

APPENDIX C
CONDITIONS

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans and Supporting Documentation

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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA04 (C) – Site Plan	28/09/2016	Government Architect's Office & NBRIS Architecture
DA05 (C) – Overall Floor Plan L1	28/09/2016	Government Architect's Office & NBRIS Architecture
DA06 (C) – Overall Floor Plan L2	28/09/2016	Government Architect's Office & NBRIS Architecture
DA07 (C) – Overall Floor Plan L3	28/09/2016	Government Architect's Office & NBRIS Architecture
DA07.1 (A) – Overall Floor Plan L4	28/09/2016	Government Architect's Office & NBRIS Architecture
DA08 (C) – Overall Roof Plan	28/09/2016	Government Architect's Office & NBRIS Architecture
DA09 (C) – Site Sections Elevations	28/09/2016	Government Architect's Office & NBRIS Architecture
DA10 (C) – Level 1 Plan Hall/Canteen/Admin	28/09/2016	Government Architect's Office & NBRIS Architecture
DA11 (C) – Level 2 Plan Homebases	28/09/2016	Government Architect's Office & NBRIS Architecture
DA12 (C) – Level 3 Plan Homebases & Library	28/09/2016	Government Architect's Office & NBRIS Architecture
DA13 (C) – Level 4 & Roof Plan Homebases & Library	28/09/2016	Government Architect's Office & NBRIS Architecture
DA14 (C) – Block K & L Elevations & Sections	28/09/2016	Government Architect's Office & NBRIS Architecture
DA15 (C) – Block M Elevations & Sections	28/09/2016	Government Architect's Office & NBRIS Architecture
DA16 (C) – Block N Elevations & Sections	28/09/2016	Government Architect's Office & NBRIS Architecture
DA17 (C) – Block O Elevations & Sections	28/09/2016	Government Architect's Office & NBRIS Architecture
DA18 (A) – Block P Elevations & Sections	28/09/2016	Government Architect's Office & NBRIS Architecture
Colours & Materials Board	Undated	Government Architect's Office

Reports/Documentation - All recommendations and requirements contained within:		
Report	Dated	Prepared By
Bushfire Threat Assessment (D)	26/08/2016	Kleinfelder
Species Impact Statement (6.0)	11/09/2016	Kleinfelder
Landscape Management Plan (5.0)	11/09/2016	Kleinfelder
Bush Fire Emergency Management & Evacuation Plan (2.0)	19/09/2016	Kleinfelder

Reports/Documentation - All recommendations and requirements contained within:		
Access Review	21/09/2016	Philip Chun Access Consulting
Building Code of Australia 2016 Report	21/09/2016	Philip Chun Building Compliance
Waterway Impact Statement (2.0)	23/02/2016	Kleinfelder
Aboriginal Archaeological Assessment	17/12/2015	Dominic Steele Consulting Archaeology
Geotechnical Investigation	29 May 2015	NSW Public Works Project Management
Report on Supplementary Assessment – Additional Buildings	25 October 2016	Douglas Partners
Contamination Investigation	12/06/2015	NSW Public Works Project Management
Hazardous Materials Survey Report	February 2015	GreencapNAA
Preliminary Operational Management Plan	29/06/2015	McLaren Traffic Engineering
Traffic, Parking & Servicing Impact Assessment (C)	18/06/2015	McLaren Traffic Engineering
Supplementary Traffic Impact Assessment	22/12/2015	McLaren Traffic Engineering
Noise Emission Assessment	26/06/2015	Acoustic Logic
Tree Survey Plan & Arboricultural Impact Assessment Report (Mark-up version)	27/09/2016 (mark-up date)	NBRS Achitecture
Fire Engineering Report	23/11/2016	RED Fire Engineers Pty Ltd

- b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- d) No construction works (including excavation) shall be undertaken prior to the release of the Section 109R Crown Building Work Certificate.
- e) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Plan No.	Dated	Prepared By
LDA01 (C) - Landscape Plan & Plant Schedule	27/09/16	Government Architect's Office & NBRS Architecture
LDA03 (C) – Landscape Planting & Materials	27/09/16	Government Architect's Office & NBRS Architecture

No construction works (including excavation) shall be undertaken prior to the release of the Section 109R Crown Building Work Certificate.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
Ausgrid	Referral Response - Ausgrid	21/07/2015
Aboriginal Heritage Office	Referral Response – Aboriginal Heritage	08/09/2016

External Department, Authority or Service	E-Services Reference	Dated
NSW Rural Fire Service	Referral Response – NSW Rural Fire Service	5/12/2016

Note: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.NorthernBeaches.nsw.gov.au

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (DACPLB02)

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 Section 109R Crown Building Work 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) 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,
 - (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. (DACPLB09)

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 3.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Section 109R Crown Building Work Certificate is to remain onsite at all times until the occupation. The consent shall be available for perusal of any Authorised Officer.
- (c) 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.
- (d) 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.
- (e) Prior to the release of the Section 109R Crown Building Work 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

**CONDITIONS THAT REQUIRE SUBSIDIARY MATTERS TO BE SATISFIED PRIOR TO
CERTIFICATION OF THE BUILDING WORKS IN ACCORDANCE WITH STATE BUILDING
LAWS**

5. Stormwater Quality Management Plan

A stormwater Quality Management plan must be prepared to meet the requirements of Council's [Water Management Policy](#). The plan must demonstrate compliance with the following pollutant performance requirements:

Pollutant	Performance Requirements
Total Phosphorous	65% reduction in the post development mean annual load ¹
Total Nitrogen	45% reduction in the post development mean annual load ¹
Total Suspended Solids	85% reduction in the post development mean annual load ¹
Gross Pollutants	90% reduction in the post development mean annual load ¹ (for pollutants greater than 5mm in diameter)
pH	6.5 - 8.5
Hydrology	The post-development peak discharge must not exceed the pre-development peak discharge for flows up to the 2 year ARI

Note:

¹The percentage reduction in the post development mean annual loads are relative to the loads from the proposed development without treatment applied.

To demonstrate compliance with the pollutant performance requirements above, a Model for Urban Stormwater Improvement Conceptualisation (MUSIC), must be prepared in accordance with [draft NSW Music Modelling Guidelines](#) (CMA, 2010) unless alternative modelling parameters are justified on the basis of local studies.

Details of the modelling of those elements, parameters and assumptions used, and all data files is to be provided in the documentation for certification in accordance with the state building laws.

A Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) must certify that the Stormwater Quality Management Plan complies with the requirements of Council's [Water Management Policy](#).

The Stormwater Quality Management Plan and engineers certification shall be provided in the documentation for certification in accordance with the state building laws.

Reason: Protection of the receiving environment

6. Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) and implemented onsite prior to commencement.

The SWMP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004).

The SWMP must include the following as a minimum:

- Site boundaries and contours;
- Vehicle access points, proposed roads and other impervious areas (e.g. parking areas and site facilities);
- Location of all drains, pits, downpipes and waterways on and nearby the site;
- Planned stages of excavation, site disturbance and building;
- Stormwater management and discharge points;
- Integration with onsite detention/infiltration;
- Sediment control basin locations and volume (if proposed);

- Proposed erosion and sediment controls and their locations;
- Location of washdown and stockpile areas including covering materials and methods;
- Vegetation management including removal and revegetation;
- A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained;
- Inspection and maintenance program; and
- North point and scale.

All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

Details demonstrating compliance is to be included in the documentation for certification in accordance with the state building laws.

Reason: To promote the long-term sustainability of ecosystem functions (DACNEC11)

7. Compliance with Standards

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

Details demonstrating compliance is to be included in the documentation for certification in accordance with the state building laws.

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

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (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/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (j) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (k) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (l) 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: http://www.humanrights.gov.au/disability_rights/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.

8. External Colours and Materials

- (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) Anti Graffiti Coating
The finishes of the exterior walls 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.
- (c) External Finishes to Roof
The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

Details demonstrating compliance included in the documentation for certification in accordance with the state building laws.

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

9. Bonds

Construction, Excavation and Associated Works Bond (Road)

A Bond of \$10,000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.

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 Section 109R Crown Building Work Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Section 109R Crown Building Work 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/your-council/forms).

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

10. On-site Stormwater Detention Compliance Certification

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Northern Beaches Council's "On-site Stormwater Detention Technical Specification" and the concept drawing by Public Works, drawing numbers 1500399 C003, revision A, 1500399 C006, revision A dated 16/12/2015.

Details demonstrating compliance is to be included in the documentation for certification in accordance with the state building laws.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

11. Application for works to be approved within stormwater channel

An application for works to be approved with Council's stormwater channel under Section 68 of the Local Government Act 1193 is to be submitted for Council approval.

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of stormwater drainage pipeline across the unformed portion of Gibbs Street which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

Details demonstrating compliance is to be included in the documentation for certification in accordance with the state building laws.

Reason: To ensure compliance with Council's specification for engineering works.
(DACENC08)

12. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Details demonstrating compliance is to be included in the documentation for certification in accordance with the state building laws.

Reason: Safety. (DACENC19)

13. Landscaping

All plants used in the APZ landscaping for this development must be local native species as per the species list in the Landscape Management Plan (Kleinfelder 2016).

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

Reason: Habitat conservation (DACNEC01)

14. Section 88b Instrument for Bushland Conservation

Native vegetation identified as 'Retained Vegetation Islands' in Figure 5 of the Landscape Management Plan is to be retained, conserved, rehabilitated and managed in accordance with the Landscape Management Plan at all times in perpetuity.

Prior to the issue of the Section 109R Crown Building Work Certificate, an instrument containing a public positive covenant in favour of the Council pursuant to Section 88e Conveyancing Act 1919 shall be prepared in respect native vegetation to be retained, conserved, rehabilitated, and managed in accordance with the requirements of the Landscape Management Plan and shall be submitted to Council for approval by staff experienced in terrestrial ecology.

No work is to be carried out in pursuant to this consent until such approval has been granted. Prior to the issue of the Occupation Certificate a section 88B instrument which includes the covenant pursuant to section 88E Conveyancing Act 1919 in registrable form shall be prepared by the owner of the land and produced to Council for approval and execution. Prior occupation, the covenant is to be registered on the title to each of the lots.

The instrument must stipulate that the only person with the right to release, vary or modify the covenant is the Council. All costs associated with the preparation, execution and registration of the instrument are to be borne by the owner of the land.

Reason: Buffering of development and impacts and protection of retained bushland (DACNEC18)

15. Positive Covenant - Asset Protection Zone

The establishment of Asset Protection Zones (APZs) within:

- Part of Lot 7074 in DP 1029974 and part of Lot 1549 in DP 752038; and
- Part of Lot 1 in DP 114289 and part of Certificate of Title 7963-27, being Lots 100 and 101 in DP 1220468.

are to be subject to a Positive Covenant placed on the title of Lot 1768 in DP 752038 Sunshine Street that outlines the property owner's responsibilities under the "Planning for Bushfire Protection 2006".

The applicant is required to meet Council's requirements in establishing an appropriate Positive Covenant, including but not limited to:

- i) A detailed survey plan is to be provided to Council indicating the extent of the position of the APZ by reference to the road reserve and a plan in registrable form showing the APZ.
- ii) The applicant/owner is to pay any associated fees and charges for the establishment of Positive Covenant including all legal fees and costs of registration.
- iii) The Positive Covenant is to outline the responsibilities of the property owner benefiting from the APZ including initial start-up works and ongoing maintenance in accordance with the requirements of Council and any other relevant authority.
- iv) Provide that the owner take out and maintain all necessary insurances and indemnify Council against any claims or damages arising from the works upon the road reserve in establishing the APZ and failure to maintain the APZ area.
- v) Provide that written notice by the Council can require the registered proprietor to promptly attend to any matters and to carry out works within such time as the Council may require to ensure that the APZ is maintained to the requirements of Council or any other relevant authority.
- vi) Ensure current and future owners are bound by the covenant.
- vii) If the development, the subject of this consent, does not proceed then the covenant is to be extinguished. In any event, the party with the right to vary, modify or extinguish the covenant is Northern Beaches Council.

Details are to be submitted to Council for approval and registered on the title prior to the issue of the Section 109R Crown Building Work Certificate.

Reason: Fire Safety and appropriate property management. (DACHPCPCC1)

16. Trees and / or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

a) Tree Protection Plan

A Tree Protection Plan prepared by a AQF Level 5 Arborist (or equivalent) showing the following:

- Layout of the approved development
- Location of trees identified for retention
- Extent of canopy spread
- Location of tree protection fencing / barriers (fencing in accordance with AS2470 – 2009)
- General tree protection measures

b) The Tree Protection Plan is to be submitted to the Principal Certifying Authority for approval prior to issue of a Section 109R Crown Building Work Certificate.

c) Tree protection measures identified on the plan are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

17. Existing trees which must be retained

All trees not indicated for removal on the approved plans.

(i)

Site Plan - Endorsed with Council's stamp		
Drawing Number	Dated	Prepared By
Tree Survey Plan drawing ref. 16225 – LWD01	27/9/16	NBRS Architecture. Landscape

(ii)

All Recommendations Arborist Report		
Report Number	Dated	Prepared By
Tree Survey Plan & Arboricultural Impact Assessment Report (Marked Up 27 September 201	February 2015	NSW Public Works

Details of demonstrating compliance shall be provided to the Certifying Authority prior to the issue of a Section 109R Crown Building Work Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

18. Contaminated Land Requirements

Prior to certification, a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of the Certifying Authority. The plan shall detail:

a) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with contaminated land planning guidelines under the Contaminated Land

Management Act 1997;

- b) Stipulate reporting and processes associated with discovery of new contamination that is revealed during excavation, demolition or development works.
- c) Stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility.

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines.

Note: The following Acts and Guidelines applied at the time of determination:

- i. *Protection of the Environment Operations Act 1997 (POEO Act); and*
- ii. *Waste Classification Guidelines, Parts 1 to 4 (2014).*

- d) Any soil that is to be brought onto site is to be classified as virgin excavated natural material (VENM) or excavated natural material (ENM) as defined by the POEO Act.

Details demonstrating compliance is to be included in the documentation for certification in accordance with the state building laws.

Reason: Protection of the environment, SEPP 55 compliance. (DACHPCPCC6)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. Project Ecologist

Prior to any works being undertaken on site, a Project Ecologist is to be engaged for the duration of the onsite works and issue compliance certification as per the requirements of this consent.

The Project Ecologist is to be engaged as required by this consent and associated documentation to ensure all conditions relating to the Landscape Management Plan and Species Impact Statement for the property are fully implemented and complied with at all times.

The Project Ecologist shall meet the following minimum requirements:-

- A vegetation management specialist with at least 4 years experience in the management of native bushland in the Sydney region; and
- TAFE Certificate III in Bush Regeneration or Conservation and Land Management – Natural Area Restoration
- A member of the Ecological Consultants Association of NSW Inc. or

as otherwise agreed by the Council;

A legally signed contract demonstrating compliance is to be submitted to the Certifying Authority prior to commencement.

Reason: To ensure bushland management (DACNED04)

20. Temporary Protection Fencing – Exclusion Zones

Prior to the commencement of any works onsite, temporary mesh fencing is to be erected surrounding retained vegetation as shown on Figure 5 of the Landscape Management Plan.

Alternative temporary protection fence designs must be agreed by Council.

A certificate demonstrating compliance must be prepared by the Project Ecologist and submitted to Council and the Certifying Authority prior to commencement.

Reason: To ensure that native vegetation is protected during and after construction. (DACNED01)

21. Permanent Bushland Protection Fencing - Delineation of the Asset Protection Zones

Prior to the commencement of any onsite building works or commencement of vegetation clearance/modification, the boundary between the Bushfire - Asset Protection Zone (APZ) – Inner Protection Area and Outer Protection Area must be surveyed and marked by a registered surveyor. A permanent fence is to be erected to delineate the Inner Protection Zone from the Outer Protection Zone and adjoining bushland reserve.

The fence shall conform to the specification for bush protection fencing consisting of 1150mm high galvanised hinge joint fencing (8/115/30) (Stocktite or similar) fixed to fence with 3x strands 3.15mm galvanised fencing wire. Posts are to be capped, 50mm round galvanised pipe at 3m centres. End posts are to be stayed with galvanised pipe stay every 15m. Inline stays are to be fixed to 50mm post. Posts are to be concreted into the ground. This fence is to be constructed prior to any construction works.

- (a) constructed with bushfire resistant posts 3-5m apart;
- (b) connected by horizontal wires 150mm apart;

Alternative fence designs must be agreed by Council in writing.

Delineation of the Outer Protection Area must be in accordance with Table 4, Item 2 of the Landscape Management Plan prior to any clearing.

A certificate demonstrating compliance must be prepared by the Project Ecologist and submitted to the Certifying Authority prior to commencement.

Reason: Bushland Protection (DACNED02)

22. Installation of nest boxes

A minimum of 20 nest boxes suitable for Eastern Pygmy Possum are to be installed in the adjoining bushland reserves. Nest boxes are to be monitored and maintained during APZ management and monitoring events.

A certificate demonstrating compliance must be prepared by the Project Ecologist and submitted to the Certifying Authority prior to any commencement. The geographic location of all nest boxes is to be provided to Council.

Reason: Fauna Habitat Replacement.

23. Tree protection

- a) Existing trees which must be retained
 - i. All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation

- ii. Trees located on the adjoining Council land

b) Tree protection

- i. No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii. All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii. All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv. All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees.
- v. All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

24. Tree Protection Fencing

Prior to the commencement of any works onsite, tree protection fencing is to be erected as per the Tree Protection Plan.

A certificate demonstrating compliance must be prepared by the Project Arborist and submitted to Council and the Certifying Authority prior to commencement.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

25. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

26. Vegetation Clearing Protocols

All native vegetation clearing must be undertaken in accordance with Appendix 2, Clearing Protocols (unless otherwise required development consent conditions) within the Landscape Management Plan.

A certificate demonstrating compliance must be prepared by the Project Ecologist and submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: Management of bushland.

27. Fauna and Tree Hollow re-location

During any vegetation clearance the Project Ecologist is to be present to supervise the relocation of any displaced fauna that may be disturbed during this activity.

Tree hollows are to be salvaged from trees within the development area and placed within the adjoining reserve.

A certificate demonstrating compliance including details of relocated fauna must be prepared by the Project Ecologist and submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: Fauna Habitat Management (DACNEE01)

28. Implementation of Landscape Management Plan

Landscape Management Plan (Kleinfelder 2016) must be kept in the site office. All staff must be inducted by the Project Ecologist with an induction record being maintained and available onsite at all times.

Personnel conducting the site induction will be able to:

- (a) Be familiar with the names and contact details of relevant people and authorities in the event of any environmental or site management emergency that may arise.
- (b) Be familiar with the presence of retained vegetation areas and environmentally significant areas within and surrounding the site.
- (c) Be familiar with the location of trees identified for retention.
- (d) Be familiar and aware of the presence of weed locations, spoil mounds and the potential of weed infections and weed seed propagules accidentally being introduced to the site.
- (e) Identify threatened species of fauna that may venture into the subject site.
- (f) Identify threatened species of fauna that may be cryptic such as the Eastern Pygmy Possum, Red-crowned Toadlet, Heath Monitor, etc.
- (g) Be familiar with animal welfare issues and procedures should human-wildlife interactions take place during the clearing and construction phase.
- (h) Have an understanding of flora and fauna management issues.

A certificate demonstrating compliance must be prepared by the Project Ecologist and submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: Protection of Bushland (DACNEE03)

29. Bushland management during construction

The procedures, monitoring, targets and recommendations detailed in the Landscape Management Plan must be followed in full (unless otherwise identified by development consent conditions) to ensure that the remaining bushland on the site is conserved and restored in the appropriate manner by appropriately qualified people. The work outlined in the Landscape Management Plan must be started as soon as site works commence.

The Project Ecologist is to be responsible for ensuring that the works are carried out in accordance with the Plan.

The Project ecologist is to certify that this condition has been complied with and provide the PCA with compliance certificates in the form of bush regeneration reports each three months,

copies are to be immediately forwarded to Northern Beaches Council.

Removal of all temporary structures/material and construction rubbish including all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences is to be removed from the site once construction has been completed.

Details prepared by the project ecologist in writing demonstrating compliance is to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: Management of bushland (DACNEE07)

30. Stormwater Pipeline Construction

Where connection to Council's nearest stormwater drainage system is required, being in the unformed part of Gibbs Street, the applicant shall construct the pipeline in accordance with Council's specification for engineering works (see www.northernbeaches.nsw.gov.au) and shall reconstruct all affected kerb and gutter, bitumen reinstatements, adjust all vehicular crossings for paths, grass verges and household stormwater connections to suit the kerb and gutter levels. All works shall be undertaken at the applicant's cost, and upon completion certified by an appropriately qualified and practicing Civil Engineer.

Details demonstrating compliance is to be included in the documentation for certification in accordance with the state building laws.

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENE03)

31. Civil Works Supervision

All civil works approved in the Section 109R Crown Building Work Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance is to be included in the documentation for certification in accordance with the state building laws.

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

32. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

33. Notification of 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.

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. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of

Council and receipt of the required certification.

Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

34. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Northern Beaches Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance is to be included in the documentation for certification in accordance with the state building laws.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

35. Requirement to Notify about New Contamination Evidence

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

Reason: To protect human health and the environment. (DACHPE01)

36. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- a) A general decline in health and vigour.
- b) Damaged, crushed or dying roots due to poor pruning techniques.
- c) More than 10% loss or dieback of roots, branches and foliage.
- d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- f) An increase in the amount of deadwood not associated with normal growth.
- g) An increase in kino or gum exudation
- h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLAE03)

37. Protection of rock and sites of significance

All rock outcrops and overhangs indicated for retention on the approved plans are to be retained and protected during the demolition and construction works.

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

Reason: Protection of significant environmental features. (DACLAEDW1)

38. Property Boundary Levels

The property boundary levels shall match the existing levels except where modified for the vehicular crossing. The applicant shall design and construct having regard for the existing levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

Details demonstrating compliance is to be included in the documentation for certification in accordance with the state building laws.

Reason: To maintain the existing profile of the nature strip/road reserve. (DACENE01)

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE OCCUPATION OF THE BUILDING

39. Certification of Fauna and Tree Hollow re-location

A certificate demonstrating that the Project Ecologist supervised the relocation of displaced fauna and salvageable tree hollows within the development area prepared by the Project Ecologist and submitted to the Certifying Authority and Council prior to occupation in accordance with the state building laws.

Reason: Fauna Management (DACNEF05)

40. Certification of Landscape Management Plan during construction

Details prepared by the project ecologist in writing demonstrating compliance with Landscape Management Plan is to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: Management of bushland (DACNEF08)

41. Authorisation of Legal Documentation Required for On-site Stormwater Detention and Stormwater Quality Management System

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: To create encumbrances on the land. (DACENF01)

42. Registration of Encumbrances for On-site Stormwater Detention and Stormwater Quality Management System

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

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the occupation in accordance with the state building laws.

Reason: To identify encumbrances on land. (DACENF02)

43. Restriction as to User for On-site Stormwater Detention and Stormwater Quality Management System

A restriction as to user shall be created on the title over the on-site stormwater detention system and stormwater quality management system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: To ensure modification to the on-site stormwater detention structure is carried without Council's approval. (DACENF04)

44. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

(Note: The following Standards and Codes applied at the time of determination:

- a) Australian/New Zealand Standard AS/NZS 3500.3:2003 - Plumbing and drainage - Stormwater drainage.
- b) Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 - Plumbing and drainage - Stormwater drainage.
- c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

45. Certification Civil Works

The Civil Engineer responsible for the supervision of the civil works shall certify that the completed works have been constructed in accordance with this consent and the approved Section 109R Crown Building Work Certificate. A "work as executed" (WAE) plan certified by a registered surveyor and overdrawn in red on a copy of the approved civil works plans are to be provided to Council. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENF06)

46. On-Site Stormwater Detention Compliance Certification Detention and Stormwater

Quality Management System

Upon completion of the on-site stormwater detention (OSD) system and stormwater quality management system, certification from a consulting engineer and a “work as executed” (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: To ensure stormwater disposal is constructed to Council’s satisfaction.
(DACENF10)

47. Positive Covenant for On-site Stormwater Detention and Stormwater Quality Management System

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure and stormwater quality management system in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council’s standard requirements, (available from Northern Beaches Council), at the applicant’s expense and endorsed by Northern Beaches Council’s delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: To ensure ongoing maintenance of the on-site stormwater detention system.
(DACENF12)

48. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Northern Beaches Council for authorisation.

A certified copy of the documents shall be provided to Northern Beaches Council after final approval and registration has been affected by the “Department of Lands”.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: To identify encumbrances on land. (DACENF14)

49. Certification of Compliance - Stormwater Quality Management Measures

A certificate from a Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate, stating that the stormwater quality management system has been installed in accordance with the Council’s Water Management Policy and Section 109R Crown Building Work Certificate Plans.

Reason: To ensure the long-term sustainability of ecosystem functions (DACNEFPOC1)

50. Operation and Maintenance Plan - Stormwater Quality Management Measures

An Operation and Maintenance Plan is to be prepared to ensure proposed stormwater quality measures remain effective.

The Plan must contain the following:

- a) Maintenance schedule of all stormwater quality treatment devices
- b) Record and reporting details
- c) Maintenance costs and funding arrangements for the maintenance of all stormwater quality treatment devices
- d) Vegetation species list associated with each type of vegetated stormwater treatment device
- e) Waste management and disposal
- f) Traffic control measures (if required)
- g) Relevant contact information
- h) Renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices
- i) Work Health and Safety requirement

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: To ensure the ongoing performance of stormwater management measures (DACNEFPOC2)

51. 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 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 Certifying Authority prior to occupation in accordance with the state building laws.

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

52. Provision of Adequate Length of School Bus Zones

The school bus zone located on the west side of Gibb Street north of the wombat crossing and Orana Street is to accommodate a minimum of 2 single rigid 12m long buses for numbers up to 550 students and 3 single rigid 12m long buses for numbers over 550 students, and is to be designed in accordance with the latest issue of the Bus Infrastructure Guide published by NSW Transport – State Transit.

The school bus zone to be installed prior to school commencing operation.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: To accommodate adequate bus services/public transport servicing the school's students and alleviate the traffic congestion resulting by buses awaiting to pull onto the bus zone.

53. Upgrade of Existing Pedestrian Crossing to a Wombat Crossing

The upgrade of the existing children crossing to a wombat crossing is to be in accordance with the Traffic Committee recommendation AS 1742.13-1991 and Council Standard Drawing Plan A4 9061 and is to include street lighting in accordance with Australian Standards AS 1158.4-1987 SAA Public Lighting Code Part 4 SUPPLEMENTARY LIGHTING AT PEDESTRIAN CROSSING.

A detailed engineering drawing for the wombat crossing is to be submitted to Council for approval via the Northern Beaches Traffic Committee. The wombat crossing and associated traffic controls are to be implemented at no cost of Council.

The upgrade of the existing children crossing is to be undertaken following construction of the school building works and prior to occupation.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Note: A pedestrian/wombat crossing is not approved at the bend of Sunshine Street and Gibbs Street adjacent to the entrance of the public carpark.

Reason: To ensure safety in relation to the location and design of the crossing and compliance of with Australian Standards and Local Traffic Committee requirements

54. Traffic Control Plan

A Traffic Control Plan is to be prepared by a suitably qualified person to address:

- pick up and set down areas;
- bus zones and
- wombat crossing.

All traffic controls are to be implemented at no cost of Council.

The Traffic Control Plan is to be prepared prior to occupation.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: To ensure the suitability and compliance of the location and design of the crossing with Australian Standards.

55. Rights of Carriageway

Rights of carriageway easements in favour of the Northern Beaches Council under the Conveyancing Act 1919 are to be created on the title to ensure the ongoing retention and public access of:

- a) The variable width dual use pathway which extends from the southern side of the Gibbs Street carpark then north towards the Manly Northern Beaches War Memorial Park (proposed Lots 100, 101 in DP 1220468); and
- b) The variable width pathway which encircles the eastern side of McComb Hill within proposed Lots 1549, 7074 and 102 in DP 1220468 and existing Lot 1768 in DP 752038.

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

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: Public interest and access. (DACENH04)

56. Required Planting

Trees shall be planted in accordance with the following schedule:

LDA01, LDA02, LDA03 Issue C - Landscape Plan & Plant Schedule	27/09/16	NSW Public Works Government Architect's Office & NBRS Architecture. Landscape
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Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: To maintain environmental amenity. (DACLAF01)

57. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: To ensure proper site management. (DACPLF01)

58. Provision of bike racks

Bike racks are to be provided at a rate of 1 per 20 students over Year 4.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to occupation in accordance with the state building laws.

Reason: To provide for the school community and to encourage active transport.

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

59. Exotic Plant Species/Weeds

All exotic plant species, noxious and environmental weeds are to be managed continuously and are not to be imported to the site. Further information is available on Northern Beaches Council's website.

Only certified weed free and contaminant free mulch is to be used on the site, as they may contain weed seeds and viable vegetative matter and other contaminants, which may impact adversely on the vegetation, soil, water quality or ecology of the site.

Reason: Noxious and environmental weed management (DACNEG05)

60. Bushland and biodiversity / Landscape management

The actions, performance criteria, monitoring, targets and recommendations detailed in the Landscape Management Plan must be followed in full (unless other identified by development consent conditions) to manage biodiversity impacts in an appropriate manner by appropriately qualified people. The work outlined in the Landscape Management Plan must be started as soon as site works commence.

The Project Ecologist is to be responsible for ensuring that the works are carried out in accordance with the Plan.

Removal of all temporary structures/material and construction rubbish including all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences is to be removed from the site once construction has been completed.

Reason: Mitigation of impacts on biodiversity.

61. Maintenance of Stormwater Quality Management System

The stormwater quality management system must be maintained in perpetuity in accordance with the Stormwater Quality Operation and Maintenance Plan.

Reason: Protection of the receiving environment (DACNEGOG1)