

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA2020/1351

Development: Demolition works and construction of shop-top housing

Site: Lot 5 DP 229309, 1 Bilambee Lane BILGOLA PLATEAU NSW 2107

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

Date of determination: 10 November 2021

Date from which consent takes effect: 10 November 2021

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 5 DP 229309, 1 Bilambee Lane BILGOLA PLATEAU NSW 2107.
- (d) All headings form part of this consent.

The conditions of consent are as follows:

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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-0100 - REV G - General Arrangement	Oct 21	Benson McCormack Architecture

- Level B2 Plan		
DA-0101 - REV G - General Arrangement - Level B1 Plan	Oct 21	Benson McCormack Architecture
DA-0102 - REV G - General Arrangement - Ground Floor	Oct 21	Benson McCormack Architecture
DA-0103 - REV G - General Arrangement - Level 1 Plan	Oct 21	Benson McCormack Architecture
DA-0104 - REV G - General Arrangement - Level 2 Plan	Oct 21	Benson McCormack Architecture
DA-0105 - REV G - General Arrangement - Roof Plan	Oct 21	Benson McCormack Architecture
DA-0200 - REV G - Elevations - North Elevation	Oct 21	Benson McCormack Architecture
DA-0201 - REV G - Elevations - South Elevation	Oct 21	Benson McCormack Architecture
DA-0202 - REV G - Elevations - East Elevation	Oct 21	Benson McCormack Architecture
DA-0203 - REV G - Elevations - West Elevation	Oct 21	Benson McCormack Architecture
DA-0300 - REV G - Sections - Section AA	Oct 21	Benson McCormack Architecture
DA-0301 - REV G - Sections - Section BB	Oct 21	Benson McCormack Architecture
DA-0302 - REV G - Sections - Section CC	Oct 21	Benson McCormack Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Mechanical Plant Nosie Assessment Report No. nss23254 - Final	September 2020	Nosie and Sound Services
Arboricultural Impact Assessment	09/06/2020	Advanced Treescape Consulting
Construction Management Plan	No date	DreamBuild

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:

Landscape Plans		
Drawing No.	Dated	Prepared By
LS01 - Issue E - Landscape - Ground Level, Public Domain Plan	19.10.21	Melissa Wilson Landscape Architects
LSO3 - Issue E - Landscape - Level 2 Planters	19.10.21	Melissa Wilson Landscape Architects

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	September 2020	Benson McCormack Architecture

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:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	4/12/2020

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website 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.

2A Future use of Retail A and Retail B and associated areas

(a) This consent is the first consent for the approved development on the land. It does not approve any use of the Retail A and Retail B areas ("the Retail Areas") or any use (including any tables and chairs) of any pedestrian areas of the land outside of and adjoining the Retail Areas including both land within the site and any Council owned land ("the Adjoining Retail Areas"). A separate development consent must be obtained for any use of each of these areas and in accordance with the definition of shop top housing in Pittwater LEP 2014 any such use must be for retail premises or business premises. This means this consent does not permit any "current use" for the Retail Areas and the Adjoining Retail Areas as referred to in relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ('the Codes SEPP'). Also relevant for the Codes SEPP is that each of the Retail Areas have potential capacities for more than 50 seats.

(b) The use of any of the Adjoining Retail Areas for outdoor seating, eating or dining must be the subject of a separate development consent and for any Council owned land the subject of a Roads Act 1993 approval.

(c) The area of the land fronting Bilambee Ave and Bilkurra Avenue being the subject of the public easement referred to in condition 60A is to be a permanent public thoroughfare area (subject to the terms of the easement as referred to in condition 60A).

(d) The conditions of this consent are, for the purposes of the Retail Areas and the Adjoining Retail Areas and the Codes SEPP, to be regarded as existing conditions of the most recent development consent (other than a complying development certificate) that apply to these premises together with the following conditions:

- (i) Hours of operation – 8.00 am to 8.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holidays.
- (ii) Loading- All loading and unloading for any use of the Retail A and Retail B Areas to be confined to the loading bay to be constructed in Bilambee Ave as referred to in condition 13 . No loading or unloading in Bilkurra Ave or Billambee Lane.

- (iii) Parking – No parking in Bilkarra Ave (on the side of the development).

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) The development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (being the revision of certificate number 1136015M dated 21 October 2021). 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 Certifier 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 Certifier 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 Certifier 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.

4. 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,
- 8.00am to 1.00pm Saturdays
- 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, or
 - 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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$68,104.08 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 \$6,810,408.00.

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 Certifier 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

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.

6. Security Bond

A bond (determined from cost of works) of \$50,000 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 (including any road) 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 Certifier 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).

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

7. Construction, Excavation and Associated Works Security Bond (Road and footpath works)

The applicant is to lodge a bond with Council of \$ 140,000 as security against any failure to complete the construction of footpath paving/landscaping, kerb and gutter road pavement/shoulder reconstruction works as part of this consent.

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

Reason: Protection of Council's infrastructure.

8. Construction, Excavation and Associated Works Bond (Maintenance for Road and Footpath works)

The developer/applicant must lodge with Council a maintenance bond of \$50,000 for the construction of the footpath paving/landscaping, kerb and gutter and road shoulder works. 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.

Reason: To ensure adequate protection of Council infrastructure.

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

9. Stormwater Disposal

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's WATER MANAGEMENT POLICY FOR DEVELOPMENT.

The stormwater drainage details are to be generally in accordance with the plans prepared by Enspire Solutions DRW Nos 200019-Da –C03.01 ,C03.02, C03.03,C05.01, and C06.01 (all issue 2) Drainage details by an NER qualified

and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

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

10. 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. Detail demonstrating compliance with this condition are to be submitted to the Certifier prior to the issue of a construction certificate.

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

11. 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. Drawings must be submitted with the Construction Certificate application.

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

12. 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

Truck movements and staging, including travel routes must be agreed with Council's Traffic Engineer prior to the submission of the CTMP. No heavy vehicles attending the site are to travel through the School Zone in Plateau Road during the gazetted hours of operation (8am – 9.30am and 2.30pm - 4pm School Days).

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.

13. Submission of Traffic Engineering Plans

The submission is to include four (4) copies of Traffic Engineering plans for the design of:

- The on-street parking in Bilambee Avenue
- Provision of a loading zone in Bilambee Avenue
- Signage to designate the direction of travel upon exit of the basement car park
- Provision of no stopping and no loading/unloading restrictions along the Bilkurra Avenue site frontage

These 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 and or Council’s Minor Works Policy. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval.

Reason: To ensure compliance with Council’s specification for engineering works.

14. Building Code of Australia Fire Safety Report.

The Building Code of Australia works and fire safety measures for the proposed building as detailed and recommended in the BCA Compliance Report prepared by Dix Gardner Pty Ltd dated 23/9/2020, are to be considered as part of the assessment for the Construction Certificate.

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

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant safety.

15. Access for People with Disabilities

Access and facilities for Persons with a Disability are to be provided to and within the proposed building in accordance with the recommendations contained in the Statement of Compliance Report, dated 8/9/2020, Job No. 220187, prepared by Accessible Building Solutions.

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

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

16. Submission Roads Act Application for Road and Footpath works within the Public Road and Reserve

The Applicant is to submit an application for approval for infrastructure works on Council's footpath roadway (consistent with the approved public domain plan as referred to in condition 19). 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 the public domain works including road works, footpath paving, new kerb and gutter and landscaping works which are to be generally in accordance with the approved public domain works plans and Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified NER (civil engineer). The design must include the following information:

1. All public domain works including footpath paving, carparking and landscaping
2. New kerb and gutter for all road frontages, stormwater drainage lines, pedestrian ramps, seating, line marking, street signage and half road resurfacing for the Bilambee Ave, and damaged section of Bilkurra Ave. Full road resurfacing for the Bilambee Lane frontage and resurfacing of all parking bays fronting the site, and
3. Any other necessary matters referred to in conditions 13 and 19.

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 Certifier prior to the issue of the Construction Certificate.

All works, including the cost of necessary applications, to be at the full cost of the applicant.

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

17. Tanking of Basement Level

Unless otherwise determined by a geotechnical report to the satisfaction of the council (and for avoidance of doubt it is agreed that this is not a matter which a certifier could be satisfied about under cl 161 of the EPA Reg 2000) 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 Certifier. Details demonstrating compliance are to be submitted to the Certifier 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.

18. Shoring of Council's Road Reserve

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining properties with engineering drawings, detailing the proposed shoring works for their consideration and approval.

Written approval from Council under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

19. Amended Public Domain Plan

An Amended Public Domain Plan, based on drawing number LS01 prepared by Melissa Wilson Landscape Architects, and in compliance with Council's Northern Beaches Public Spaces Vision & Design Guidelines shall be submitted as part of a Infrastructure Works on Council Roadway application under Section 138 of the Roads Act, for approval by Council, with sufficient detail and design information including the following:

- i) alignment levels showing existing and proposed levels for altered driveway crossovers, and kerbs and gutters,
- ii) existing and proposed pavement levels, with proposed gradients no more than a 2.5% fall from building openings to top of kerb, and to match existing levels along adjoining properties
- iii) details of any utility alignment and level changes,
- iv) details of the proposed pavement finish from building to kerb,
- v) tactile ground surface indicators at pedestrian crossings and crossovers in accordance with Australian Standard 1428.4.1-2009 - Design for Access and Mobility,
- vi) existing utility pit lids are to be altered to paver infill types to accommodate the proposed pavement type,
- vii) proposed street tree planting shall be generally in accordance with Northern Beaches Council's Standard Drawing 1300 - Tree Pit Details, Plan and Section, including 4600 x 2200 strata cell system, and tree pit openings to Bilambee Avenue and Bilkurra Avenue as shown on drawing LS01 Landscape - Ground Level, Public Domain Plan, issue E, as prepared by Melissa Wilson Landscape Architects,
- viii) suitable replacement tree plantings from the Pittwater Ward of the Native Gardening Booklet available on Council's website (<http://www.northernbeaches.nsw.gov.au/node/34932>).
- ix) removal of the garden and planting at the corner kerb radius and replacement with pavement.

The following works shall also be documented:

- vix) full road verge width paving design in accordance with Council's Northern Beaches Public Spaces Vision & Design Guidelines,
- x) seating in accordance with Council's Northern Beaches Public Spaces Vision & Design Guidelines, consisting of two (2) seats along Bilambee Avenue and two (2) seats along Bilkurra Avenue,
- xi) bicycle racks in accordance with Council's Northern Beaches Public Spaces Vision & Design Guidelines,
- xii) kerb ramps in accordance with Council's Northern Beaches Public Spaces Vision & Design Guidelines,
- xiii) street trees shall be installed at a pre-ordered 200 litre container size,

- xiv) any other additional works shall be as documented on drawing LS01 Landscape - Ground Level, Public Domain Plan, issue E, as prepared by Melissa Wilson Landscape Architects.

Any work carried out upon public land shall have all the necessary prior approvals and permits from Council and utility authorities in place prior to commencement to conduct such works.

All works, including the cost of necessary applications, to be at the full cost of the applicant.

The relocation of the Australia Post Box and the provision of carparking for Australia Post vehicles shall be subject to the terms and conditions required by Australia Post, and the applicant shall provide details to Council.

Reason: compliance with Council standards for works on public land.

20. On slab landscape works

Details shall be submitted to the Certifier 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 be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

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

- i) 300mm for groundcovers and accents
- ii) 600mm for shrubs

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

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

21. 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.
<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 Certifier prior to the issue of the Construction Certificate.

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

22. External Colours and Materials (Industrial, Commercial, Mixed & Apartment Buildings)

- (a) External Glazing - The reflectivity index of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20% (expressed as a per centum of the reflected light falling upon any surface).

- (b) External Roofing - The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.
- (c) Anti Graffiti Coating - The finishes of the walls adjoining Bilambee Ave, Bilambee Lane and Bilkurra Ave must be finished in heavy duty long life, ultra violet resistant coating with a high resistance to solvents and chemicals as an anti-graffiti coating easily cleaned by solvent wipe.

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

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC04)

23. Visitor Spaces Located Behind Security Shutter/Door

The installation of any security roller shutter for parking areas shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Certifier prior to the release of the Construction Certificate.

Reason: To ensure visitor car parking is accessible to visitors.

24. Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifier 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.

25. 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 Certifier 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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

26. Tree Removal Within the Road Reserve

This consent approves the removal of the following tree within the road reserve (as recommended in the Arboricultural Impact Assessment):

i) Callistemon salignus fronting the site within Bilkurra Avenue road verge.

Removal of the approved tree in the road reserve shall only be undertaken by a Council approved tree contractor.

Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services Section prior to removal.

Reason: public liability.

27. 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.

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

28. Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier 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, visibly accessible structural members and other similar items.

i 1 Bilambee Ave, Bilgola Plateau (Strata Plan 14737) and 112 Plateau Rd Bilgola Plateau,

li Any other property assessed by a geotechnical report to be within the zone of influence of the proposed works.

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier 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 Certifier 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 rising from the works.

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

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

29. Public Risk Insurance –works with councils Road Reserve

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

30. Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation located on adjoining properties,
- ii) all road reserve trees and vegetation within adjoining properties.

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,

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.

31. 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.

Reason: Public safety.

32. Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

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 prepared by Enspire Solutions Pty Ltd prior to commencement of any other works on site.

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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

33. 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 the relevant Roads Authority.

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

34. Staff and Contractors 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.

35. 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.

36. 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:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- 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.

37. 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 Certifier.

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

38. Progress Certification Road and Footpath works

The applicant shall provide written certification is to be provided by a NER 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) Base-course laid and compacted **
- (c) Kerb and gutter construction
- (d) Pavement
- (e) Landscaping and vegetation
- (f) Clean-up of site, and of adjoining Council roadway and drainage system.
(**To be tested by a recognised N.A.T.A. approved laboratory).

Details demonstrating compliance are to be submitted to the Principal Certifier.

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

39. Civil Works Supervision

The Applicant shall ensure all civil works approved in the Section 138 approval is supervised by an NER qualified and practising Civil Engineer.

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

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

40. Notification of Road and Footpath works inspections

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

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) basecourse level / subbase
- (f) Sealing road pavement

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

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

41. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) 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.

42. Detailed Site Investigation and Remediation

Prior to excavation, a Stage 2 Detailed Site Investigation must be conducted on-site to determine the nature and extent of subsurface contamination beneath hard stands. Any contaminated material must be remediated as part of a Remedial Action Plan prepared by a Certified Environmental Practitioner, and in accordance with SEPP55 and the Contaminated Land Management Act 1997.

A validation and site monitoring report confirming clean-up objectives within the Remediation Action Plan, including a survey of all sites used for landfill disposal is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997. The validation report must be reviewed and approved by an accredited Certified Environmental Practitioner and must be in accordance with the protocol outlined in the NSW EPA (1997) document entitled Guidelines for Consultants Reporting on Contaminated Sites, and state that the site is suitable for its proposed use.

Reason: To ensure compliance with SEPP 55, Contaminated Land Guidelines, and protection of environment and human health

43. Dead or Injured Wildlife

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

44. 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.

45. 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	<5ppm and no visible sheen	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.

46. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled dated September 2020

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

47. 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

48. Landscape Completion

- i) Landscape works within the site is to be implemented in accordance with drawing LS03 Landscape - Level 2 Planters, issue E, as prepared by Melissa Wilson Landscape Architects, as amended.
- ii) Public Domain Works are to be completed in accordance with the Amended Public Domain Plan submitted as part of the Infrastructure Works on Council Roadway application under Section 138 of the Roads Act, and as approved by Council.

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

Reason: landscape and public domain amenity.

49. Post-Construction Road Reserve 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.

50. Signage and Linemarking – Implementation

The applicant is to install all signage and linemarking, 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.

51. Convex Mirror at Ramps

One (1) convex mirror is to be installed and maintained at the each point of conflict on the curved ramp leading from B2 floor, B1 and the ground floor entry level. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To minimise vehicular conflicts at ramps.

52. Stormwater Drainage works

The stormwater drainage works shall be certified as compliant with the approved Construction Certificate stormwater plans by the design engineer. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any interim / final Occupation Certificate.

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

53. Mechanical plant noise emissions compliant with noise goals

A noise assessment must be done by a suitably qualified person verifying that recommendations in section 5 of the acoustic report "Mechanical Plant Noise Assessment" number "nss23254 – Final" prepared by Noise and Sound Services and dated September 2020 have been implemented and comply with the "noise goals" in section 4.2.

Reason: protect residential amenity, comply with Protection of Environment Operations Act 1997 and Noise Policy for Industry 2017.

54. 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.

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

55. 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).

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.

56. 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>> 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 Certifier prior to the issue of any interim / final Occupation Certificate.

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

57. 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 Certifier prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste and recycling facilities are provided.

58. Waste/Recycling Compliance Documentation

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

Reason: To ensure waste is minimised and recycled.

59. 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.

60. 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 Principal Certifier, 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.

60A Public Thoroughfare- S 88A Easement

A right of footway in favour of the Council is to be registered on the title of the land under section 88A of the Conveyancing Act 1919 for that part of the land shown as "s 88A easement" on the attached s 88A Easement PLAN dated 29 Oct 2021 (the only purpose of this plan is to show the area of the easement and no development is approved by this plan). The owner of the land must maintain this area of the land to the Council's satisfaction and take out, maintain and fund appropriate insurances for this area of the land as required by the Council. This easement is to continue in the event of any strata or community title subdivision of the land and this area of the land is to be in the ownership of the owners corporation.

The Terms of the easement or right of footway are not to exclude the possibility of providing for the placement and use of tables and chairs for outdoor dining under a separate development consent (and any other necessary approval) from the Council.

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

61. 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 planting 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.

For all new residential works with two or more dwellings and mixed use developments, a maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

Public Domain Works are to be maintained by the applicant for a period of 12 months from completion of all elements of the public domain works, and handover to Council is subject to acceptance by Council. During the 12 month period all public domain elements shall be maintained to the satisfaction of Council, and otherwise replaced when required or requested by Council.

Reason: to maintain local environmental amenity.

62. 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.

63. Mechanical Plant

At all times, mechanical plant noise emissions must comply with the recommendations in section 5 of the acoustic report “Mechanical Plant Noise Assessment” number “nss23254 – Final” prepared by Noise and Sound Services and dated September 2020. No noise from the mechanical plant shall be audible outside of the boundaries of the site.

All rooftop plant is to remain screened, as shown on the approved plans, so that the plant itself is not visible outside of the site.

Reason: To protect residential amenity, comply with Protection of Environment Operations Act 1997 and Noise Policy for Industry 2017. (DACHPBOC5)

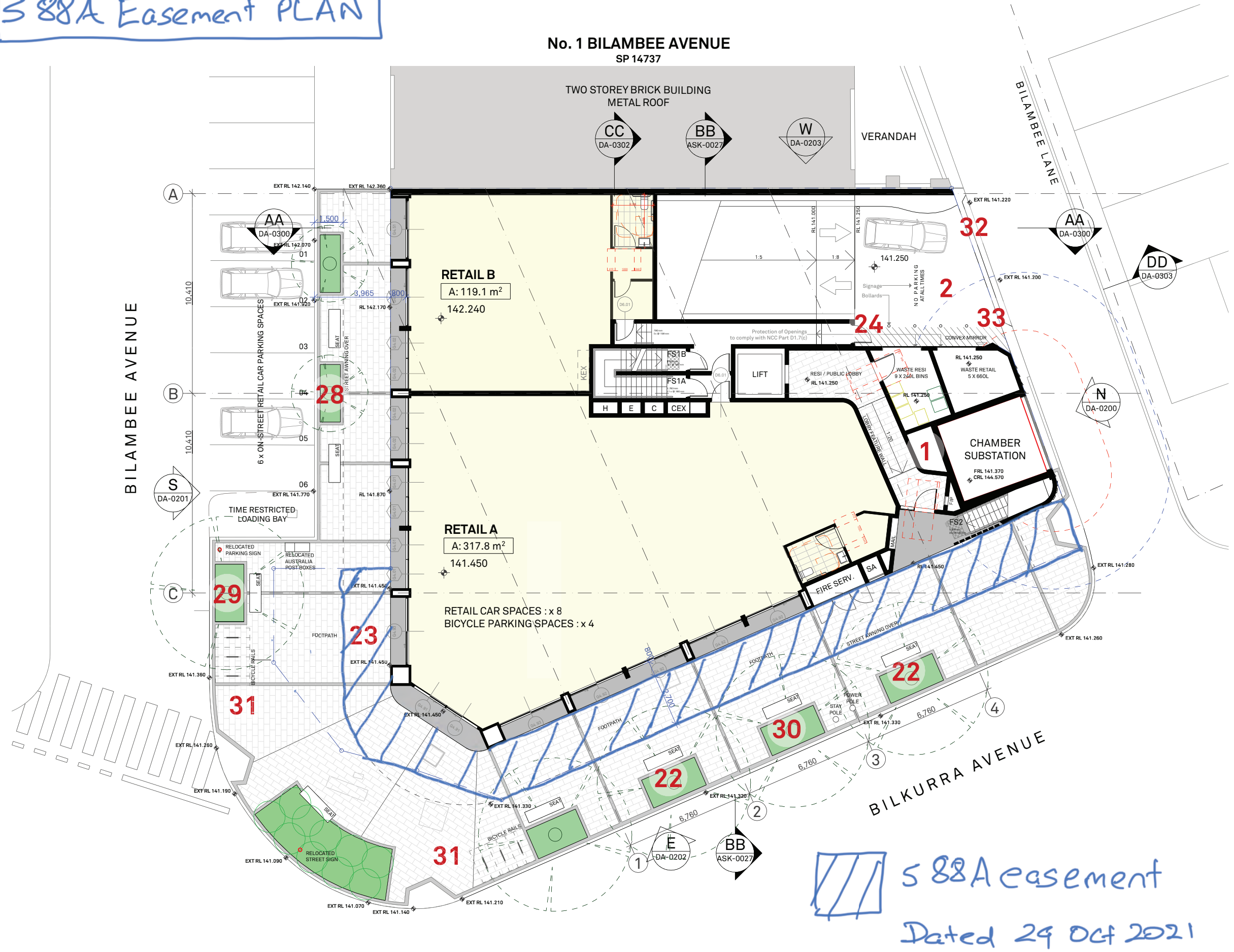
64. No Weeds on to the Site

No Priority or environmental weeds are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

S 88A Easement PLAN



SCHEDULE OF CHANGES

- 1. REMOVAL OF BULKY WASTE STORAGE.
- 2. ADDITIONAL 'NO PARKING AT ALL TIMES' SIGNAGE ON GROUND PROPOSED, TO FACILITATE WASTE ROOM ACCESS BY COUNCIL STAFF.
- ~~12. PUBLIC FOOTPATH, OUTSIDE OF SITE BOUNDARY~~
- ~~20. REINSTATE LANDSCAPE STRIP ADJACENT TO BILAMBREE AVENUE PARKING~~
- ~~21. 2.8m WIDE PUBLIC THOROUGHFARE ADJACENT TO SHOPFRONT~~
- 22. REMOVAL OF CAR PARKING SPACE 8 AND TIME RESTRICTED LOADING BAY. REPLACED WITH LANDSCAPING.
- 23. REMOVAL OF RAMP ON PUBLIC FOOTPATH.
- 24. RECONFIGURATION OF LEVELS. WASTE BIN STORAGE ROOMS NOW AT THE SAME LEVEL AS DRIVEWAY.
- 28. TWO STREET TREES IN TREE PITS, WITH TWO SEATS
- 29. ONE STREET TREE IN TREE PIT, WITH ONE SEAT
- 30. FOUR STREET TREES IN TREE PITS, WITH FOUR SEATS
- 31. ADDITIONAL PUBLIC BICYCLE PARKING
- 32. RECONFIGURED VEHICULAR EGRESS KERB
- 33. ADDITIONAL BOLLARDS TO ALLOW SAFE PASSAGE DURING WASTE COLLECTION

S 88A easement
Dated 29 Oct 2021