



**Land and Environment  
Court**  
of New South Wales

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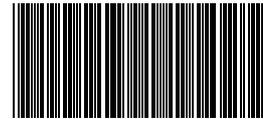
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Your Ref:



D0001JQKSM

5 April 2022

### NOTICE OF ORDERS MADE

Case number      2021/00317705  
Case title        Leda Holdings Pty Ltd v Northern Beaches Council

On 5 April 2022 the following orders (and/or directions) were made:

The Court orders that:

- (1) The Applicant is to pay the Respondent's costs thrown away as a result of the amendment of Development Application DA2021/0139, in the amount of \$5,000 pursuant to s 8.15(3) of the Environmental Planning and Assessment Act 1979.
- (2) The Applicant's written request prepared by Gyde Consulting Pty Ltd, dated 2 February 2022 pursuant to cl 4.6 of the Warringah Local Environmental Plan 2011, seeking to vary the height of buildings development standard in clause 4.3 of that plan, is upheld.
- (3) The Appeal is upheld.
- (4) Development consent is granted to Development Application DA2021/0139 for demolition works and the construction of a mixed-use building accommodating 9 self-storage units and 27 industrial units, including carparking and landscaping works at 2 Cross Street, Brookvale subject to the conditions in Annexure A.

For the Registrar

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA2021/0139

**Development:** Demolition works and construction of a mixed-use building accommodating 9 self-storage units and 27 industrial units including carparking and landscape works

**Site:** Lot 100 DP 817162, 2 Cross Street BROOKVALE NSW 2100

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 5 April 2022.

**Date from which consent takes effect:** Date the consent is registered on the NSW Planning Portal.

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 100 DP 817162, 2 Cross Street BROOKVALE NSW 2100.

The conditions of consent are as follows:

## 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>
200826 DA-104 Issue 6 - Site Plan Demolition	28.9.2021	Pace Architects
200826 DA-200 Issue 7 - Site Plan Proposed	9.11.2021	Pace Architects
200826 DA-201 Issue 18 - Ground Floor Plan	21.2.2022	Pace Architects
200826 DA-202 Issue 13 - Mezzanine 1 Floor Plan	9.11.2021	Pace Architects
200826 DA-203 Issue 17 - Level 1 Floor Plan	21.2.2022	Pace Architects
200826 DA-204 Issue 11 - Mezzanine 2 Floor Plan	21.2.2022	Pace Architects
200826 DA-205 Issue 10 - Roof Plan	21.2.2022	Pace Architects
200826 DA-600 Issue 12 - Elevation SHT1 (including Signage and Material Finishes)	21.2.2022	Pace Architects
200826 DA-601 Issue 11 - Elevation SHT2 (including Material Finishes)	21.2.2022	Pace Architects
200826 DA-650 Issue 11 - Sections SHT1	21.2.2022	Pace Architects
200826 DA-903 Issue 1 - Substation	28.9.2021	Pace Architects
<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
010 Revision F Specification Note Sheet 1	29.9.2021	Tonkin
011 Revision F Specification Note Sheet 2	29.9.2021	Tonkin
012 Revision F Specification Note Sheet 3	29.9.2021	Tonkin
101 Revision G Erosion and Sediment Control Plan	1.3.2022	Tonkin
111 Revision F Erosion and Sediment Control Details	29.9.2021	Tonkin
301 Revision G Stormwater management Plan Ground Floor	1.3.2022	Tonkin

302 Revision F Stormwater Management Plan Level 1	29.9.2021	Tonkin
401 Revision G Siteworks Plan	1.3.2022	Tonkin
601 Revision F Typical Details	29.9.2021	Tonkin
<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report Title / No.</b>	<b>Dated</b>	<b>Prepared By</b>
BCA Assessment Report2020/2885 R1.2	December 2020	Steve Watson Partners
Geotechnical Investigation26128Vrpt-Brookvale	23.11.2012	JK Geotechnical
Access Report	17.12.2020	Morris Goding Access Consulting
Flood Management Report 201224R001 Rev C	10.2.22	Tonkin
Preliminary (Stage 1) Site Investigation E26128Krpt	November 2012	JK Geotechnics
Additional (Stage 2) Site Investigation E26128Krpt2	February 2013	EIS
Letter re. land slide risk	23 March 2022	JK Geotechnics
200826 DA-902 Issue 6 3D Perspective SHT 2 (including architectural elements depicted)	9.11.2021	Pace Architects
Traffic Impact Assessment supplementary letter	23.2.2022	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>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
200826-LA-01 Issue D Landscape Plan and Deep Soil Plan*	23.2.2022	Peter Lawson Landscape Architect

\*refer to conditions.

<b>Waste Management Plan</b>		
<b>Report / Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan - 2 Cross Street	18.12.2020	Leda Holdings

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.

## 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:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Response Ausgrid Referral	18.3.2021

(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. Approved Land Use

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond use of the building accommodating 9 "self-storage units" and 27 "industrial units".

- a) A storage premises is defined as:

*"a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.*

- The occupation of the approved 9 "self-storage units" does not require further development consent where no hazardous, restricted or potentially contaminating / dangerous goods are to be stored.
- b) The approved "industrial units" are permitted to cater for only "light industrial" activity.

Light Industrial activity is defined as:

*"means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following: (a) high technology industry, (b) home industry, (c) artisan food and drink industry.*

- The first use, fit-out and occupation of the approved 27 "industrial units" will not require further development consent if there is no associated "industrial retail outlet" component and no added or larger external signage structures to that shown on the approved plans.

(Development is defined by the Warringah Local Environment Plan 2011 (as amended) Dictionary)

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

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

#### 4. **Signage**

Approval is granted under this Development Consent for signs shown on the approved plans that may be interchanged / replace for the same or similar style.(as defined under Warringah Local Environment Plan 2011 and State Environmental Planning Policy No. 64). A separate Development Application

for any additional signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

## **5. No Approval for any Signage above the parapet / roof line**

No approval is granted under this Development Consent for the erection of any advertising or business identification signage located above the roof/parapet line. All signage above the roof/parapet shall be deleted.

Reason: Compliance with Warringah Local Environment Plan.

## **6. Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) Where applicable, 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) Where applicable, all 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. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
- o 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.

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

## **FEES / CHARGES / CONTRIBUTIONS**

### **8. Policy Controls**

#### Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$92,837.44 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 \$9,283,744.00.

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.

## 9. **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.

## 10. **Construction, Excavation and Associated Works Security Bond (Road)**

The applicant is to lodge a bond with Council of \$50,000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent. The bond will be held until the satisfactory submission of the Post-Construction Dilapidation Report and rectification of any damages to the satisfaction of Council.

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.

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

The applicant is to lodge a bond of \$90,000 as security against any damage or failure to complete the construction of stormwater drainage works 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.

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

### **12. Flooding**

In order to protect property and occupants from flood risk the following is required:

#### i) Flood Effects Caused by Development – A2

The driveway along the western boundary is to be graded smoothly so that it is free draining towards the street. Levels are to be no higher than the spot height elevations indicated on Drawing 401, Rev G.

#### ii) Building Components and Structural Soundness – B2

Development must be designed to ensure structural integrity up to the Flood Planning Level of 11.38m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

#### iii) Building Components and Structural Soundness – B3

Electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 11.38m AHD.

#### iv) Floor Levels – C1

Floor levels within the development shall be set at or above the Flood Planning Level of 11.38m AHD .

v) Car parking – D6

All access, ventilation and any other potential water entry points, including entry ramp crests to the basement car park shall be at or above the Flood Planning Level of 11.38m AHD.

vi) Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level of 11.38m AHD unless adequately protected from floodwaters in accordance with industry standards.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

### **13. 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.

### **14. 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 Traffic Team prior to issue of any Construction Certificate.

Due to heavy traffic congestion throughout the area in peak shopping periods, truck movements will be restricted during peak traffic times on Cross and Green Streets

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- 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
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- 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
- 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
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- 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 Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- 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

- 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
- 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
- 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
- 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
- Proposed protection for Council and adjoining properties
- 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.

## **16. Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with

setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

#### **17. On-site Stormwater Disposal Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater disposal in accordance with Northern Beaches Council's WATER MANAGEMENT FOR DEVELOPMENT POLICY, and generally in accordance with the concept drainage plans prepared by Tonkin, Project Number 201224, Rev G and dated 01/03/2022. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer.

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.

#### **18. Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer.

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

Reason: To provide public and private safety.

#### **19. 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 (NSW). 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.

## 20. Stormwater Drainage Application

The applicant is to provide a stormwater drainage application under "Section 68" of the Local Government Act 1993 (NSW) to Northern Beaches Council (Council) for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the pipeline connection which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1. The form can be found on Council's website.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

## 21. Contamination Materials

Prior to the issue of a Construction Certificate the following plans are to be prepared by suitably qualified persons and submitted to the certifier for approval:

- i) An Acid Sulfate Soil Management Plan be prepared for the proposed excavation. Additional intrusive works and soil testing may be required at deeper soil profiles to determine appropriate liming rates;
- ii) A friable Asbestos Management Plan be prepared for the proposed development to document the removal of asbestos contaminated fill material and address Work Health and Safety issues during site works;

- iii) A Remediation Action Plan (RAP) be prepared for the removal of any underground storage tank (UST). The RAP should include a contingency plan that can be implemented if any additional USTs or unexpected sub-surface structures are encountered;
- iv) A Hazardous Materials Assessment (Hazmat) be undertaken for the existing buildings

N.B. Plans are to be in accordance with the report by Environmental Investigation Services in their 2nd report Feb 2013 (supplementary to their preliminary site assessment report - November 2012)

Reason: To ensure environmental safeguards are in place before any work commences on site.

## **22. Demolish Work, Excavation and Construction Noise**

Adjoining neighbouring affected property occupiers are to be notified at least seven (7) days in advance before the commencement of works so alternative arrangements can be made to minimise disturbance to normal business operations.

The builder is to make a contact phone number available to neighbours to manage any complaints and to keep a register of complaints received and their resolutions.

Reason: To minimise disturbance to neighbouring businesses during critical noise events.

## **23. Pre-Construction Stormwater Assets Dilapidation Report**

The Applicant is to submit a pre-construction / demolition Dilapidation Survey of Council's Stormwater

Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available in Council web site.

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure.

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

### **24. 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 Control Plan for standing of construction vehicles in a trafficable lane.

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

### **25. Road Occupancy Licence**

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works on the road carriageway within 100m of a signalised intersection or that may impact on traffic flows through a signalised intersection.

Reason: Requirement of TMC for any works that impact on traffic flow.

### **26. Demolition Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by an suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

Due to heavy traffic congestion throughout the area in peak shopping periods, truck movements will be restricted during peak traffic times on Cross and Green Streets

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.

- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP 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. These communications must be documented and submitted to Council prior to work commencing on site.
- Specify spoil management process and facilities to be used on site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.
- The DTMP 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 Demolition Traffic Management Plan is submitted.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

## 27. 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, both internally and externally, including walls, ceilings, roof, structural members and other similar items of the properties listed below:

- No.4 Cross Street, Brookvale;
- No. 15 Cross Street, Brookvale;
- Any other private property assets likely to be affected near side boundaries / demolition work.

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.

Any properties in the same ownership as the person/s or entities who are the owners of the land subject to this consent will not require reports.

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 rising 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.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### 28. Protection of Existing Street Trees

- a) All existing street trees in the vicinity of the works shall be retained during all construction stages and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard

4687-2007 Temporary Fencing and Hoardings and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

- b) As a minimum, the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.
- c) All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.
- d) Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

## 29. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected including:
  - i. all trees and vegetation within the site not indicated for removal on the approved plans, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
  - 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 an Arborist with minimum AQF Level 5 in arboriculture,

- iii. removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- 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 an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi. excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures, vii) should either or all of v), vi) and
- vii. occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture 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.

### **30. Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work. Any damages of Council's assets must be replaced and restored in accordance with Council's specifications.

Reason: Public safety.

### **31. Implementation of Demolition Traffic Management Plan**

All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP 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 DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

### **32. 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.

### **33. 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.

### **34. Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, 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.

### **35. Property Boundary Levels**

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

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

Reason: To maintain the existing profile of the nature strip/road reserve.

### **36. Stormwater Disposal**

The Applicant shall submit a certificate from a suitably qualified person that the stormwater drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes.

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

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

### **37. Traffic Control Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with NSW "Roads & Maritime Service Traffic Control At Work Sites Manual" and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

### **38. Vehicle Crossings**

The Applicant is to construct 1 vehicle crossing 7 metres wide in accordance with Northern Beaches

Council Drawing No A4-3330/1 N 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.

### **39. Requirement to Notify about New Contamination Evidence**

Any new information revealed during demolition or excavation 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.

### **40. Dust Control**

Dust control measures including best practice, and in accordance with *NSW Workplace Health and Safety Regulations* and the *Protection of the Environment Operations Act 1997*, shall be implemented to minimise dust to neighbouring residents and businesses and ensure any airborne substance is kept within the boundaries of the site. Measures may include but not be limited to:

- Water sprays
- Bunker storage
- Limiting size of stockpiles and covering stock piles
- Vertical barriers e.g. fencing with fine mesh attached
- Exhaust and capture

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

Reason: To minimise dust to neighbouring residents and businesses and avoid air pollution.

### **41. Site Dewatering during works**

Any excavation dewatering where required shall include sediment and acid soil controls to the design of a suitably qualified person.

Details demonstrating compliance are to be submitted to the Certifying Authority

Reason: To ensure water pollution does not occur.

#### **42. During demolishing excavation works**

As recommended by *Environmental Investigation Services* report inspections during demolition and excavation works must be undertaken to assess any unexpected conditions or subsurface facilities that may be discovered between investigation locations. This should facilitate appropriate adjustment of the works programme and schedule in relation to the changed site conditions. Inspections should be undertaken by experienced environmental personnel.

Inspections shall confirm compliance with plans required as a condition of this approval (prior to issue of a Construction Certificate) for Acid Sulfate Soil Management; Asbestos Management; Remediation Action Plan (RAP); and the Hazardous Materials Assessment (Hazmat).

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

Reason: To ensure ongoing management of potential environmental hazardous and potential pollution

#### **43. Off-site Disposal of Contaminated Soil - Chain of Custody**

'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and Council within seven (7) days of transport.

Reason: Protection of environment.

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

### 44. Street Tree Planting

a) Street trees shall be planted within the road reserve verge in accordance with the following:

i) 3 x *Lophostemon confertus*; Cross Street Road reserve forward of the property, suitably spaced for any ground structures, approximately between 6 metres (m) to 9m apart, and centralised within the existing grass between the existing kerb and footpath.

ii) 6 x *Tristaniopsis laurina* 'Luscious'; Green Street Road reserve forward of the property, suitably spaced for any ground structures, approximately between 6m to 9m apart, and centralised within the existing grass between the existing kerb and footpath.

b) The first street trees planted in Green Street and Cross Street are to be planted 15m along from the Green Street / Cross Street intersection to maintain clear sight lines at the intersection.

c) All street trees shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees.

d) All street trees shall be planted into a prepared planting hole measuring a minimum 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained including a four post and top and mid rail timber tree guard and watered until established.

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

Reason: To maintain environmental amenity.

### 45. Landscape Completion

Landscape works are to be implemented in accordance with Landscape Plan 200826-LA-01 issue D prepared by Peter Lawson Landscape Architect, and inclusive of the following conditions:

- a) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, and planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established,
- b) all tree planting within the property shall be located at least 1.0 metre from the property boundaries, a minimum of 3.0 metres from buildings, and located within prepared garden bed, and the total of trees planted within the front setback shall be in accordance with the Landscape Plan and the Plant Schedule including species and quantities,
- c) the front setback landscape area shall be mass planted consisting of shrubs and groundcovers in accordance with the Landscape Plan and the Plant Schedule including species, quantities and container sizes.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

#### **46. Certification of the Structural Stability of the Building (B2)**

A suitably qualified structural engineer is to certify the structural stability of the new development considering lateral flood flow, buoyancy, suction effects, wave action and debris load impact up to the Flood Planning Level (FPL) of 11.38m AHD

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

#### **47. Certification of Services (B3)**

A suitably qualified electrical engineer or contractor is to certify that all electrical equipment, power points, wiring, fuel lines, sewerage systems

or any other service pipes and connections are waterproofed and/or located above the Flood Planning Level of 11.38m AHD.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

#### **48. Ground Floor Car Parking (D6)**

A registered surveyor is to certify that all access, ventilation and any other potential water entry points, including entry ramp crests to the ground floor car park have been constructed at or above the Flood Planning Level of 11.38m AHD.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

#### **49. Signage and Line Marking – External**

A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be

prepared by a suitably qualified person and submitted to and approved by the Local Traffic Committee prior to the issue of any Occupation Certificate.

The plans shall include details of No Right Turn signs preventing right turns for inbound traffic movements to the development's Cross Street driveway

Note: The applicant is advised that as the plan will require approval by the Local Traffic Committee adequate time (min 6 weeks) should be allowed for this process.

Reason: To ensure relevant approvals are obtained.

#### **50. Signage and Line Marking – Implementation**

The applicant is to install all signage and line marking, as per any Roads Act approval. These works are to be completed prior to the issue of any Occupation Certificate.

Reason: To ensure compliance with the Road Act.

## 52. Maximum Truck Size

The maximum size of vehicle that shall access the development is a Medium Rigid Vehicle. Signage shall be erected and maintained in place at the Cross Street driveway to alert trucks that vehicles in excess of 8.8m in length cannot access the site.

Reason: trucks over 8.8m cannot circulate through the site

## 53. Disabled Parking Spaces

Where disabled parking spaces are provided they must be in accordance with 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.

## 54. 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.

## 55. 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:

- Vehicle access and egress.
- Through-site circulation of vehicle movements.

- Management of car parking areas.
- The location and content of directional signage.
- Complaints management.
- Noise management.
- Truck delivery times and methods of control to manage the sequencing of the loading docks.
- 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.

#### **56. Convex Mirror at Ramps**

One (1) convex mirror is to be installed and maintained at the curved ramp leading from the ground floor to level 1. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To minimise vehicular conflicts at ramps.

#### **57. 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 Occupation Certificate.

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

#### **58. Certification of Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Council pipeline or easement. The Applicant is to ensure footings of any new development within this development consent adjacent to an easement or pipeline are to be designed in accordance with Northern Beaches Council's Water Management For Development Policy.

Details and certification prepared by a suitably qualified Structural Engineer demonstrating compliance are to be submitted to Council for approval. Council's approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure

**59. Post-Construction Stormwater Assets Dilapidation Report (Council stormwater assets)**

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available in Council Web Site.

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

**60. Creation of the Easement**

A 3 metres wide drainage easement must be creation on the western side of the boundary. The easement is to be created under section 88B and/ or 88K of the Conveyancing Act 1919 (NSW).

Northern Beaches Council shall be nominated as a party to release, vary or modify the easement.

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

Reason: Protection of Council's infrastructure

**61. Site Contamination Supervision**

Suitably qualified persons shall confirm compliance of all works with plans required as a condition of this approval required prior to issue of a Construction Certificate) for Acid Sulfate Soil Management; Asbestos Management; Remediation Action Plan (RAP); and the Hazardous Materials Assessment (Hazmat).

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

Reason: To ensure that upon completion of all works Environmental compliance has been achieved.

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

### **62. Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

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 and any conditions of consent.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

### **63. Car and Delivery vehicle parking**

The car parking & loading dock areas shown on the approved drawings must be used for vehicle and delivery vehicle parking only. Loading and unloading of vehicles and delivery of goods to the land must be carried out within the site. Miscellaneous items are not to be stored / kept within approved parking and loading areas where those items will obstruct daily use of those spaces.

Reason: To ensure the safety and amenity of the general public using public streets, and to prevent on street congestion

### **64. Sight lines within carparks**

The required sight lines to pedestrians and other vehicles in and around the carpark and entrance(s) are not to be obstructed by landscaping or signage.

Reason: To maintain unobstructed sight distance for motorists.

**65. Parking space enclosure**

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

**66. Illumination Intensity and design**

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties.

**67. No Illumination**

No consent is given or implied for any form of illumination or floodlighting to any sign or building or other external areas other than that approved.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties.

END OF CONDITION