

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA2020/1758

**Development:** Demolition works and construction of centre-based child care facilities

**Site:** Lot B DP 369977, 11 Lewis Street BALGOWLAH HEIGHTS NSW 2093

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

**Date of determination:** 30 November 2021

**Date from which consent takes effect:** 30 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 11 Lewis Street, Balgowlah Heights.

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 prepared by Nordon Jago Architects

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Issue</b>	<b>Dated</b>
Site Plan DA020	E	09.11.21
Cut & Fill Plan DA030	G	09.11.21
Demolition Plan DA040	E	09.11.21
Driveway Section DA066	E	09.11.21
Tree Protection Plan DA070	E	09.11.21
Proposed Lower Ground DA100	H	09.11.21
Proposed Ground & Level 1 Plans DA101	J	09.11.21
Proposed Roof Plan DA190	H	09.11.21
Proposed Sections DA200	J	09.11.21
Proposed Elevations DA300	H	09.11.21
Proposed Elevations DA301	F	09.11.21
Proposed Finishes – Sheet 1 DA900	E	09.11.21
Proposed Finishes – Sheet 2 DA901	E	09.11.21

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Traffic and Parking Impact Assessment	19 August 2021	McLaren Traffic Engineering & Road Safety Consultants
Environmental Noise Assessment	17 August 2021	Day Design Pty Ltd
Emergency Plan	22 June 2021	Workplace Emergency Management
Arboriculture Impact Assessment	December 2020	Growing My Way Tree Services
Accessibility Report	23 August 2021	Building Anatomy
Geotechnical Assessment	17 December 2020	Ascent Geotechnical Consulting
Plan of Management	November 2021 (version 3)	Giggle and Learn
Northern Beaches Council Waste Management Plan	21 December 2020	George Antoniou

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>
DA_00/ Revision B	30 June 2021	Greenscape - Landscape Architecture and Design
DA_01/ Revision B	30 June 2021	Greenscape - Landscape Architecture and Design
DA_02/ Revision B	30 June 2021	Greenscape - Landscape Architecture and Design
DA_03/ Revision A	16 December 2020	Greenscape - Landscape Architecture and Design

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. **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 the definition of a centre-based child care facility.

A **centre-based child care facility** is defined as:

**“centre-based child care facility means—**

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,
- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note—

An approved family day care venue is a place, other than a residence, where an approved family daycare service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services)

National Law (NSW)), or

(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility."

(development is defined by the Manly Local Environment Plan 2013 (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.

### 3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured

under Part 6 of that Act,

- (ii) in the case of work to be done by an owner-builder:
  - A. the name of the owner-builder, and
  - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place. Reason: Legislative requirement.

#### 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,
    - 8.00 am to 1.00 pm inclusive on Saturday,
    - No work on Sundays and Public Holidays.
    - No truck movements to/from the site shall occur along Lewis Street during the school peak drop-off / pick-up times of 8:00am-9:30am and 2:30-4:00pm on School Days.

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 SafeWorkNSW Codes of Practice.

## **FEES / CHARGES / CONTRIBUTIONS**

### **5. Policy Controls**

#### Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$19,477.31 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 \$1,947,731.00.

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.

**6. 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.

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

**7. Emergency Plan**

The Emergency Plan prepared by Workplace Emergency Management dated 22 June 2021 is to be taken into consideration as part of the assessment of the Construction Certificate.

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

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

**8. Access and Facilities for People with Disabilities**

Access and Facilities to and within the building is to be provided for Persons with a Disability in accordance with the Building Code of Australia and AS 1428.1. In this regard consideration is to be given to the Accessibility Report prepared by Building Anatomy, dated 23.08.2021, report number 200154r2.0 as part of the assessment of the Construction Certificate.

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

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

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

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT FOR DEVELOPMENT POLICY, and generally in accordance with the concept drainage plans prepared by NY Civil Engineering, Job Number: E200246, drawing number D1 – D12, dated 17/08/2021.

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.

10. **Shoring of Council's Road Reserve (Temporary road anchors)**

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 Certifying Authority 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.

11. **Vehicle Crossings Application**

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

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

Reason: To facilitate suitable vehicular access to private property.

12. **Construction Waste Management Plan**

A Construction Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

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

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

**13. Environmental Impact**

Prior to any Construction Certificate being issued, the applicant must submit a site specific Environmental Management Plan (EMP) prepared by a suitably qualified person to the satisfaction of the Certifying Authority. The plan shall address risk assessment of all Environmental aspects and impacts to the site and other potentially impacted properties. The impacts must at minimum consider the following areas:

- Hazardous Substances (Asbestos, Crystalline Silica)
- Air borne dust
- Demolition and building Noise
- Vibration
- Waste & Litter

Reason: To prevent pollution and protect Public and Environmental Health in accordance with Protection of the Environment Operations Act 1997 and Safework NSW requirements.

**14. Noise Reduction Design Requirements**

Prior to any Construction Certificate being issued, Noise reduction design requirements as stated in the Environmental Noise Assessment (Report 7102-1.1R Rev C 17 August 2021) by Day Design Pty Ltd Consulting Acoustical Engineers shall be implemented in proposed building works.

Reason: To ensure acoustic design measures are implemented

**15. Compliance with Standards**

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

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

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

**16. Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- i "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- i Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

17. **External Finishes to Roof**

The external finish to any roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

18. **Waste Management**

Details demonstrating compliance with the Northern Beaches Council Waste Management Plan referred to in Condition 1 of this consent are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with the Northern Beaches Council Waste Management Plan referred to in Condition 1 of this consent, 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.

19. **Fire Safety Report**

The National Construction Code Report prepared by Building Anatomy, dated 23/08/2021, Report Ref No. 200154r2/NCC is to be taken into consideration as part of the assessment of the Construction Certificate.

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

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

20. **Acoustic report Recommendations**

The recommendations made in the Environmental Noise Assessment prepared by Day Design Pty Ltd, dated 17 August 2021, Report Ref No. 7102-1.1R Rev C are to be carried out in full to the building.

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

Reason: To ensure adequate acoustic amenity.

21. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Assessment referenced in Condition 1 of this consent are to be incorporated into the construction plans.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

22. **Pre- Construction Dilapidation Report**

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

Properties:

**Buildings at Balgowlah Heights Public School that are adjacent to the boundary of the site  
No. 13 Lewis Street, Balgowlah Heights**

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

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

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

23. **Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) is to be prepared by an appropriately qualified Traffic Management Consultant and submitted to and approved by Council, prior to the commencement of any works including demolition.

The following matters should be addressed in the CTMP (where applicable):

- a) Description of the demolition, excavation and construction works;
- b) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;

- e) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f) Any Traffic Guidance Schemes (TGS's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g) Proposed hours of construction related activities and vehicular movements to and from the site;
- h) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- i) Measures to maintain public safety and convenience;
- j) Any proposed road and/or footpath closures;
- k) Measures for appropriate traffic control for any reversing construction and spoil removal vehicles to/from the site;
- l) Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadway;
- m) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- n) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- o) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- p) Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period;
- q) Details of measures that are to be maintained to ensure the safety of the school users (students and staff) during construction works on the site including scheduling of work.
- r) Details of heavy vehicle access to the site and construction materials delivery times ensuring that no truck movements to/from the site occur along Lewis Street during the school peak drop-off / pick-up times of 8:00am-9:30am and 2:30-4:00pm on School Days.

#### 24. **Parking Design**

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Off-street car parking, AS 2890.3 Bicycle parking and AS/NZS 2890.6 Off-street parking for people with disabilities.

All staff car parking spaces must comply with the User Class 1A requirements of AS 2890.1 and all visitor (drop-off / pick-up) car parking spaces must comply with the User Class 3A requirements of AS 2890.1. These requirements apply to all car parking spaces including those located within the mechanical car stackers.

All car parking spaces on the lower levels of the car stacker bays 5-10 shall be provided with a 2.2 metre head height clearance. A 2.0 metre head height clearance shall be provided on the upper levels of car stacker bays 5-8, with a 1.9 metre head height clearance be provided on the upper levels of car stacker bays 9-10.

Duration of stay parking signs shall be provided at the front of each visitor parking space, along the northern basement wall. The signs shall read 'Maximum 6 minute parking during 7-9am and 4-6pm peak periods'.

Details demonstrating compliance must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

**25. Driveway Operation**

The driveway shall be designed with a raised triangular-shaped median located within the Council verge, as reflected on the approved architectural drawings, to restrict vehicles to left-in entry and left-out exit movements only. The restriction shall be supplemented by:

- a) An 'All Traffic (Left Symbolic) Only (R2-14\_L) sign provided within the site facing west for exiting motorists.
- b) A linemarked left-turn arrow provided within the vehicle exit lane, near the property boundary.
- c) A 'No Right Turn' (R2-6n\_r) sign provided at the south-eastern corner of the site, facing north towards any motorists that may be travelling south along Lewis Street.

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

**26. Allocation of Parking**

The number of car and bicycle parking spaces to be provided for the development shall comply with the table below. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

<b>Type of Parking Facility</b>	<b>Provision</b>
Staff car parking	10
Visitor car parking	6 including 1 accessible car space
Bicycle parking	6

**27. Pedestrian Sight Distance at Property Boundary**

A pedestrian sight triangle of 2.0 metres by 2.5 metres, in accordance with AS2890.1:2004 is to be provided on the egress side of the vehicular access at the property boundary. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**28. Traffic management system**

The development shall provide a dynamic parking system that includes a "Car Park Full" sign placed in a conspicuous location on the façade of the building which will illuminate if all visitor spaces are occupied and include sensors within all visitor car parking spaces. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

**29. Project Arborist**

A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with the recommendations of the Arboriculture Impact Assessment dated December 2020 prepared by Growing My Way Tree Services and Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree

protection measures such as tree protection fencing, trunk and branch protection and ground protection.

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

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

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboriculture Impact Assessment dated December 2020 prepared by Growing My Way Tree Services.

All tree protection measures specified must:

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

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

Note:

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

Reason: Tree protection.

**30. Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$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**

### **31. Protection of Rock and Sites of Significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW

Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

### **32. Protection of Existing Street Trees**

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.

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 the Project Arborist.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

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.

### **33. Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected including:
  - i) all trees and vegetation within the site, 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 the Arboriculture Impact Assessment dated December 2020 prepared by Growing My Way Tree Services and Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
- iv) no excavated material, building material storage, site facilities, nor landscaping materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by the Project Arborist on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with the Project Arborist including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other

tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

Reason: Tree and vegetation protection.

34. **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.

35. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing in accordance with the approved architectural drawings 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.

36. **Management Plan During works**

During the demolition, excavation and construction phase of the approved development, the proponent must comply with the Environmental Management Plan that is submitted and approved by the Certifier.

Reason: to prevent pollution during demolition, earthworks and construction

37. **Prior to Demolition and Excavation**

The adjoining property owners and occupiers (including the School Principal ) shall be advised generally 7 days prior to work commencing on the following matters:

- i Hazardous Substances eg Asbestos removal
- i Air borne dust management
- i Demolition and building noise
- i Vibration minimisation

Reason: To inform neighbours on measures being undertaken to minimise potential environmental impacts

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

**38. Required Tree Planting**

Trees shall be planted in accordance with the following:

- i) 1 native tree capable of attaining a minimum height of 10m at maturity, 45 litre pot size, front yard
- ii) 2 native trees capable of attaining a minimum height of 8m at maturity, 45 litre pot size, rear yard

Tree planting shall be located within a 9m<sup>2</sup> deep soil area wholly within the site.

Native tree planting species shall be selected from Council's list:

[www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide](http://www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide).

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

Reason: To maintain environmental amenity.

**39. Landscape Completion**

a) Planting is to be implemented in accordance with the approved Landscape Plan and conditions of consent,

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

Reason: Environmental amenity.

**40. Condition of Retained Vegetation - Project Arborist**

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

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

Reason: Tree protection.

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

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC

and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

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

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

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

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

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

Prior to the issuing of any interim / final Occupation Certificate (OC), certification is to be provided from a suitably qualified person that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Details demonstrating compliance are to be submitted to the Principal Certifying

Authority. Reason: To ensure that the kitchen complies with the design

requirements for food premises.

43. **Food Business Notification**

Prior to the issue of the Occupation Certificate, the proprietor of the food business must notify of their business operations to council. The Health Premises Registration Form must be completed and submitted prior to commencement of trade.

Reason: To ensure compliance with legislation and the Australia and New Zealand Food Standards Code.

44. **Noise Minimisation Measures Reviews**

1. Prior to the issue of an Occupation Certificate (OC) and then also;
2. 30 days following the commencement of operations at the Child Care Centre an Acoustic Review shall be carried out to ensure all requirements and recommendations for: children playing both inside and outside, Mechanical plant, and cars entering and exiting the carpark, contained within the Environmental Noise Assessment (Report 7102-1.1R Rev C) by Day Design Pty Ltd Consulting Acoustical Engineers have been implemented (including the Noise Management Plan). A copy of the review report shall be submitted to the certifying authority and Council for its records.
3. If any rectification works are required these shall be completed within 60 days.

Reason: To ensure all noise control measures has been implemented.

45. **Accessibility Report Certification**

A suitably qualified access consultant is to provide confirmation that the as-built development is consistent with the recommendations of the Approved Accessibility Report referenced in Condition 1 of this consent.

Written certification is to be provided to the Principal Certifying Authority prior to the issue of the occupation certificate.

Reason: To ensure the development is appropriately accessible.

46. **Post-Construction Dilapidation Report**

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

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

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

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

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

47. **Potential Public Domain Improvements**

An application shall be submitted to Council's Traffic Committee for the following works within Council's road reserve.

Removal of Pram Ramp

The pram ramp crossing on the eastern side of Lewis Street opposite the proposed driveway to the site shall be removed and replaced with kerb and gutter to match existing.

RMS Pedestrian Fencing

Type 1 pedestrian fencing (as specified in the RMS R0800 Fencing Series Drawings) shall be erected 5m either side of the location of the midpoint of the existing pram ramp crossing which is to be removed (as per above). The fencing shall be offset approximately 0.5m from the kerb and be no greater than 10m in total length.

No Stopping Signage

A 'No Stopping' (R5-400(L)) sign shall be provided on Lewis Street to the north of the proposed driveway, over a distance of 2.27m, as per Driveway – Proposed Dimensions drawing no. 2021-165-04-02A dated 25/10/2021, prepared by McLaren Traffic Engineering.

Any of the above works approved by Council's Traffic Committee shall be carried out by the Applicant at no cost to Council and the works shall be completed in full prior to the issue of an Occupation Certificate.

**48. Parking Design**

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Off-street car parking, AS 2890.3 Bicycle parking and AS/NZS 2890.6 Off-street parking for people with disabilities.

All staff car parking spaces must comply with the User Class 1A requirements of AS 2890.1 and all visitor (drop-off / pick-up) car parking spaces must comply with the User Class 3A requirements of AS 2890.1. These requirements apply to all car parking spaces including those located within the mechanical car stackers.

All car parking spaces on the lower levels of the car stacker bays 5-10 shall be provided with a 2.2 metre head height clearance. A 2.0 metre head height clearance shall be provided on the upper levels of car stacker bays 5-8, with a 1.9 metre head height clearance be provided on the upper levels of car stacker bays 9-10.

Details (including manufacturer's specifications of the proposed car stackers) demonstrating compliance must be submitted to and approved by the Certifying Authority prior to an Occupation Certificate being issued.

**49. Driveway Operation**

The driveway shall be designed with a raised triangular-shaped median located within the Council verge, as reflected on the approved architectural drawings, to restrict vehicles to left-in entry and left-out exit movements only. The restriction shall be supplemented by:

- d) An 'All Traffic (Left Symbolic) Only (R2-14\_L) sign provided within the site facing west for exiting motorists.
- e) A linemarked left-turn arrow provided within the vehicle exit lane, near the property boundary.
- f) A 'No Right Turn' (R2-6n\_r) sign provided at the south-eastern corner of the site, facing north towards any motorists that may be travelling south along Lewis Street.

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

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

**50. Landscape Maintenance**

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. Reason: To maintain local

environmental amenity.

**51. Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Assessment referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

**52. Children**

The maximum number of children shall not exceed 57 at any time.

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

**53. Noise Minimisation Ongoing**

Noise minimisation requirements, including the Noise Management Plan, and recommendations in the Environmental Noise Assessment (Report 7102-1.1R Rev C) by Day Design Pty Ltd Consulting Acoustical Engineers shall be included in the Centre Management Plan maintained at all times ongoing and a copy kept on site.

These measures include, as recommended, but are not limited to:

- i Insuring all staff and parents are provided with a copy of the centres Noise Management Plan and its implications for them during their time at the centre
- i The name and contact details of the centres manager to be clearly displayed at the front of the building to ensure neighbours can contact that person at any time the centre is operating.
- i Insuring a sufficient number of educators are provided to supervise children's outside play to discourage unnecessary loud activities.
- i Facilitating children's small-group play when outside and encouraging educators to engage in children's play and facilitate friendships between the children.
- i Crying children should be comforted as quickly as possible and moved indoors.
- i Activity considered acceptable in the western passive play area include the following: reading, drawing, arts and craft, puzzles, block play, planting, painting, and gardening.
- i Ensure description of management strategies for how the passive play area will be used on a day-to-day basis should be included in the childcare centres Plan of Management

A copy of the Centres Plan of Management and Noise Management Plan are to be provided to the Acoustic Engineer; Certifying Authority and Council prior to Occupation of the Centre.

Reason: To prevent a noise nuisance to neighbouring occupants

**54. Hours of Operation**

The hours of operation are to be restricted to:

- i Monday to Friday – 7am to 7pm
- i Saturday – closed

- i Sunday and Public Holidays – closed

Upon expiration of the permitted hours, all service shall immediately cease, no clients shall be permitted entry and all clients on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

55. **Compliance with Plan of Management`**

Operations must comply with the Plan of Management submitted with the DA.

Reason: minimise any amenity impacts on surrounding residences.

56. **Operation of Driveway**

All vehicles entering and exiting the site shall be restricted to left-in entry and left-out exit turning movements only.

Reason: To improve safety at the driveway.

57. **Maintenance of Car Stackers**

A premium service agreement with a stacker manufacturer / consultant must be maintained for the life of the stacker system.

Reason: To minimise the likelihood of breakdowns impacting on-site parking availability.