydney Water Act, 1994. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.
9. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-1991 *The Demolition of Structures*.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.
3. Asbestos handling and disposal where applicable.
4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

10. The applicant shall submit to the accredited Certifier details showing the location and operation of an on-site residential car washing facility/area. This perimeter of this area must be appropriately bunded and the floor graded and drained to the sewer. Compliance is also to be achieved with any additional requirements of Sydney Water.
11. Stormwaters shall not enter the floor of the residential car washing facility/area.
12. The applicant shall submit to the accredited Certifier details of the kitchen, café, and kiosk in building J. The design, fitout and construction of these food areas must comply with AS 4674 and Food Safety Standard 3.2.3.
13. Structural Engineering details relating to the slab, footings, retaining walls and structural framing are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural

Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

14. In accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000, plans are to be submitted with the Construction Certificate application demonstrating how the building will be brought into full conformity with fire and spread of fire requirements of the Building Code of Australia.

A satisfactory and complete schedule of essential fire safety measures required to be installed within and/or in association with the building including the minimum standard for performance of each measure is to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. The schedule is to include a signed statement from a suitably qualified person confirming that all essential fire safety measures as required by the Building Code of Australia have been listed so as to ensure the safety of persons in the building in the event of an outbreak of fire.

15. A Schedule of Works prepared by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field is to be submitted to the Accredited Certifier or Council in respect of the following items:

1. The details and location of all intercept drains, provided uphill of the excavation, to control runoff through the cut area.
2. The proposed method of disposal of collected surface waters is to be clearly detailed;
3. Procedures for excavation and retention of cuts, to ensure the site stability is maintained during earthworks.

16. Certification from the Accredited Access Adviser that design details and specifications comply with the Accessibility Control and the DA Access Report, must be submitted to the Accredited Certifier or Council with the Construction Certificate application.

17. Design details and technical specifications relevant to recommendations in the Access Report, Prepared by: Morris Goding Accessibility Consulting, Dated: 20 October 2005, must be submitted to the Accredited Access Adviser for written confirmation which is to be submitted to the Accredited Certifier or Council with the Construction Certificate application.

18. A contribution of \$4,262, 571.30 is to be made pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, for the provision of public infrastructure in accordance with *Warriewood Valley Section 94 Contributions Plan*. The breakdown of the contribution follows: -

Element Contribution	Cashier Code	
Traffic & Transport	\$449,430.85	SWTT
Multi-functional creek line corridors (works)	\$703,215.63	SWCW
Community Facilities	\$670,627.05	SWCF
Public Recreation	\$1,434,961.50	SWPR
Pedestrians/Cycleways	\$631,533.00	SWPC
Bushfire Protection	\$21,238.59	SWBF
Library Services	\$133,345.88	SWLS
Plan Management	\$218,218.80	SWPM

The *Warriewood Valley Section 94 Contributions Plan* may be inspected at Pittwater Council, 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate, unless otherwise agreed by Council.

The applicant has the opportunity to negotiate with Council for the direct provision of facilities nominated in the traffic and transport, multi-functional creek line corridors, public recreation and open space and pedestrian / cycleway elements, pursuant to the material public benefit, works in kind, and dedication of land provisions in the Warriewood Valley Section 94 Contributions Plan.

When payment is made, the contribution rates will be adjusted and will be the contribution rates extracted from the financial model in the *Warriewood Valley Section 94 Contributions Plan (Amendment No. 12)* applicable at the time of payment. The contribution rates are adjusted annually on 1 July each year and are applicable for a 12- month period.

19. The public land required to contain the multi-function creek line corridor within Narrabeen Creek is to be dedicated to Council. The area of dedication is to be generally in accordance with the diagram which is entitled Anglican Retirement Villages (ARV) Creekline (Public Corridor) Dedication attached to this sheet, is to be made pursuant to section 94 of the Environmental Planning and Assessment Act 197, for the provision of multi-functional creek line corridors in accordance with the Warriewood Valley Section 94 Contributions Plan.

The balance of the land, being either surplus or deficit, shall be calculated in accordance with Table 6.1 of the Multi-functional Creek Line Corridors element, pursuant to dedication of land provisions in the Warriewood Valley Section 94 Contributions Plan and subject to final survey.

The Applicant will be required to pay a monetary contribution to satisfy any such deficit in accordance with the above calculation." The dedication of such land is to take place prior to the issue of the Occupation Certificate. Any monetary contribution is to be paid prior to the issue of the Construction Certificate, unless otherwise agreed with the Council.

20. Engineering plans and specifications are to be submitted by the applicant for the construction by the applicant of all roads, drainage and civil engineering works as set out in condition C22.

Engineering plans and specifications for all roads, drainage and other civil engineering works within an existing Public Road reserve (including MacPherson Street and Brands Lane) must be submitted and approved in writing by the Council prior to the issue of any Construction Certificate.

Payment of the Engineering Plan Assessment fee (in accordance with Council's adopted Fees and Charges) is required prior to Council releasing the approved engineering plans.

The installation of traffic facility signs and markings, including parking signs and speed restrictions will require the approval of Council and Council's Traffic Committee prior to commencement of installation.

21. The plans required by Condition C20 are to include and provide for the following matters:

- (i) The works in relation to that part of the MacPherson Street and Brands Lane frontages of the development site and including the works in relation to the vehicular access to the Development:
- (a) Kerb and Guttering for the full length of the roadway in MacPherson Street and Brands Lane, including the full turning circle (vertical faced kerb only will be permitted);
 - (b) Landscaping;
 - (c) Roundabout at intersection of MacPherson Street and Brands Lane (part of Section 94 Contributions Plan)
 - (d) The roundabout at the main entrance to the development;
 - (e) Pedestrian refuge in MacPherson Street (part of Section 94 Contributions Plan)
 - (f) Road shoulder and road pavement construction, including pavement design and treatments up to the road centre line in MacPherson Street and minimum construction to suit use by 19m semi trailer access to Brands Lane;
 - (g) Footpath/cycleway 2.1m wide for the full length of the frontage in MacPherson Street; and
 - (h) Associated drainage
 - (i) All entrances to the development from the Brands Lane access road shall be via access driveways (including layback crossings) constructed to Council's issued driveway profiles;
 - (j) A layback is to be provided in the kerb in the turning area of the Brands Lane access road to provide for the future access to Sector 3;
 - (k) A bus bay is to be provided on the MacPherson Street frontage in a location agreed to in writing by Sydney Buses;
 - (l) Additional land shall be dedicated as Public Road as follows: -
 - MacPherson Street at the central access roundabout and the Brands Lane roundabout to ensure that the public path along the MacPherson Street frontage is wholly located on public land (along the line of the proposed wall on the Masterplan.
 - Brands Lane – to ensure that the proposed angle parking, the path adjacent to the parking area and the turning area (for a minimum distance of 1.2 metres behind the face of the kerb and gutter) are wholly located on public land.
 - Road widening on the curve at the southern end of MacPherson Street.
 - (m) Pavement design and treatments. Kerb and Guttering (vertical faced kerb only will be permitted). Where Kerb and Guttering does not form the edge of a road pavement in a street, a means of preventing vehicles from parking off the road pavement shall be provided;

- (n) Street landscape, including street lighting sign posting;
- (o) No stopping provisions to be approved by Council's Traffic Committee shall be provided for the full length of the Brands Lane access road
- (p) RTA approval shall be obtained by the applicant for the following
 - All traffic calming devices and 10kph speed limits
- (q) Road thresholds indicated on the plan shall be constructed using pavers on a structural concrete road pavement. To have textured surface and be of contrasting colour to road pavement, and are not to line up with any pedestrian access ramps located in any kerb.
- (r) Turning path diagrams for an articulated 19m semi trailer accessing Brands Lane around the approved roundabout at Macpherson Street are required. Should clear access not be possible around the central planted area of this roundabout, the applicant will obtain Council's approval of either a modification of the design or of the extent of works to be constructed to allow access by a 19m semi trailer to Brands Lane.

22. The plans required under Condition C20 and C21 are to meet the objectives and requirements of:

- (i) The Warriewood Valley Roads Master Plan;
- (ii) Austroads;
- (iii) AUSSPEC;
- (iv) DCP 29 Warriewood Valley Urban Land Release.

and achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan (Public Domain), dated October 2005.

- 23. The engineering design and plans for road and drainage works must be certified as meeting the requirements of conditions C20, and C21 by an experienced civil engineer who is NPER accredited by the Institution of Engineers (Australia).
- 24. A revised Water Management Report, based on the Water Management Report required under the Deferred Commencement condition, detailing the design and plans for all works needed to achieve full compliance with the *Warriewood Valley Water Management Specification (February 2001)* and DCP 30 *Pittwater Flood Risk Management (December 2002)* is to be submitted by the applicant.
- 25. The detailed design of all works associated with the water management system must provide for a complete system which meets the objectives and requirements of the *Warriewood Valley Water Management Specification (February 2001)*.

The System is to be in accordance with the revised Water Management Report referred to in condition C24.

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

- (i) Staging of the works is to ensure that the objectives of the Warriewood Valley Water Management Specification are achieved for each stage prior to the release of any Occupation Certificate. Sufficient water quality and water quantity facilities must be provided to service each stage.
 - (ii) The Stormwater Management System is to include a design for a stormwater drainage system, which drains collected roof, road and surface water from the site and is to cater for flows from upstream catchments. The systems are to include combined piped and overland flow components, which convey the 1% AEP and Probable Maximum Flood events and comply with relevant Australian Standards and contemporary engineering best practice.
- 26. The detailed design of all works associated with the half creek construction of Narrabeen Creek from Brands Lane to the south eastern boundary of the site. The detailed design is to include plans, longitudinal sections and cross sections of civil engineering works and landscape works.
- 27. The Water Management Report and all associated plans must be certified in accordance with the *Warriewood Valley Water Management Specification (February 2001)* as meeting the requirements of conditions C24, C25 and C26.
- 28. Amended plans are required to show Building H with a maximum ridge RL of 15.89m.
- 29. Amended plans are required to show a lockable storage area of a minimum of 8 cubic metres per dwelling.
- 30. An "acid sulfate solid management plan" will be required to be prepared prior to the issue of the construction certificate.
- 31. A "contamination validation Assessment of the site" in accordance with SEPP No. 55 – remediation of Land will be required to be prepared prior to the issue of the construction certificate.
- 32. Prior to issue of the Construction Certificate a comprehensive Construction Process Plan of Management (CPPM) is to be submitted to the Council that outlines statutory obligations and regulatory requirements affecting all site works and procedures that will be implemented for the duration of all clearing works, earthworks and construction works associated with the approved development that will ensure the safety and amenity of the surrounding residents and the environment are not adversely affected. In particular, the CPPM must address the following requirements:
 - (a) The CPPM must be accompanied by a report from a qualified/practising acoustic consultant addressing the objective of demonstrating that the development may be constructed in compliance with the requirement that the L10 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 db(A) measured inside the nearest dwelling, and outlining the measures necessary for this objective to be achieved, such as: selection of specific noise reduced plant and equipment; silencing of construction site plant and equipment; location of plant; regular site monitoring by the site manager and the acoustic consultant etc. There must also be no delivery of machinery, trucks, plant or equipment to the site outside of the approved work hours. If that acoustical report discloses that this objective cannot

be satisfied, the report must identify the areas of non-compliance and must recommend the implementation of measures to achieve this objective insofar as reasonably practicable, all such measures to be to the reasonable satisfaction of the Council.

- (b) *Site management in terms of delivery of materials, parking for workers (including No Parking provisions in Brands Lane), removal of excavated materials, how temporary power will be supplied, and stabilisation of any temporary structures, stockpiles and stored materials.*
- (c) Measures for air quality management and in particular the control of airborne dust, litter and other contaminants in relation to the neighbouring properties.
- (d) Waste management methodology including details of quantities of material to be transported and implementation of recycling measures (eg mulching of vegetative matter).
- (e) Stormwater, sediment and erosion control methodology.
- (f) Provision of site management signage including contact names and telephone numbers for 24 hour contact by the public relating to site issues including the name and telephone contact of the prescribed certifying authority.
- (g) The CPPM must ensure there is a process of 'site induction' to be the responsibility of the site manager whereby each employee or contractor is advised of the procedures relating to the requirements of the CPPM.

The construction must be carried out in accordance with the CPPM approved by the Council as satisfactory to it.

33. The Construction Certificate will not be issued over any part of the site requiring a Part 3A Permit approval until a copy of the Part 3A Permit, issued by the Department of Natural Resources (DNR) has been provided to Council.

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

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

1. Prior to commencement of site works, the project manager is to submit evidence of a pre-order for the supply of the plant material shown on the approved landscape working drawing, to Council or the accredited certifier.
2. Prior to commencement of site works, a qualified arborist, horticulturist or landscape architect is to certify that protective fencing consisting of chain wire mesh fencing, a minimum 1.5 metres high with steel pipe support posts has been provided, a minimum distance of 1 metre outside the drip line of those trees or landscaped areas shown on the approved landscape working drawing. No further site works are to take place until this certification has been obtained and a copy forwarded to the accredited certifier or Council.
3. Prior to commencement of works, at least three photographs of the road reserve and footpath area adjoining the site, one front-on and one from each side of the property, are to be

submitted to Pittwater Council with the notification of commencement of works, showing the condition of the street trees and road reserve. The photographs must be dated, and accompanied by a statement that they are a true and accurate representation of the scene depicted.

4. All declared noxious weeds under the Noxious Weeds Act 1993 together and all undesirable plant species listed in Councils Tree Preservation Order are to be removed and/or controlled using appropriate techniques. Written certification of the completion of weed removal works is to be supplied to Council prior to the commencement of works. Works are to be certified by an experienced and qualified bush regenerator or vegetation management consultant.
5. Prior to the commencement of site works, tree protection barriers and exclusion fencing are to be installed around all retained trees and remnant bushland as identified. No further site works are to commence, until such time as that certification has been obtained and copy forwarded to Council.
6. Any excavated material that is proposed to be used on site is to be assessed for contamination and is also to be assessed for reuse by a qualified geotechnical engineer. Subject to this contamination assessment and validation that this soil can be reused as foundation material, such soil may be reused on site as fill. Any material that is not deemed to be suitable for reuse shall be removed from the site and disposed of in an appropriate fashion.
7. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
8. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
9. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
10. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
11. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authoritys satisfaction.
12. An all weather accessway at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.
13. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

14. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on-site, recycling or where reuse or recycling is not practical, disposal at an appropriate authorised waste facility.
15. No works are to be carried out in Councils Road Reserve without the written approval of the Council.
16. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Councils Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
17. No skip bins or materials are to be stored on Councils Road Reserve.
18. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
19. Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council.
20. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following: -
 - The builders name, builders telephone contact number both during work hours and after hours.
 - That no works are to be carried out in Councils Road Reserve without the written approval of the Council.
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Councils Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - That no skip bins or materials are to be stored on Councils Road Reserve.
 - That the contact number for Pittwater Council for permits is 9970 1111.
21. All construction in the public road reserve must be undertaken by a Council authorised contractor.
22. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
 - a. Quantity of material to be transported
 - b. Proposed truck movements per day
 - c. Proposed hours of operation

- d. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Warriewood Valley
- e. Access by semi trailers to No. 16 Macpherson Street during the construction of roadworks in and adjacent to Brands Lane.

This plan must be adhered to by all parties associated with the development. No truck movements will be permitted in Garden Street south of Mullet Creek or in Mona Vale Road between Tumbledown Dick and Mona Vale.

- 23. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
- 24. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
- 25. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
- 26. A permit under Part 3A of the Rivers and Foreshores Improvement Act, 1948 is required from the Department of Infrastructure, Planning and Natural Resources in relation to this development. You will find attached the Department's "General Terms of Approval" which are required to be included as part of any consent given by Council. The 3A permit is to be submitted to the Accredited Certifier or Council with the Construction Certificate application.

NOTE: If the plans are amended and there is a change to any works proposed within 40 metres of a waterway, Council needs to contact the Department to ascertain if the amended plans will require a fresh review.

The General Terms of Approval is not the actual permit and therefore a permit application is required to be made to the Department prior to commencement of work. Information regarding the above may be obtained by contacting the Department of Infrastructure, Planning and Natural Resources, 10 Valentine Avenue, Parramatta, NSW, 2150 or PO Box 3720, Parramatta, NSW, 2124. Telephone (02) 9895 6211, Facsimile (02) 9895 7281.

- 27. Sampling, testing and remediation as identified in the contamination assessment carried out by GHD, Dated: September 2005, is to be carried out as per EPA guidelines and the requirements of SEPP 55 - Remediation of Land is to be confirmed in writing to the Private Certifying Authority by a suitably qualified independent consultant.
- 28. Any fill material imported to the site is to be the subject of testing and monitoring throughout the course of the works, and is to consist of clean fill inert material only, that is, non contaminated excavated material and soil, and suitable material. Putrescible and non putrescible solid waste (including demolition material) is not permitted. All imported fill must be sourced locally where practicable to reduce traffic movements. A report certifying that fill complies with the requirements of this condition prepared by a suitably qualified person is to be provided to the Private Certifying Authority on completion of the filling works.

The fill shall be deposited and works carried out in strict compliance with the N.S.W. Department of Land and Water Conservation's *Urban Erosion and Sediment Control* manual. The batters of the fill area are to be graded to a slope of no more than 4(H):1(V) in accordance with the N.S.W. Department of Land and Water Conservation's *Urban Erosion and Sediment Control* manual.

29. Demolition works must be carried out in compliance with *WorkCovers Short Guide to Working with Asbestos Cement* and Australian Standard AS 2601 1991 *The Demolition of Structures*.

The site must be provided with a sign containing the words *DANGER ASBESTOS REMOVAL IN PROGRESS* measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

30. An all weather vehicular access must be maintained throughout the construction period to ensure continuous access to Foley's Nursery in Brands Lane. Such access must accommodate all vehicles including retail customers and service / delivery vehicles.

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

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

1. Removal of Noxious and Environmental Weeds is to be certified by a Bushland Management Consultant as being complete.
2. Removal of Noxious and Environmental Weeds is to be certified by the Bushland Management Consultant as being in accordance with approved Vegetation Management Plan.
3. All parking areas and driveways are to be sealed to an all weather standard, line marked, signposted and maintained prior to occupation/use of the site.
4. Plans together with street levels provided by Council and a certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements and street levels are to be provided with the Occupation Certificate application.
5. Prior to issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated.

The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard

Councils written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.

6. Restoration of all damaged public infrastructure caused as a result of the development to Councils satisfaction. Councils written approval that all restorations have been completed satisfactorily must be obtained must be provided to the Private Certifying Authority with the Occupation Certificate application.
7. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
8. Prior to release of the Occupation Certificate the premises is to be inspected and provided with a Compliance Certificate by Pittwater Councils Environmental Health Officer. To arrange a mutual inspection time please contact Councils Environmental Health Officer on 9970 1111 during business hours.
9. Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to the issue of the Occupation Certificate.
10. Documentation supplied by a practicing mechanical engineer certifying that all mechanical exhaust ventilation systems, as installed, complies with AS 1668, must be provided to the certifying authority prior to the issue of the Occupation Certificate.
11. The certifying authority must be provided with evidence that the food business has been notified with NSW Food Authority. Notification may be done either online at www.foodnotify.nsw.gov.au or by lodging a completed food notification form to Council. Note: A fee applies when lodging notification forms with Council.
12. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994, is to be forwarded to Council or the Private Certifying Authority with the Occupation Certificate.
13. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
14. Prior to the issue of the Occupation Certificate, a Suitably Qualified Professional is to certify to the satisfaction of the Principal Certifying Authority that the attached requirements of the Department Planning & Natural Resources dated 22 December 2005, have been satisfied.
15. Certification from an Accredited Access Adviser that the completed development complies with the requirements of the development consent.
16. All overhead electrical power supply adjacent to the development site is to be removed and laid in the conduits underground for the full width of the development site.
17. Appropriate easements are to be created where service lines or drainage lines pass through private property other than the lot which they benefit. Full details in this regard are to be submitted to Council, prior to release of the Occupation Certificate.

18. The transfer to Council of the public buffer area land adjacent to Narrabeen Creek shown on the Attachment to this Consent entitled Anglican Retirement Village (ARV) Creekline (Public Corridor) Dedication to this Consent as Public Reserve.
19. Dedication of the following land as "Public Road": -
- MacPherson Street at the central access roundabout and the Brands Lane roundabout to ensure that the public path along the MacPherson Street frontage is wholly located on public land (along the line of the proposed wall on the Masterplan).
 - Brands Lane – to ensure that the proposed angle parking, the path adjacent to the parking area and the turning area (for a minimum distance of 1.2 metres behind the face of the kerb and gutter) are wholly located on public land.
 - Road widening at the southern end of MacPherson Street.
20. All appropriate infrastructure is to be provided to service the proposed residential lots, including roads and accessways, drainage facilities, landscaping, water management facilities, and siltation and sedimentation control measures.
21. The following documents and payments are to be submitted to Council in a single package to ensure the efficient release of the Occupation Certificate: -
- (i) A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994.
 - (ii) Copies of the Subdivision Plans facilitating dedication of the creekline corridor area (original plus 9 copies).
 - (iii) The private certifier's Compliance Certificate. Each component of the works as outlined above is to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. In particular, the construction of the Water Management System is to be supervised and certified by person(s) with appropriate experience and expertise in Environmental Science, Hydrology and Hydraulics, and must be NPER registered members of the Institution of Engineers (Australia).
 - (iv) Works-as-executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements or which will require ongoing maintenance by Council.

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

- Boundary layout;
 - Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
 - Signage (including type and wording), line marking;
 - Easements, survey numbers and marks, reduced levels and co-ordinates;
 - Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains;
 - Water quality devices, ponds, creek line corridors, parkland, play equipment;
 - Significant landscaping.
- (v) A security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period. A maintenance period is to

apply to all works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Occupation Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or as would be reasonable expected under the design conditions.

22. Certification is to be provided to Council, by an experienced civil engineer who is NPER accredited by the Institution of Engineers Australia, that all roads, drainage and other civil engineering works relating to MacPherson Street, Brands Lane and the development site have been carried out and completed in accordance with the engineering plans and specifications required under conditions C21, C22 and C23 of this consent.
23. All roads, drainage and civil engineering works required under Conditions C21, C22 and C23 of this consent are to be completed prior to the issue of the Occupation Certificate.
24. A maintenance period is to apply to all civil engineering works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Occupation Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or would reasonably be expected under the design conditions.
25. Work-as-executed plans are to be provided certified by a Registered Surveyor for all structures or facilities which will be dedicated to Council, or which are located on Council land, or which are located within drainage easements or which will require ongoing maintenance by Council.

The plans are to be submitted in both paper and electronic format [AutoCAD (R14) dwg or dxf file] and are to comprise at least the following:

- (i) Boundary layout;
 - (ii) Kerbing and guttering, road pavement, footpaths, traffic devices, retaining walls;
 - (iii) Signage (including type and wording), line marking;
 - (iv) Easements, survey numbers and marks, reduced levels and coordinates;
 - (v) Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains;
 - (vi) Water quality devices, ponds, creek-line corridors, parkland, play equipment; and
 - (vii) Significant landscaping.
26. A Certificate by a qualified Engineer or Architect confirming that all driveways have been constructed in accordance with the approved plans is to be submitted to the Council and the accredited certifier (if any) prior to the issue of the Occupation certificate.
 27. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained.
 28. Certification is to be provided to Council, by an appropriately qualified professional, that works associated with the water management system have been carried out and completed in accordance with the Water Management Report required under conditions C25 and C26 of this consent. Certification is to be provided in accordance with the *Warriewood Valley Water Management Specification (February 2001)*.

29. All works associated with the water management system required under conditions C24 and C25 of this consent are to be completed prior to the issue of the Occupation Certificate.
30. A copy of the updated Water Management Report required under conditions C24 and C25 of this consent must be submitted to Council. The Water Management Report must contain all reports, assessments and plans as required by the *Warriewood Valley Water Management Specification (February 2001)*.
31. A maintenance period is to apply to the water quality control devices. The maintenance period will apply for two (2) years after the issue of the Occupation Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or as would be reasonable expected under the design conditions. A security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.
32. Notification to Council, certified by the appropriately qualified professional, of the properties to be notated under Section 149(2) for either Flood Category 1 or 2. Such notification is required to be submitted in sufficient time to allow process through the elected Council (approximately 6 weeks).
33. Certification is to be provided to Council by a qualified engineer, that all recommendations contained within the Acid Sulphate Soils Management Plan, Prepared by: GHD Pty Ltd, Dated: September 20005 have been completed.
34. Certification is to be provided to Council by a qualified engineer, that all recommendations contained within the Remedial Action Plan, Prepared by: GHD Pty Ltd, Dated: September 20005 have been completed.
35. ***Prior to the issue of any occupation certificate for any part of the development the subject of this consent the applicant must provide a certificate from an appropriately qualified and experienced engineer certifying that the Odour Mitigation works to the Warriewood STP referred to in the deferred commencement condition No 2 have been completed."***

F. Matters to be satisfied prior to the issue of Subdivision Certificate:

1. If the applicant elects to carry out the creek-line corridor works, prior to issue of Subdivision Certificate, a qualified experienced vegetation management consultant is to certify that works described in the approved Vegetation Management Plan have been completed in accordance with the details shown on the Council approved Vegetation Management Plan submitted by the applicant and approved by Council. The use or subdivision of this development can not commence until a copy of this certification has been submitted and Council or the accredited certifier has confirmed that this condition has been satisfied.
2. If the applicant elects to carry out the creek-line corridor works, prior to issue of Subdivision Certificate, a qualified experienced consultant is to certify that they have been engaged to conduct a program of site and vegetation maintenance in accordance with the details shown on the Council approved Vegetation Management Plan. The use or subdivision of this development can not commence until a copy of this certification has been submitted and Council or the accredited certifier has confirmed that this condition has been satisfied.

3. If the applicant elects to carry out the creek-line corridor works the applicant is to maintain the creekline corridor areas as per the Vegetation Management Plan for a 2 year from issue of a Subdivision Certificate. During this period the nominated contractor shall maintain the creekline inclusive of weeding, watering, mowing and replacement of failed plant material.
4. Prior to issue of Subdivision Certificate, a qualified experienced vegetation management consultant is to certify that only approved locally native vegetation has been planted within 50m of the creekline corridor. The approved species are to be consistent with the species listed in the "Warriewood Valley Landscape Masterplan" as creekline corridors planting. The use or subdivision of this development can not commence until a copy of this certification has been submitted and Council or the accredited certifier has confirmed that this condition has been satisfied.
5. Removal of Noxious and Environmental Weeds is to be certified by a Bushland Management Consultant as being complete.
6. The Bushland Management Consultant to certify that:
 - a. native plant selection and planting as per Vegetation Management Plan Prepared by Pittendrigh Shinkfield Bruce Pty Ltd, Dated 20 October 2005) has been completed,
 - b. all actions prescribed in the approved Vegetation Management Plan have been undertaken fully and where relevant completed and that an appropriate program of regeneration and maintenance has been entered into to comply with requirements of the Plan, and
 - c. that areas/features requiring protection have been adequately protected and are in an acceptable condition.
7. Restoration of all damaged public infrastructure caused as a result of the development to Councils satisfaction. Councils written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Subdivision Certificate application.

G. Advice

1. Failure to comply with the relevant provisions of the Environmental Planning and Assessment Act, 1979 (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, ie Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Manager's responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.

4. In accordance with Section 80A(1)(d) and (e) of the Act, any consent given shall be void if the development to which it refers is not commenced within two (2) years after the date of approval, provided that Council may, if good cause be shown, grant an extension of renewal of such consent beyond such period.

NOTE: Council may be prepared to consider an extension of this Consent period for a further 12 months, however, the request for extension would have to be received during the initial 2 year period.

5. To ascertain the date upon which the determination becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979 (as amended).
 6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the Environmental Planning and Assessment Act, 1979. Such request to Council must be made in writing together with a \$500 fee, within 1 year from the date of determination.
 7. If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
 8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then see Building & Renovating under the heading Building & Developing, or telephone 13 20 92.
 9. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA)1992.
 10. Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its fixtures and contents.
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