



## Land and Environment Court New South Wales

Case Name: **Collaroy Street Pty Ltd v Northern Beaches Council**

Medium Neutral Citation: [2024] NSWLEC 1062

Hearing Date(s): Conciliation conference on 25 January 2024

Date of Orders: 21 February 2024

Date of Decision: 21 February 2024

Jurisdiction: Class 1

Before: Walsh C

Decision: The Court orders that:  
(1) The appeal is upheld.  
(2) Development consent DA2020/1453 is modified in the terms in Annexure A.  
(3) Development consent DA2020/1453 as modified by the Court is Annexure B.

Catchwords: MODIFICATION APPLICATION – conciliation conference – agreement between the parties – orders

Legislation Cited: *Environmental Planning and Assessment Act 1979*, ss 4.15, 4.55  
*Land and Environment Court Act 1979*, s 34  
  
*Environmental Planning and Assessment Regulation 2021*, s 113  
*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*  
*State Environmental Planning Policy (Housing) 2021*, Sch 9  
*Warringah Local Environmental Plan 2011*

Cases Cited: *Collaroy Street Pty Ltd v Northern Beaches Council* [2021] NSWLEC 177  
*Collaroy Street Pty Ltd v Northern Beaches Council* [2022] NSWLEC 1448

Collaroy Street Pty Ltd v Northern Beaches Council  
[2023] NSWLEC 155

Texts Cited: Department of Planning and Environment, Apartment Design Guide, July 2015

Category: Principal judgment

Parties: Collaroy Street Pty Ltd (Applicant)  
Northern Beaches Council (Respondent)

Representation: Counsel:  
G McKee (Solicitor) (Applicant)  
M Domingo (Solicitor) (Respondent)

Solicitors:  
McKees Legal Solutions (Applicant)  
Northern Beaches Council (Respondent)

File Number(s): 2023/341557

Publication Restriction: No

## JUDGMENT

- 1     **COMMISSIONER:** These proceedings relate to a modification application (MOD2023/0613) made direct to the Court under s 4.55(8) of the *Environmental Planning and Assessment Act 1979* (EPA Act).

### Background

- 2     On 22nd December 2021 the Court granted development consent to development application DA2020/1453 (*Collaroy Street Pty Ltd v Northern Beaches Council* [2021] NSWLEC 177) for demolition works and the construction of a shop-top housing development with three levels of residential apartments and four ground level retail tenancies on the subject site (henceforth the consent) at Lot 1 in DP1283322, known as 4 Collaroy Street, Collaroy.
- 3     Subsequently, and again in response to applications under s 4.55(8) of the EPA Act, the Court has modified the consent on two occasions, essentially minor in scope: *Collaroy Street Pty Ltd v Northern Beaches Council* [2022] NSWLEC 1448 and *Collaroy Street Pty Ltd v Northern Beaches Council* [2023] NSWLEC 155.
- 4     MOD2023/0613 then seeks to further modify the consent.

### The proposed modification

- 5     MOD2023/0613, as filed with the Court, seeks consent for the rationalisation of the approved window screening treatments.
- 6     The applicant has proposed an amendment to MOD2023/0613 pursuant to s 113(1) of the Environmental Planning and Assessment Regulation 2021 (EPA Regulation) so as to include changes to the ground floor to accommodate services, including fire booster pumps and flood gates, removal of parking allocations and an amendment to condition 4 of the consent, so as to exclude from the operation of that condition, building identification signage approved when the Consent was granted. Northern Beaches Council, the respondent in the proceedings and local consent authority, has agreed to these amendments.

## **Conciliation and agreement reached between the parties**

- 7 The Court arranged a conciliation conference between the parties under s 34(1) of the *Land and Environment Court Act 1979* (LEC Act). The conference was held on 25 January 2024. I was appointed to preside. After more time was given, the parties have advised the Court that agreement has been reached including in regard to the proposed amendments to the modification application. This agreement provides for the terms of a decision in the proceedings that would be acceptable to the parties. This decision involved the Court approving the amended MOD2023/0613, in accordance with agreed conditions.

## **Jurisdiction**

- 8 Under s 34(3) of the LEC Act, I must dispose of the proceedings in accordance with the parties' decision, provided it is a decision that the Court could have made in the proper exercise of its functions.
- 9 There are certain jurisdictional pre-requisites which require attention before this function can be exercised. The parties outlined jurisdictional matters of relevance in these proceedings in an agreed jurisdictional note provided to the Court on 15 February 2024. Regarding jurisdiction, and noting the advice in the parties' jurisdictional note, I am satisfied in regard to the matters listed below.
- 10 Having regard to s 4.55(2) of the EPA Act:
- (1) Mindful of s 4.55(2)(a), I am satisfied that the development to which the consent as modified would relate is substantially the same development as the development for which the consent was originally granted. On this, I have noted the particulars of MOD2023/0613 as amended, and as outlined by the parties. At an essential level, the development application as modified would continue to provide for three levels of residential apartments and ground level retail tenancies. The building form and use would remain 'essentially' or 'materially' the same.

- (2) The parties advise that there has been consultation and notification as per the requirements of subss 4.55(2)(b) and (c) of the EPA Act. I am advised that no submissions were received. The requirements of s 4.55(2)(d) of the EPA Act have been met.
- 11 Having regard to s 4.55(3) of the EPA Act, I have taken into consideration the matters referred to in s 4.15(1) of the EPA Act as are of relevance to the development the subject of the application. Assisting me here were the matters outlined in the parties' jurisdictional note, which included reference to: State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Housing) 2021 (SEPP Housing), the Apartment Design Guide (ADG), and Warringah Local Environmental Plan 2011. I note, in particular regard to the quality of the design of the development, the parties advise of their agreement that the modification application satisfies the requirements of Sch 9 of SEPP Housing (concerned with design principles for apartment development) and the ADG. With respect to these instruments, mindful of *North Sydney Council v Michael Standley and Associates Pty Ltd* (1998) 43 NSWLR 468; [1998] NSWSC 163 (481 D) and subsequent decisions, there is no requirement for a jurisdictional finding of the Court in regard to such provisions.
- 12 Further, and again having regard to s 4.55(3) of the EPA Act, I have taken into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified (as per the judgment associated with the original Court approval, with which I was directly involved).

## **Conclusion**

- 13 With the above findings, I am satisfied that the jurisdictional pre-requisites have been met and the parties' decision is one that the Court could have made in the proper exercise of its functions. In turn, I am required under s 34(3) of the LEC Act to dispose of the proceedings in accordance with the parties' decision.
- 14 In making the orders to give effect to the agreement between the parties, I was not required to make, and have not made, any merit assessment of the issues that

were originally in dispute between the parties. The LEC Act also required me to “set out in writing the terms of the decision” (s 34(3)(b)). The final orders have this effect.

## Notation

- 15 The Court notes that Northern Beaches Council has agreed under s 113(4) of the Environmental Planning and Assessment Regulation 2021, to the applicant amending MOD2023/0613 filed with the Court on 27 October 2023 in accordance with the plans and reports listed below:

| Document            | Prepared by:             | No.         | Rev | Date       |
|---------------------|--------------------------|-------------|-----|------------|
| Site Plan           | Walsh Architects         | DA000       | 5   | 02/02/2024 |
| Basement            | Walsh Architects         | DA002       | 7   | 02/02/2024 |
| Ground Floor        | Walsh Architects         | DA003       | 6   | 02/02/2024 |
| Level 1             | Walsh Architects         | DA004       | 6   | 02/02/2024 |
| Level 2             | Walsh Architects         | DA005       | 6   | 02/02/2024 |
| Level 3             | Walsh Architects         | DA006       | 7   | 02/02/2024 |
| Roof Plan           | Walsh Architects         | DA007       | 5   | 02/02/2024 |
| Elevations - North  | Walsh Architects         | DA008       | 6   | 02/02/2024 |
| Elevations - East   | Walsh Architects         | DA009       | 6   | 02/02/2024 |
| Elevations - South  | Walsh Architects         | DA010       | 6   | 02/02/2024 |
| Elevations - West   | Walsh Architects         | DA011       | 5   | 02/02/2024 |
| Internal Elevations | Walsh Architects         | DA012       | 6   | 02/02/2024 |
| BASIX Certificate   | Eco Certificates Pty Ltd | 1150877M_06 |     | 24/01/2024 |

## Orders

- 16 The Court orders that:
- (1) The appeal is upheld.
  - (2) Development consent DA2020/1453 is modified in the terms in Annexure A.

- (3) Development consent DA2020/1453 as modified by the Court is Annexure B.

I certify that this and the preceding 4 pages are a true copy of my reasons for judgment.



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**P Walsh**

**Commissioner of the Court**

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**Annexure A****DETERMINATION OF APPLICATION FOR MODIFICATION OF  
DEVELOPMENT CONSENT****Modification Application No:** MOD2023/0613**Development Consent modified:** DA2020/1453**Description of development to be carried out under the consent (as previously modified):** Demolition works and construction of a shop-top housing development**Address and particulars of title of land on which development to be carried out:** Lot 1 DP1283322, known as 4 Collaroy Street, Collaroy, NSW 2097.**Description of modification to the development consent:** Modification of development consent DA2020/1453 for demolition works and construction of a shop-top housing development.**Determination:** The development consent is modified as follows:**1C- Modification of Consent Mod2023/0613 - Approved Plans and supporting Documentation to read as follows:**The development must be carried out in compliance (except as amended by any other condition of consent) with the following:a) Modification Approved Plans

| <b>Architectural Plans - Endorsed with Council's stamp</b>   |              |                    |
|--------------------------------------------------------------|--------------|--------------------|
| <b>Drawing No.</b>                                           | <b>Dated</b> | <b>Prepared By</b> |
| DA000, DA007, DA011 (Revision 5)                             | 02/02/2024   | Walsh Architects   |
| DA003, DA004, DA005, DA008, DA009, DA010, DA012 (Revision 6) | 02/02/2024   | Walsh Architects   |
| DA002, DA006 (Revision 7)                                    | 02/02/2024   | Walsh Architects   |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |              |                    |
|-----------------------------------------------------------------------------------------|--------------|--------------------|
| <b>Report No. / Page No. / Section No.</b>                                              | <b>Dated</b> | <b>Prepared By</b> |

|                                 |            |                          |
|---------------------------------|------------|--------------------------|
| BASIX Certificate - 1150877M_06 | 24/01/2024 | ECO CERTIFICATES PTY LTD |
|---------------------------------|------------|--------------------------|

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

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

*(Condition added in LEC Proceedings No. 2023/00341557)*

**4. Addition of new condition – Amendment of consent – Condition 4 to read as follows:**

**4. No Approval for any Signage**

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2011 and State Environmental Planning Policy No. 64) ***other than the building identification signage shown on the approved plans.*** A separate Development Application for any signs (other than exempt and signs permitted under Complying Development ***or as nominated on the approved plans***) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

*(Condition amended in LEC Proceedings No. 2023/00341557)*

**Add Condition 38A - Amendment of consent – Condition 38A to read as follows:**

**38A. Privacy Screens**

The proposed privacy screens between the balconies of A301 and A302, as well as between C303 and D301 shall be 1.65 metres high (measured from finished floor level) and be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

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

Reason: In order to maintain privacy to the adjoining / nearby property.

*(Condition amended in LEC Proceedings No. 2023/00341557)*

**Annexure B****DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT****Development Application No:** DA2020/1453**Development:** Demolition works and construction of a shop-top housing development.**Site:** Lot 1 DP881326 and Lot CP SP 5367, known as 4 Collaroy Street and 1 Alexander Street, Collaroy, NSW 2097.**Schedule of Modifications:**

| Date approved     | Modification Application Number | Decision maker (Land and Environment Court or relevant council) | Proceedings Name and Number (if applicable)                        |
|-------------------|---------------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------|
| 25 August 2022    | Mod2022/0230                    | Land and Environment Court                                      | Collaroy Street Pty Ltd v NORTHERN BEACHES COUNCIL - 2022/00113935 |
| 22 September 2023 | Mod2023/0315                    | Land and Environment Court                                      | Collaroy Street Pty Ltd v NORTHERN BEACHES COUNCIL - 2023/00160307 |
| 21 February 2024  | Mod2023/0613                    | Land and Environment Court                                      | Collaroy Street Pty Ltd v NORTHERN BEACHES COUNCIL - 2023/00341557 |
|                   |                                 |                                                                 |                                                                    |

**Date of determination:** 22 December 2021**Date from which consent takes effect:** 22 December 2021**CONDITIONS OF APPROVAL**

|                                        |                                                                                                           |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b>             | DA2020/1453                                                                                               |
| <b>Land to be developed (Address):</b> | Lot 1 DP 881326, 4 Collaroy Street COLLAROY NSW 2097 Lot CP SP 5367, 1 Alexander Street COLLAROY NSW 2097 |
| <b>Proposed Development:</b>           | Demolition works and construction of a shop-top housing development                                       |

**DEVELOPMENT CONSENT OPERATIONAL CONDITIONS****1. Approved Plans and Supporting Documentation**

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

## a) Approved Plans

| <b>Architectural Plans - Endorsed with Council's stamp</b> |              |                            |
|------------------------------------------------------------|--------------|----------------------------|
| <b>Drawing No.</b>                                         | <b>Dated</b> | <b>Prepared By</b>         |
| DA-02 Rev.C - SITE PLAN                                    | 13/09/2021   | Gartner Trovato Architects |
| DA-03 Rev.B - BASEMENT PLAN                                | 20/08/2021   | Gartner Trovato Architects |
| DA-04 Rev.B - GROUND FLOOR PLAN                            | 20/08/2021   | Gartner Trovato Architects |
| DA-05 Rev.E - LEVEL 1 PLAN                                 | 14/09/2021   | Gartner Trovato Architects |
| DA-06 Rev.D - LEVEL 2 PLAN                                 | 13/09/2021   | Gartner Trovato Architects |
| DA-07 Rev.D - LEVEL 3 PLAN                                 | 13/09/2021   | Gartner Trovato Architects |
| DA-09 Rev.D- ROOF PLAN                                     | 13/09/2021   | Gartner Trovato Architects |
| DA-10 Rev.B - SECTIONS 1 & 2                               | 20/08/2021   | Gartner Trovato Architects |
| DA-11 Rev.B - SECTIONS A & B                               | 20/08/2021   | Gartner Trovato Architects |
| DA-12 Rev.B - SECTION C                                    | 20/08/2021   | Gartner Trovato Architects |
| DA-13 Rev.B - NORTH & SOUTH ELEVATIONS                     | 20/08/2021   | Gartner Trovato Architects |
| DA14 Rev.B - EAST & WEST                                   | 20/08/2021   | Gartner Trovato            |

|                                                   |            |                            |
|---------------------------------------------------|------------|----------------------------|
| ELEVATIONS                                        |            | Architects                 |
| DA-17 Rev.B - SCHEDULE OF EXTERNAL FINISHES       | 20/08/2021 | Gartner Trovato Architects |
| DA-100 Rev.B - GROUND FLOOR - PUBLIC BENEFIT PLAN | 20/08/2021 | Gartner Trovato Architects |
| DA-101 Rev.B - LEVEL 1 - PUBLIC BENEFIT PLAN      | 20/08/2021 | Gartner Trovato Architects |
| DA-102 Rev.B - LEVEL 3 - PUBLIC BENEFIT PLAN      | 20/08/2021 | Gartner Trovato Architects |

| <b>Engineering Plans</b>                               |              |                                 |
|--------------------------------------------------------|--------------|---------------------------------|
| <b>Drawing No.</b>                                     | <b>Dated</b> | <b>Prepared By</b>              |
| SW00 Rev.B - Standard Notes and Drawing List           | 09/08/2021   | Woolacotts Consulting Engineers |
| SW01 Rev.B - Stormwater Management Plan - Ground Floor | 09/08/2021   | Woolacotts Consulting Engineers |
| SW02 Rev.B - Stormwater Management Plan - Basement     | 09/08/2021   | Woolacotts Consulting Engineers |

|                                                          |            |                                 |
|----------------------------------------------------------|------------|---------------------------------|
| SW03 Rev.B - Stormwater Details                          | 09/08/2021 | Woolacotts Consulting Engineers |
| SW04 Rev.A - Stormwater Long Section                     | 23/10/2020 | Woolacotts Consulting Engineers |
| SW05 Rev.A - Stormwater Catchment Plan                   | 23/10/2020 | Woolacotts Consulting Engineers |
| ES01 Rev.A - Sediment and Erosion Control Plan & Details | 23/10/2020 | Woolacotts Consulting Engineers |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |              |                                   |
|-----------------------------------------------------------------------------------------|--------------|-----------------------------------|
| <b>Report No. / Page No. / Section No.</b>                                              | <b>Dated</b> | <b>Prepared By</b>                |
| BASIX Certificate (1150877M_02)                                                         | 24/08/2021   | Gartner Trovato Architects        |
| Access Assessment Report (112605-Access-r1)                                             | 29/10/2020   | BCA Logic                         |
| Acoustics and Air Report (20356 Rev.A)                                                  | 28/10/2020   | Wilkinson Murray Pty Ltd          |
| Arboricultural Impact Assessment Report                                                 | 17/10/2020   | Jacksons Nature Works             |
| BCA Assessment Report (112605-BCA-r1)                                                   | 29/10/2020   | BCA Logic                         |
| Geotechnical Investigation Report V.2                                                   | 29/09/2020   | Coffey Services Australia Pty Ltd |
| Stormwater Management and Overland Flow Report                                          | 23/10/2020   | Woolacotts Consulting Engineers   |
| Traffic and Parking Assessment Report (Ref: 20055)                                      | 30/10/2020   | Terraffic Pty Ltd                 |

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

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

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

| <b>Landscape Plans</b>                      |              |                            |
|---------------------------------------------|--------------|----------------------------|
| <b>Drawing No.</b>                          | <b>Dated</b> | <b>Prepared By</b>         |
| L-01 Rev.A1 - GROUND FLOOR - LANDSCAPE PLAN | 12/08/2021   | Gartner Trovato Architects |
| L-02 Rev.A1 - LEVEL 1 - LANDSCAPE PLAN      | 12/08/2021   | Gartner Trovato Architects |
| L-03 Rev.A1 - LEVEL 3 - LANDSCAPE PLAN      | 12/08/2021   | Gartner Trovato Architects |
| L-04 Rev.A1 - LANDSCAPE SPECIFICATION       | 12/08/2021   | Gartner Trovato Architects |

| <b>Waste Management Plan</b> |              |                    |
|------------------------------|--------------|--------------------|
| <b>Drawing No/Title.</b>     | <b>Dated</b> | <b>Prepared By</b> |

|                       |            |                            |
|-----------------------|------------|----------------------------|
| Waste Management Plan | 22/10/2020 | Gartner Trovato Architects |
|-----------------------|------------|----------------------------|

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.

**1A- Modification of Consent Mod2022/0230 - Approved Plans and supporting Documentation to read as follows:**

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

a) Modification Approved Plans

| <b><u>Architectural Plans - Endorsed with Council's stamp</u></b>                                                        |                     |                           |
|--------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------|
| <b><u>Drawing No.</u></b>                                                                                                | <b><u>Dated</u></b> | <b><u>Prepared By</u></b> |
| DA000, DA002, DA003, DA004, DA005, DA006, DA007, DA008, DA009, DA010, DA011, DA012, DA016, DA017, and DA018 (Revision 2) | 24/06/22            | Walsh Architects          |

| <b><u>Reports / Documentation – All recommendations and requirements contained within:</u></b> |                     |                                           |
|------------------------------------------------------------------------------------------------|---------------------|-------------------------------------------|
| <b><u>Report No. / Page No. / Section No.</u></b>                                              | <b><u>Dated</u></b> | <b><u>Prepared By</u></b>                 |
| Traffic Report                                                                                 | 14 April 2022       | Transport and Traffic Planning Associates |

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

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

| <b><u>Landscape Plans</u></b>           |                     |                           |
|-----------------------------------------|---------------------|---------------------------|
| <b><u>Drawing No.</u></b>               | <b><u>Dated</u></b> | <b><u>Prepared By</u></b> |
| NEO01-CD-003 (Issue D)                  | 07/07/22            | Sym Studio                |
| NEO01-CD-301 (issue C)                  | 07/07/22            | Sym Studio                |
| NEO01-CD-302 (Issue C)                  | 21/07/22            | Sym Studio                |
| NEO01-CD-303 and NEO01-CD-304 (issue B) | 24/06/22            | Sym Studio                |

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

***(Condition added in LEC Proceedings No. 2022/00113935)***

**1B- Modification of Consent Mod2023/0315 - Approved Plans and supporting Documentation to read as follows:**

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

## d) Modification Approved Plans

| <b>Architectural Plans - Endorsed with Council's stamp</b>                                             |              |                    |
|--------------------------------------------------------------------------------------------------------|--------------|--------------------|
| <b>Drawing No.</b>                                                                                     | <b>Dated</b> | <b>Prepared By</b> |
| DA000, DA003, DA004, DA005, DA007, DA008, DA009, DA010, DA011, DA012, DA013, DA014, DA015 (Revision 3) | 23/03/2023   | Walsh Architects   |
| DA006 (Revision 4)                                                                                     | 23/03/2023   | Walsh Architects   |
| DA002 (Revision 4)                                                                                     | 1/08/2023    | Walsh Architects   |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |              |                            |
|-----------------------------------------------------------------------------------------|--------------|----------------------------|
| <b>Report No. / Page No. / Section No.</b>                                              | <b>Dated</b> | <b>Prepared By</b>         |
| Traffic Report                                                                          | 13/02/2023   | Genesis Traffic            |
| BASIX Certificate                                                                       | 05/05/2023   | Eco Certificates Pty Ltd   |
| Noise Impact Assessment (RWDI # 2204455)                                                | 11/05/2023   | RWDI Australia Pty Limited |
| SEPP 65 Design Verification Statement (submitted with Mod2023/0315)                     | -            | Walsh Architects           |

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

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

| <b>Landscape Plans</b>                  |              |                    |
|-----------------------------------------|--------------|--------------------|
| <b>Drawing No.</b>                      | <b>Dated</b> | <b>Prepared By</b> |
| NEO01-CD-003 (Issue E)                  | 12/04/23     | Sym Studio         |
| NEO01-CD-301 (issue D)                  | 12/04/23     | Sym Studio         |
| NEO01-CD-302 (Issue D)                  | 12/04/23     | Sym Studio         |
| NEO01-CD-303 and NEO01-CD-304 (Issue C) | 12/04/23     | Sym Studio         |

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

**(Condition inserted in LEC Proceedings No. 2023/00160307)**

**1C- Modification of Consent Mod2023/0613 - Approved Plans and supporting Documentation to read as follows:**

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      |
| DA000, DA007, DA011 (Revision 5)                             | 02/02/2024 | Walsh Architects |
| DA003, DA004, DA005, DA008, DA009, DA010, DA012 (Revision 6) | 02/02/2024 | Walsh Architects |
| DA002, DA006 (Revision 7)                                    | 02/02/2024 | Walsh Architects |

| Reports / Documentation – All recommendations and requirements contained within: |            |                          |
|----------------------------------------------------------------------------------|------------|--------------------------|
| Report No. / Page No. / Section No.                                              | Dated      | Prepared By              |
| BASIX Certificate - 1150877M_06                                                  | 24/01/2024 | ECO CERTIFICATES PTY LTD |

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

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

**(Condition added in LEC Proceedings No. 2023/00341557)**

## 2. Compliance with Other Department, Authority or Service Requirements

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

| Other Department, Authority or Service | EDMS Reference                           | Dated      |
|----------------------------------------|------------------------------------------|------------|
| Ausgrid                                | Response Ausgrid Referral                | 15/12/2020 |
| Transport for NSW                      | Response TfNSW Referral (SYD20/01370/01) | 15/12/2020 |
| Water NSW                              | Response Water NSW Referral (DAS1132600) | 01/03/2021 |

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

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

## 3. Noise of operations

Noise emissions must not exceed the "Summary dBA Leq, 15min" values in table 5-3 of the noise report "20356A" by Wilkinson Murray Pty.

Reason: to protect amenity in-line with Protection of Environment Operations Act 1997, Noise Policy for Industry, and local DCP. (DACHPBOG6)

**(Condition deleted in LEC Proceedings No. 2023/00160307)**

### 3A. Noise of operations

Noise emissions must not exceed the "Summary dBA Leq, 15min" values in table 5-3 of the Noise Impact Assessment, dated 11<sup>th</sup> of May 2023, prepared by RWDI Australia Pty Limited.

Reason: To protect amenity in-line with Protection of Environment Operations Act 1997, Noise Policy for Industry, and local DCP.

**(Condition inserted in LEC Proceedings No. 2023/00160307)**

### 4. No Approval for any Signage

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2011 and State Environmental Planning Policy No. 64) **other than the building identification signage shown on the approved plans**. A separate Development Application for any signs (other than exempt and signs permitted under Complying Development **or as nominated on the approved plans**) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

**(Condition amended in LEC Proceedings No. 2023/00341557)**

### 5. Prescribed conditions (Demolition):

(a) 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 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
- (ii) 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.

(b) 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.

(c) 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.

Reason: Legislative Requirement.

## 6. 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.

## 7. Traffic Management

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by Council.

Reason: To ensure pedestrian safety and continued efficient network operation.

## 8. Temporary Dewatering

Discharge must achieve the following water quality targets in addition to any conditions/documentation of this consent, any requirements of the General Terms of Approval/Controlled Activity permit issued by DPI Water, and legislation including Protection of The Environment Operations Act 1997 and Contaminated Lands Act 1997.

| Parameter                    | Criterion    | Method                            | Time Prior to Discharge |
|------------------------------|--------------|-----------------------------------|-------------------------|
| Oil and grease               | None visible | Visual inspection                 | <1 hour                 |
| pH                           | 6.5- 8.5     | Probe/meter                       | <1 hour                 |
| Total Suspended Solids (TSS) | <50mg/L      | Meter/grab sample measured as NTU | <1 hour                 |

Note: The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.

Dewatering must not occur until the above water quality parameters are met.

All records of water discharges and monitoring results are to be documented and kept on site.

Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Tailwater must be discharged to a stormwater pit and not spread over any road, footpath and the like.

Reason: Protection of the receiving environment

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

- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

    - (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2018
    - (iv) Australian Standard AS1926 Swimming Pool Safety
    - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
    - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
  - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner

that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

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

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

#### 10. **Service Vehicle Area**

The area designated as manoeuvring areas must be kept clear of obstructions at all times. Vehicles must not be required to queue on public roads at any time.

Reason: To ensure compliance with Australian Standards and prevent obstructions to traffic flows.

#### 11. **Staff and Contractor Parking**

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the basement parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local parking amenity.

### **FEES / CHARGES / CONTRIBUTIONS**

#### 12. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$183,637.74 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$18,363,774.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

**13. Security Bond**

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

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

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

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

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

**14. Construction, Excavation and Associated Works Bond (Drainage works)**

The applicant is to lodge a bond of \$100000 as security against any damage or failure to complete the construction of stormwater drainage works in Collaroy Street and the kerb and gutter /footpath construction in Alexander Street as part of this consent.

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

Reason: Protection of Council's infrastructure.

**15. Construction, Excavation and Associated Works (Security Bond)**

A bond of \$50000 as security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site.

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

Reason: Protection of Council's infrastructure.

**16. Construction, Excavation and Associated Works Bond (Maintenance for civil works)**

The developer/applicant must lodge with Council a maintenance bond of \$40000 for the construction of 375mm concrete stormwater line in Collaroy Street and the kerb and

gutter/footpath pavement construction in Alexander Street. The maintenance bond will only be refunded upon completion of the six month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion for the stormwater works.

Reason: To ensure adequate protection of Council infrastructure.

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

### 17. On Slab Landscape Works

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall also be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping as proposed:

- i) 300mm for lawn
- ii) 600mm for shrubs
- iii) 1m for small trees

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

For all new residential works with two or more dwellings and mixed use developments the maintenance activity schedule shall incorporate an on-going maintenance plan that shall be submitted to the Certifying Authority outlining a program to monitor and replenish soil levels as a result of soil shrinkage over time.

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

### 18. Traffic Management and Control

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

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

### 19. Detailed Design of Stormwater Quality System

A certificate from a Civil Engineer, stating that the stormwater quality management system has been designed and the Council's Water Management Policy.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment

**20. ~~Car Parking Standards~~**

~~The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1:2004.~~

~~Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of a construction certificate.~~

~~Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.~~

***(Condition deleted in LEC Proceedings No. 2023/00160307)***

**20A. Car Parking Standards**

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1:2004 excluding 2.4.2 (c) for North-Western Garage Under Substation which is to be signposted as small car.

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of a construction certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

***(Condition inserted in LEC Proceedings No. 2023/00160307)***

**21. ~~Vehicular Swept Paths~~**

~~Vehicular manoeuvring paths must be provided to demonstrate all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.~~

~~Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the issue of the construction Certificate.~~

~~Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.~~

***(Condition deleted in LEC Proceedings No. 2023/00160307)***

**21A. Vehicular Swept Paths**

Vehicular manoeuvring paths must be provided to demonstrate all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.1:2004 -

Parking facilities - Off-street car parking excluding 2.4.2 (c) for North-Western Garage Under Substation which is to be signposted as small car.

Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the issue of the construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

**(Condition inserted in LEC Proceedings No. 2023/00160307)**

## **22. Construction Traffic Management Plan**

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

Due to heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The CTMP must address following:

- i The proposed phases of construction works on the site, and the expected duration of each construction phase
- i The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- i Make provision for all construction materials to be stored on site, at all times
- i The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- i The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- i The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- i Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- i Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- i Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- i The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure

- i Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- i Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- i The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- i Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- i The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- i Proposed protection for Council and adjoining properties
- i The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

### **23. Removal of Redundant Driveways**

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council prior to the issue of the Construction Certificate. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.

### **24. Vehicle Access & Parking**

All internal driveways, vehicle turning areas, garages and vehicle parking space/~~loading bay~~ dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

With respect to this, the following revision(s) must be undertaken to the parking allocation:

- i 69 residential spaces
- i 7 residential visitor spaces, which includes 1 car share space. The 7 residential visitor spaces must be line marked as “Residential Visitor Only”.

- i 14 ~~11~~ retail spaces
- i 2 motorcycle spaces

These amendment(s) must be clearly marked on the plans submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicle.

*(Condition modified in LEC Proceedings No. 2022/00113935)*

**25. Pedestrian sight distance at property boundary**

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To maintain pedestrian safety.

**26. Customer Spaces**

Customer parking spaces are to be separated from the residential component via a security facility. These spaces are to be free of permanent gates or security during work hours. This is not applicable where timed parking is proposed. Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure retail car parking spaces are accessible to customers.

**27. Building Code of Australia Assessment Report**

The Building Code of Australia Report for fire safety measures in respect to the proposed building as detailed and recommended in the Building Code of Australia Assessment Report prepared by BCA Logic, dated 29/10/2020 , Report Ref No. 112605 -BCA- r1 are to be taken into consideration as part of the assessment of the Construction Certificate

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

Reason: To ensure adequate provision is made for Fire safety for building occupant health and safety.

**28. Access for People with Disabilities**

Access and facilities to and within the proposed building is to be provided for Persons with a Disability in accordance with the Access Assessment Report prepared by BCA Logic, dated 29/10/2020, Reference no. 112605-Access-r1.

Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access and facilities to and within the building for Persons with a disability.

**29. On-site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT POLICY FOR DEVELOPMENT, and generally in accordance with the concept drainage plans prepared by Woolocotts , drawing number SW01 B, SW02 B, SW03 B, dated September 2021 and SW04 A, dated October 2020. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

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

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

**30. Submission Roads Act Application for Civil Works in the Public Road(Collaroy, Alexander Street and unnamed laneway)**

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of 375mm RCP stormwater line in Collaroy Street as detailed on the plan prepared by Woolacotts DRW No SW01 B dated October 2020 and generally in accordance with the Council's specification for engineering works - AUS-SPEC #1 and standard drawings.

Additionally the plans are also to detail the new kerb and gutter construction and the Alexander laneway reseal . The plan shall be prepared by a qualified civil engineer. The design must include the following information:

- 1) Location of all services in Collaroy Street by a licensed service locator where they cross the proposed stormwater line. The service levels are to be detailed on a stormwater line long section.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

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

**31. Tanking of Basement Level**

The basement area is to be permanently tanked. The Applicant is to submit structural details of the tanking, prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Environment and Heritage. The bore license must be obtained prior to commencement of dewatering works. All requirements of the NSW Office of Water are to be complied with and a copy of the approval must be submitted to the Certifying Authority. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

**32. Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

Reason: To facilitate suitable vehicular access to private property

**33. Flood Proofing of the Building**

To ensure the proposed development is not impacted by the potential flooding from overland flow and the Alexander Street / Pittwater Road intersection and in accordance with option 1 of the Stormwater Management and Overland Flow report prepared by Woolacotts Consulting Engineers, Flood gates to the entry points at all site access openings are to be installed.

The top of flood gate is to be equal to the Flood Planning Level (FPL). The flood gate system is also is to be certified by Woolacotts as fit for its intended use.

As detailed within Northern Beaches Council Local Environment Plan (LEP) 2011, The Flood Planning Level (FPL) is considered as the 1% AEP top water level + 500mm freeboard. Based on the ponding external to the site within the intersection. The FPL for the proposed site is to be RL 4.73.

Certification is to be provided by Woolacotts that the above requirement has been achieved and the flood gates are detailed on the architectural plans/structural plans to be submitted to the Principal Certifying Authority prior to issue of the construction certificate.

Reason: To ensure the development is protected from flooding.

**34. ~~Access to Waste Storage Rooms~~**

~~The service access door to the Collaroy Street bin storage area must swing outwards and away from the direction of travel to the street.~~

~~The service door to the bulky goods room must swing outwards and away from the direction of travel to the street.~~

~~Reason: To prevent doors obstructing free passage whilst removing waste from the property.~~

**(Condition deleted in LEC Proceedings No. 2022/00113935)**

**35. ~~Detailed review of noise~~**

~~A detailed review of noise emissions is to be conducted as per the recommendations in section 5.2 of the noise report "20356A" by Wilkinson Murray Pty. Total noise emissions must not exceed the "Summary dBA Leq, 15min" values in table 5-3.~~

~~Reason: to protect amenity in-line with Protection of Environment Operations Act 1997, Noise Policy for Industry, and local DCP. (DACHPCPCG6)~~

**(Condition deleted in LEC Proceedings No. 2023/00160307)**

**35A. Detailed Review of Noise**

A detailed review of noise emissions is to be conducted as per the recommendations in section 5.2 of the Noise Impact Assessment dated 11 May 2023, prepared by RWDI Australia Pty Limited. Total noise emissions must not exceed the "Summary dBA Leq, 15min" values in table 5-3.

Reason: to protect amenity in-line with Protection of Environment Operations Act 1997, Noise Policy for Industry, and local DCP. (DACHPCPCG6)

**(Condition inserted in LEC Proceedings No. 2023/00160307)**

**36. Pre-commencement Dilapidation Report**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

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

Reason: Protection of Council's infrastructure during construction.

**37. Compliance with Standards**

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

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

- (a) AS2601.2001 - Demolition of Structures\*\*
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- (e) AS 4970 - 2009 'Protection of trees on development sites'\*\*\*
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking\*\*
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- (l) AS 1428.1 - 2009\* Design for access and mobility - General requirements for access - New building work\*\*
- (m) AS 1428.2 - 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*

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

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

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

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

**38. External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

**38A. Privacy Screens**

The proposed privacy screens between the balconies of A301 and A302, as well as between C303 and D301 shall be 1.65 metres high (measured from finished floor level) and be of

fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

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

Reason: In order to maintain privacy to the adjoining / nearby property.

**(Condition inserted in LEC Proceedings No. 2023/00341557)**

**39. Waste and Recycling Requirements**

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

Note: If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

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

**39A. Vibration Management Plan**

a) A Vibration Management Plan is to be prepared by an appropriately qualified expert prior to the issue of the relevant Construction Certificate/amended Construction Certificate.

Reason: To minimise construction impacts on adjoining properties.

b) Any requirements or recommendations contained within The Vibration Management Plan prepared in accordance with Condition 39A a) are to be completed and maintained for the duration of construction works.

Reason: To minimise construction impacts on adjoining properties.

**(Condition inserted in LEC Proceedings No. 2023/00160307)**

**39B. Secant Piling**

A secant piling system is to be used for basement shoring construction where it immediately adjoins the common boundary with 1119 Pittwater Road, Collaroy unless it is determined by the project geotechnical and structural engineers that following additional subsurface investigation a more appropriate piling system should be adopted. Such system is to be signed off by the project geotechnical and structural engineers prior to the issue of the relevant Construction Certificate / amended Construction Certificate.

Reason: To ensure the adoption of the most appropriate piling system having regard to the known geotechnical characteristics of the site and to minimise construction impacts on the adjoining property.

**(Condition inserted in LEC Proceedings No. 2023/00160307)**

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT****40. Project Arborist**

A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with the Arboricultural Impact Assessment dated 17 October 2020 prepared by Jackson's Nature Works and Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection and ground protection.

The Project Arborist is to supervise all transplanting, demolition, excavation and construction works near all trees to be retained including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist.

All tree protection measures specified must:

- i) be in place before work commences on the site, and
- ii) be maintained in good condition during the construction period, and
- iii) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded including at commencement, during the works and at completion.

- Note:
- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
  - ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

**41. Tree Removal Within the Property**

This consent approves the removal of the following tree(s) within the property as recommended in the Arboricultural Impact Assessment dated 17 October 2020 prepared by Jackson's Nature Works:

- i) 1, 2, 3, 4, 6, 7, 10 & 11.
- ii) Transplanting of Tree 5

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised building works.

**42. Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work zones are monitored and installed correctly.

**43. Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

- i 1119 Pittwater Road, Collaroy;
- i 1113 Pittwater Road, Collaroy;
- i 1109 Pittwater Road, Collaroy
- i 1103 Pittwater Road, Collaroy
- i 6 Collaroy Street; Collaroy and
- i 7 Alexander Street, Collaroy

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage arising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

**44. Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK****45. Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected including:
  - i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation. For clarity, Trees 8 and 9 within the site as identified in the Arboricultural Impact Assessment dated 17 October 2020 prepared by Jackson's Nature Works are to be retained and Tree 5 is to be transplanted as indicated on the landscape plans.
  - ii) all trees and vegetation located on adjoining properties,
  - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
  - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
  - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist,
  - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
  - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
  - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by the Project Arborist on site,
  - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with the Project Arborist including advice on root protection measures,
  - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
  - viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
  - ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
  - x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
  - xi) the tree protection measures specified in this clause must:

- i) be in place before work commences on the site, and
- ii) be maintained in good condition during the construction period, and
- iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

#### **46. Substitution of Stormwater Treatment Measure**

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must be submitted to the Principal Certifying Authority for approval prior to installation.

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

#### **47. Dewatering Management**

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

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

To obtain a permit, the a dewatering management plan is to be provided and approved by Council's Catchment Team.

The dewatering management plan must be certified by a suitably qualified civil engineer who has membership of Engineers Australia and appears on the National Engineering Register (NER).

Reason: Protection of the receiving environment.

#### **48. Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the

CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

**49. Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

**50. Removing, Handling and Disposing of Asbestos**

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

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

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

**51. Survey Certificate**

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

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

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

**52. Progress certification Stormwater Works –Collaroy Street**

The applicant shall provide written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Council for the following stages of works:

- (a) Laying of stormwater pipes and construction of pits
- (b) Kerb and gutter construction

(c) Footpath paving blinding slab.

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

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

**53. Civil Works Supervision**

The Applicant shall ensure all civil works approved in the Section 138 Roads Act approval are supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

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

**54. Footpath Construction**

The applicant shall provide full width segmental paving in Alexander Avenue to match the existing pattern adjoining the site. The works shall be in accordance with the following:

(a) 100mm concrete base .

(b) All footpath works are to be constructed in accordance with Councils Standard Engineering Drawings.

(c) Council is to inspect the formwork prior to pouring of base concrete to ensure the works are in accordance with Councils Standard Engineering Drawings. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any occupation certificate.

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

**55. Notification of Inspections (infrastructure works to be handed over to Council)**

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

(b) Prior to backfilling of pipelines

(c) Prior to pouring of stormwater gully pits

(d) Prior to pouring of kerb and gutter

(e) Prior to pouring footpath paving blinding slab

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

Reason: To ensure new Council infrastructure is constructed in accordance with Auspec 1 Council's design and specification standards.

**56. Vehicle Crossings**

The Applicant is to construct one vehicle crossing 5.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal and the driveway levels application approval. 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.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

**57. Kerb and Gutter Construction / Laneway Reseal**

The Applicant is to reconstruct kerb and gutter along Alexander Street and the laneway frontage of the site in accordance with Northern Beaches Council Drawing No. A4 2276/A.

The laneway is to be resealed with a minimum 30mm layer of AC10.

Prior to the pouring of concrete, the works are to be inspected by Council and an approval issued.

The approval is to be submitted to the Principal Certifying Authority.

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

**58. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

**59. Requirement to Notify about New Contamination Evidence**

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

Reason: To protect human health and the environment.

**60. Management of Waste Materials**

All waste materials generated by the development during works are to be appropriately managed and stored on-site for transportation to, and, within an approved waste/recycling facility that is suitably licensed to receive and recycle/dispose of the wastes.

Reason: comply with NSW *Waste Classifications Guidelines*, *Protection of Environment Operations Act 1997*, and *Protection of Environment Operations (Waste) Regulation 2014*.

**61. Protection sites of significance**

Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

**62. Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan. Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

**63. Dewatering Management**

Discharge of tailwater must not occur until the above water quality parameters are met.

| Parameter                    | Criterion  | Method                            | Time Prior to Discharge |
|------------------------------|------------|-----------------------------------|-------------------------|
| Oil and grease               | No visible | Visual inspection                 | <1 hour                 |
| pH                           | 6.5- 8.5   | Probe/meter                       | <1 hour                 |
| Total Suspended Solids (TSS) | <50mg/L    | Meter/grab sample measures as NTU | <1 hour                 |

*NOTE: The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.*

All records of water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted.

Reason: Protection of the receiving environment.

**64. Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan dated 22 October 2022.

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

**65. Waste/Recycling Requirements (Materials)**

During demolition and/or construction the following materials are to be separated for recycling:

timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

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

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

### 66. Required Tree Planting

a) Trees and palms shall be planted in accordance with Landscape Plans Dwg Nos. L-01, -02, -03, -04 Issue A1 dated 12/08/2021 prepared by Gartner Trovato :

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

**Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Government's 5 Million trees initiative**

<https://5milliontrees.nsw.gov.au/>

Reason: To maintain environmental amenity.

### 67. Landscape completion certification

Condition:

Landscaping is to be implemented in accordance with the approved Landscape Plans.

a) Prior to the issue of an Occupation Certificate, a landscape report prepared by a qualified horticulturalist, landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.

b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a qualified horticulturalist, landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been established and maintained in accordance with the approved landscape plan.

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

### 68. Condition of Retained Vegetation - Project Arborist

Prior to the issue of any Occupation Certificate a report prepared by the project arborist shall be submitted to the Certifying Authority assessing the health and impact on all existing trees required to be retained including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection.

### 69. Certification for the Installation of Stormwater Quality System

A certificate from a Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate, stating that the stormwater quality

management system has been installed in accordance with the Construction Certificate approved plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and not impacted by sediment. ~~and Council's Water Management Policy.~~

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Occupation ~~Construction~~ Certificate.

Reason: Protection of the receiving environment.

**(Condition amended in LEC Proceedings No. 2023/00160307)**

**70. Positive Covenant for Stormwater Quality System**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater quality system in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Quality Operation and Maintenance Plan.

The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Council), at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. The Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

**71. Registration of Encumbrances for Stormwater Quality System**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for stormwater quality system as to user is to be submitted.

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

Reason: To identify encumbrances on land.

**72. Restriction as to User for Stormwater Quality System**

A restriction as to user shall be created on the title over the stormwater quality system, restricting any alteration to system. The terms of such restriction are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Council prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval.

**73. Stormwater Quality Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure proposed stormwater quality

system remain effective.

The Plan must contain the following:

- a) Maintenance schedule of all stormwater quality treatment devices
- b) Identification of maintenance and management responsibilities
- c) Maintenance requirements for establishment period
- d) Routine maintenance requirements
- e) Inspection and maintenance record and reporting
- f) Funding arrangements for the maintenance of all stormwater quality treatment devices
- g) Vegetation species list associated with each type of vegetated stormwater treatment device
- h) Waste management and disposal
- i) Traffic control measures (if required)
- j) Maintenance and emergency contact information
- k) Renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices
- l) Work Health and Safety requirements

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

**74. Works as Executed Drawings - Stormwater Quality System**

Works as Executed Drawings for the stormwater quality system must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

**75. Installation of Water Efficient Fittings**

Water Efficiency Labelling and Standards (WELS) Scheme rated fittings must be installed to comply with the BASIX Certificate as listed in Condition 1 of this consent.

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate demonstrating compliance with this condition.

Reason: To conserve potable water.

**76. Installation of Rainwater Tanks**

Rainwater tanks shall comply with the following:

- a) Be fitted with a first-flush device that causes initial rainwater run-off to bypass the tank and must drain to a landscaped area. The first flush device will not be permitted to connect to the stormwater system

- b) Have a sign affixed to the tank stating the contents is rainwater
- c) Be constructed or installed in a manner that prevents mosquitoes breeding, such as the use of mesh to protect inlets and overflows
- d) Have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners
- e) Pumping equipment must be housed in a soundproof enclosure
- f) Where the rainwater tank is interconnected to a reticulated water supply, it must be installed in accordance with Plumbing Code of Australia, particularly backflow/cross connection prevention requirements

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To conserve potable water.

**77. Shared Zone Bollard**

A bollard is to be provided at the shared zone between disabled spaces in accordance to Australian Standards AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

**78. Operational Management Plan**

An Operational Management Plan (OMP) is required to be prepared and submitted to Council detailing the operation of the development. The OMP shall include, but not be limited to the following:

- i Vehicle access and egress.
- i Through-site circulation of vehicle movements.
- i Management of car parking areas.
- i The location and content of directional signage.
- i Complaints management.
- i Noise management.
- i Truck delivery times and methods of control to manage the sequencing of the loading docks.
- i Waste management.

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

Reason: To ensure that the development operates with minimum disruption to the surrounding area.

**79. Footpath Construction**

The footpath, in accordance to Council's standard specifications, shall be constructed along the property frontage to Council's satisfaction. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To provide pedestrian access to and from the property.

**80. Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

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

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

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

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

**81. Reinstatement of Kerb**

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

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

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

**82. Positive Covenant and Restriction as to User for Flood Gate Protection System**

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

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the Flood gate protection system within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for the Flood gate protection system as to user is to be submitted.

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

Reason: To ensure the flood gate protection system is maintained to an appropriate operational standard.

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

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

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

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

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

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

**84. Post-Construction Dilapidation Report (Major Development)**

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

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

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

**85. Flood Proofing of the Building**

Certification is to be provided by Woolacotts Consulting Engineers that the installed flood proofing system has been achieved the requirements of the Woolocotts Stormwater Management and Overland Flow report dated October 2020. The Flood gates are detailed on work as executed plans and the certification is to be provided to the Principal Certifying Authority prior to issue any Occupation certificate.

Reason: To ensure the development is protected from flooding.

**86. Documentation of Waste Materials**

Documented evidence of appropriate recycling/disposal of all of the waste materials generated by the development during works (i.e. weighbridge dockets/transportation invoices) are to be retained on-site for the duration of the development and submitted to the Principal Certifying Authority with the application for the final Occupation Certificate.

Reason: proof of compliance with the *Waste Classification Guidelines*, and appropriate disposal of any solid waste materials.

**87. 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)

**88. Garbage and Recycling Facilities**

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

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

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

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

**89. 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)

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

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines

([https://auspost.com.au/content/dam/auspost\\_corp/media/documents/Appendix-01.pdf](https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-01.pdf)).

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

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

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

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

Reason: To ensure consistent numbering for emergency services access.

**91. Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

**92. 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 authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

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

**93. Waste and Recycling Facilities Certificate of Compliance**

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

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

Reason: To ensure waste and recycling facilities are provided.

**94. Waste/Recycling Compliance Documentation**

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

Reason: To ensure waste is minimised and recycled.

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

A positive covenant shall be created on the title of the land prior to the issue of an Interim/Final Occupation Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

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

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES****97. Maintenance of Stormwater Treatment Measures**

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Reason: Protection of the receiving environment.

**98. Vehicle Parking**

The car parking area shown on the approved drawings must be used for vehicle parking only. Loading and unloading of vehicles and delivery of goods to the land must be carried out within the site. Any loading or unloading of materials of potential environmental damage must be appropriately bundled with adequate spill response equipment in place to ensure nil runoff from the site.

Reason: To ensure the safety and amenity of the general public using public streets, and to ensure the protection of the environment from spillage of materials.

**99. Landscaping adjoining vehicular access**

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1,140mm

Reason: To maintain unobstructed sight distance for motorists.

**100. Encroachments**

At no time shall the fixed glass brick elements on the western elevation adjacent to Council's public carpark at 6 Collaroy St and shown on Drawings DA-05, DA-06 & DA-14 all Revision A be converted to openable windows.

Reason: To ensure there is no future encroachment of elements of the building onto Council's adjacent community classified land which would contravene the provisions of the *Local Government Act 1993*.

**(Condition amended in LEC Proceedings No. 2022/00113935)**

**a. Landscape maintenance**

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched,

watered and fertilized as required at the time of planting.

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

Reason: To maintain local environmental amenity.

#### **b. Visitors 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 the Occupation Certificate.

**Reason:** To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors.

#### **c. Commercial Waste Collection (DACPLG18)**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.(DACPLG18)

#### **d. Commercial Waste and Recycling Storage**

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed.

#### **e. Loading and Unloading**

All loading and unloading of vehicles and the delivery of goods must be carried out wholly within the site.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

#### **f. Deliveries**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 8pm and 7am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

#### **g. Commercial Waste and Recycling Storage**

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed. (DACPLG25)

#### **h. The Through Site Link**

The through site link is to be publicly accessible. Should it be considered necessary to restrict public access for security reasons public access is to be maintained between the hours of 7am and 7pm daily.

Reason: to ensure the through site link to for use of public.