



CONDITIONS OF APPROVAL

Application Number:	DA2018/1332
Land to be developed (Address):	Lot 100 DP 1114910, 207 Forest Way BELROSE NSW 2085 Lot 7 DP 807906, 199 Forest Way BELROSE NSW 2085
Proposed Development:	Demolition works and construction of major additions to Glenaeon Retirement Village, including self contained dwellings and a new residential care facility on a neighbouring lot, with associated carparking, landscaping and public road modifications

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

Architectural Plans - Endorsed with Council's stamp - 199 Forrest Way		
Drawing No.	Dated	Prepared By
No.003 - Rev B: Site Plan	13/12/2018	Calder Flower Architects
No.004 - Rev B: Demolition Plan	13/12/2018	Calder Flower Architects
No.100 - Rev B: Lower Ground Floor Plan	13/12/2018	Calder Flower Architects
No.101 - Rev B: Ground Floor Plan	13/12/2018	Calder Flower Architects
No.102 - Rev B: Level 1 Plan	13/12/2018	Calder Flower Architects
No.103 - Rev B: Roof Plan	13/12/2018	Calder Flower Architects
No.200 - Rev B: Elevations	13/12/2018	Calder Flower Architects
No.201 - Rev B: Elevations No Landscaping	13/12/2018	Calder Flower Architects
No.210 - Rev B: Sections	13/12/2018	Calder Flower Architects
No.501 - Rev B: Material Palette	13/12/2018	Calder Flower Architects
Architectural Plans - Endorsed with Council's stamp - 207 Forrest Way		
Drawing No.	Dated	Prepared By
No.001 - Rev 4: Demolition Plan	08/08/2018	PTW Architects
No.002 - Rev 4: Site Plan	08/08/2018	PTW Architects
No.005 - Rev 4: Site Plan RL 154.00	08/08/2018	PTW Architects
No.006 - Rev 4: Site Plan RL 157.05	08/08/2018	PTW Architects

No.007 - Rev 4: Site Plan RL 160.10	08/08/2018	PTW Architects
No.008 - Rev 4: Site Plan RL 163.15	08/08/2018	PTW Architects
No.009 - Rev 4: Site Plan RL 164.35	08/08/2018	PTW Architects
No.010 - Rev 4: Site Plan RL 167.40	08/08/2018	PTW Architects
No.011 - Rev 4: Site Plan RL 170.60	08/08/2018	PTW Architects
No.012 - Rev 4: Site Plan RL 173.65	08/08/2018	PTW Architects
No.013 - Rev 4: Site Plan RL 176.70	08/08/2018	PTW Architects
No.014 - Rev 4: Site Plan RL 179.75	08/08/2018	PTW Architects
No.015 - Rev 4: Site Roof Plan	08/08/2018	PTW Architects
No.016 - Rev 4: Materials Board	08/08/2018	PTW Architects
No.401 - Rev 4: Site Elevations	08/08/2018	PTW Architects
No.402 - Rev 4: Site Elevations	08/08/2018	PTW Architects
No.501 - Rev 4: Site Section	08/08/2018	PTW Architects
No.502 - Rev 4: Site Section	08/08/2018	PTW Architects

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Site Stormwater Management Plan	04/02/2019	Wood & Grieve Engineers
Biodiversity Impact Assessment Report (Local and Commonwealth Matters)	07/02/2019	Keystone Ecological
Biodiversity Development Assessment Report	07/02/2019	Keystone Ecological
Traffic Impact Assessment	01/08/2018	Cardno
Acoustic Report	31/07/2018	Wood & Grieve Engineers
Riparian Assessment	14/05/2018	Cardno
BCA Report	30/07/2018	Blackett Maguire Goldsmith
Access Report	13/06/2018	Morris Goding Access Consulting
Geotechnical Report	01/08/2018	Cardno
Arboricultural Impact Assessment	23/07/2018	Landscape Matrix
BASIX Report	09/08/2018	Wood & Grieve Engineers

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

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

Landscape Plans - 199 Forrest Way		
Drawing No.	Dated	Prepared By
No. 253824-BE-LD-000-03 Rev-03	12/12/2018	Aspect Studios
No. 253824-BE-LD-200-01 Rev-05	12/12/2018	Aspect Studios
No. 253824-BE-LD-200-02 Rev-04	12/12/2018	Aspect Studios
No. 253824-BE-LD-000-11 Rev-04	12/12/2018	Aspect Studios

Landscape Plans - 207 Forrest Way		
Drawing No.	Dated	Prepared By
L.DA.000.00	26/07/2018	Scape Designs
L.DA.000.01	26/07/2018	Scape Designs
L.DA.000.05	26/07/2018	Scape Designs
L.DA.000.06	26/07/2018	Scape Designs
L.DA.000.07	26/07/2018	Scape Designs
L.DA.200.01	26/07/2018	Scape Designs
L.DA.200.02	26/07/2018	Scape Designs
L.DA.200.03	26/07/2018	Scape Designs
L.DA.500.01	26/07/2018	Scape Designs
L.DA.500.02	26/07/2018	Scape Designs

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan (a) 207 Forrest Way	July 2018	Waste Audit and Consultancy Services
Waste Management Plan (b) 199 Forrest Way	August 2018	Waste Audit and Consultancy Services

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. **Amendments to the approved plans**

The following amendments are to be made to the approved plans on 207 Forest Way, Belrose:

- **Building A** - Plans are to be amended to wholly accommodate the footprint of Building A within the site boundary. No part of the building is to be located outside of the site boundary on Council land.
- **Building D** - Plans to be amended to delete Building D and that portion of the site is to be maintained as native vegetation.

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

Reason: To ensure development is constructed within the boundaries of the subject site.

3. **Compliance with Other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	EDMS Reference	Dated
NSW Rural Fire Services	Response NSW RFS	17 October

(NSW RFS)		2018
Water NSW	Response Water NSW	16 April 2019
Road & Maritime Services (RMS)	Response RMS	29 August 2018

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's.

4. **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

5. **General Requirements**

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

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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.
- (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 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.

- (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 and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) 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.
- (j) 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 demolishedThe 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.

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

6. Occupation of Seniors Housing or Housing for Persons with a Disability

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and / or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended

period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue any Interim / Final Occupation Certificate.

Reason: Statutory requirements. (DACPLB11)

7. **Traffic Management.**

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

Note: A plan of traffic management is to be submitted to and approved by the Consent Authority.

Reason: To ensure pedestrian safety and continued efficient network operation. (DACTRBOC1)

8. **Road Occupancy Licence (ROL)**

The developer shall apply for a Road Occupancy Licence (ROL) from the RMS Transport Management Centre (TMC) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified with 'Prepare a Work Zone Traffic Management' accreditation or equivalent. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TMC.

Reason: To inform the relevant Roads Authority of proposed disruption to traffic flows. (DACTRBOC2)

FEES / CHARGES / CONTRIBUTIONS

9. **Policy Controls**

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 66,030,190.60		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 627,286.81
Section 94A Planning and Administration	0.05%	\$ 33,015.10
Total	1%	\$

		660,301.91
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The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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 Northern Beaches Council's Development Contributions Plan.

10. **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 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, 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.warringah.nsw.gov.au/your-council/forms).

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

11. **Construction, Excavation and Associated Works Bond (Road and footpath reconstruction works)**

A Bond of \$250,000 as security against any damage or failure to complete the construction of 1.5m wide footpath in the Forest Way road reserve and part road reconstruction as required part of this consent.

Reason: Protection of Council's Infrastructure

12. **Construction of the Bus shelter**

A Bond of \$50000 as security against any damage or failure to complete the construction of the Bus Shelter on the western side of Forest way (corner Linden Avenue) required as part of this consent.

Reason: Enhancement of Council's Infrastructure

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

The developer/applicant must lodge with Council a Maintenance Bond of \$70000 for the construction of footpath works and bus shelter. The Maintenance Bond will only be refunded on completion of the six month Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be apid

prior to Council issuing practical completion and may be exchanged for the works bond.

Reason: To ensure adequate protection of Council infrastructure

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

14. **Submission Roads Act Application for Civil Works in the Public Road**

An Application for footpath reconstruction works to be approved within Council Roadway, including engineering plans is to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The application is to include four (4) copies of Civil Engineering plans for the design of 1.5m wide footpaths to the existing bus shelter on the eastern footpath of Forest Way and to the existing bus stop on the western footpath of Forest Way.

The Footpath to the bus stop on the western side of Forest Way is to be constructed from the corner Gleneon corner to the existing signalised crossing at Morgan Road, then on then continue on the western side of Forest way to the existing Bus stop on an approved Council alignment.

A new bus shelter is to be installed in accordance with Councils specifications at the corner of Forest Way and Linden Avenue on a Council approved alignment. Additionally pedestrian ramps (2 no) are to be installed at the intersection of Forest Way and Linden Avenue.

The kerb and gutter and road pavement in Gleneon Avenue is also to be reconstructed where it has been damaged by trees roots .

All newly constructed footpaths,road works,pedestrian ramps , driveway crossings and the bus shelter are to be generally in accordance with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and/ or Council's Minor Works Policy and other Council specifications . The plans shall be prepared by a qualified structural/civil engineer. The design must include the following information: 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 Council prior to the issue of the Construction Certificate

Reason: To provide public and private safety.

15. **Vehicle Driveway Gradients**

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure suitable vehicular access to private property

16. **On-site Stormwater Detention**

An On-site Stormwater Detention system must be designed and constructed in accordance with Northern Beaches Council's current , WARRINGAH WATER MANAGEMENT POLICY PL850, and generally in accordance with the concept drainage plans prepared by Wood and Grieve Engineers, drawing number CD-520-01, CD-526-01, dated 21/1/19.

Detailed drainage plans are to be prepared by a qualified experienced practicing Civil Engineer, with Corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to

become a Corporate member and has appropriate experience and competence in the related field.

The drainage plans must address the following :

- i) Minimum information requirements as specified in Councils On Site Detention Technical Specification section 3.1.3
- ii) A DRAINS model is to be prepared to verify all stormwater discharge objectives have been complied with .
The discharge structure from the existing pond onto the adjoining Council road reserve is to be fully located within the property boundary , The discharge of stormwater is not to be concentrated and designed to mimic the existing flow regime.

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with Council's requirements, are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of storm water and storm water management arising from the development.

17. **Vehicle Crossings Application**

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

18. **Maintenance of Existing Hydrology**

The applicant must engage the services of an appropriate qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) to ensure that the existing hydrological regime for receiving environments immediately downstream of 199 and 207 Forest Way is maintained post development, for all storm events up to and including the 1% AEP.

The Stormwater Management Plans for 199 and 207 Forest Way must be amended to reflect the requirements of this condition.

A certificate prepared by the appointed Civil Engineer shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment

19. **Tree Protection Plan**

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

(a) 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 Construction 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)

20. **Pre-commencement Dilapidation Report**

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

Reason: Protection of Council's and Private Party's Infrastructure during construction.

21. **Delineation Asset Protection Zone**

Prior to the commencement of any vegetation clearance/modification, the boundaries of the bushfire Asset Protection Zone (APZ) must be surveyed by a registered surveyor and marked on ground. Clearing of vegetation for establishing the APZ must only occur within the marked APZ boundaries. A certificate demonstrating compliance must be prepared by the project ecologist and submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls

22. **Compliance with Ecologist's Recommendations – Pre-construction**

All pre-construction biodiversity-related measures specified in Table 10 of the approved ecological report (BDAR – Ver 2.2 February 2019 Keystone Ecological) and these conditions of consent are to be implemented at the appropriate stage of the development. Compliance with pre-construction measures is to be certified by the project ecologist prior to issue of the Construction Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls (DACNECPCC1)

23. **Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland biodiversity protection measures are carried out according to the conditions of consent and the BDAR and Biodiversity Management Plan. The Project Ecologist must have one of the following memberships/accreditation:

- Practising member of the NSW Ecological Consultants Association OR
- Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016

Employment of a project ecologist is to be certified by the Principal Certifying Authority Prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

24. Preparation of Environmental Management Checklist

A Construction Environmental Management Checklist is to be prepared and is to incorporate all measures for the protection of native vegetation, wildlife and habitats during the construction phase. Measures specified in the checklist must include all requirements of conditions of this consent addressing construction-related impacts on biodiversity. The Checklist is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls. (DACNECPCC2)

25. Installation of Nest Boxes

A minimum of 10 nest boxes suitable for species such as Kookaburra, Brushtail Possum, Ringtail Possum, microbats, small parrots are to be installed in the retained trees throughout the retained native vegetation. A certificate demonstrating compliance must be prepared by the project ecologist and submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To maintain wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls

26. Fencing for Wildlife Passage

Prior to the issue of the Construction Certificate, the project ecologist is to certify the working plans show new fencing (with the exception of swimming pool fencing) is designed to be passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level, spaced at a minimum of 6m intervals.

Reason: To preserve wildlife corridors in accordance with relevant Natural Environment LEP/DCP controls

27. Like for like credit retirement conditions - Ecosystem credit retirement conditions

Prior to issue of the relevant construction certificate the class and number of ecosystem credits in Table 1 must be retired to offset the impacts of the development.

The requirement to retire credits outlined in Table 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to the General Manager Environment & Infrastructure of Northern Beaches Council prior to release of construction certification.

Table 1 Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
1250-Sydney DA2018/1332	12	Pittwater,	Sydney Coastal Dry

Peppermint - Smooth-barked Apple – Red Bloodwood shrubby open forest on slopes of moist sandstone gullies, eastern Sydney Basin Bioregion	10	Cumberland, Sydney Cataract, Wyong and Yengo. or From a location within 100km of the impact site	Sclerophyll Forests (including PCT's 1083, 1138, 1156, 1181, 1183, 1250, 1253, 1619, 1620, 1621, 1623, 1624, 1625, 1627, 1632, 1636, 1638, 1642, 1643, 1681, 1776, 1777, 1778, 1780, 1782, 1783, 1785, 1786, 1787)
1605-Narrow-leaved Ironbark - Native Olive shrubby open forest of the central and upper Hunter		Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. or From a location within 100km of the impact site	North-west Slopes Dry Sclerophyll Woodlands (including PCT's 228, 380, 381, 382, 384, 385, 386, 389, 390, 391, 393, 394, 412, 413, 418, 429, 432, 435, 453, 506, 517, 527, 529, 543, 549, 555, 562, 563, 564, 573, 587, 588, 591, 594, 595, 596, 597, 598, 856, 1165, 1306, 1308, 1317, 1387, 1560, 1586, 1587, 1605, 1606, 1607, 1611, 1613)

Reason: To offset the impacts of the development in accordance with the NSW Biodiversity Offset Scheme

28. **Like for like credit retirement conditions - Species credit retirement conditions**

Prior to issue of the relevant construction certificate the class and number of species credits in Table 2 must be retired to offset the impacts of development.

The requirement to retire credits outlined in Table 2 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 requirements must be provided to the General Manager Environment & Infrastructure of Northern Beaches Council prior to release of construction certification.

Table 2 Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
Cercartetus nanus / Eastern Pygmy-possum	14	Pittwater
Chalinolobus dwyeri / Large-eared Pied Bat	43	Pittwater

Reason: To offset the impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

29. **Variation rule credit retirement conditions - Ecosystem credit retirement conditions**

Prior to issue of the relevant construction certificate the class and number of species credits in

Table 3 must be retired to offset the impacts of development.

Evidence of the retirement of credits in satisfaction of Table 3 requirements is to be provided to the General Manager Environment & Infrastructure of Northern Beaches Council prior to release of construction certification.

Table 3 Ecosystem credits required to be retired – variation rules

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Approved variation plan community type(s) that be used to offset the impacts from development
1250-Sydney Peppermint - Smooth-barked Apple – Red Bloodwood shrubby open forest on slopes of moist sandstone gullies, eastern Sydney Basin Bioregion	12	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. or From a location within 100km of the impact site	Any PCT from Dry Sclerophyll Forests (Shrub subformation), Tier 7 or higher, containing HBT (including artificial)
1605-Narrow-leaved Ironbark - Native Olive shrubby open forest of the central and upper Hunter	10	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. or From a location within 100km of the impact site	Any PCT from Dry Sclerophyll Forests (Shrub subformation), Tier 7 or higher, containing HBT (including artificial)

Reason: To offset the impacts of the development in accordance with the NSW Biodiversity Offset Scheme

30. Compliance with Standards

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

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

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

(l) AS 1428.1 – 2009* Design for access and mobility - General requirements for access – New building work**

(m) AS 1428.2 – 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

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

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

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

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

31. **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.

32. **External Finishes to Roof**

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

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

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

33. **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 for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- 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.

34. Construction Traffic Management Plan.

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

- The proposed phases of construction works on the site, and the expected duration of each construction phase;
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- Make provision for all construction materials to be stored on site, at all times;
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- Proposed protection for Council and adjoining properties;

- The location and operation of any on site crane; and

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

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

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

35. Submission of Engineering Plans (standard from development engineers).

Engineering plans are to be submitted to and approved by Council and RMS. The submission is to include four (4) copies of Civil Engineering plans for the design of:

- Intersection of Forest Way and Glenaeon Ave. Upgrade of Glenaeon Ave to include 2 approaching lanes and 1 departing lane. The approaching lanes shall be marked as; one (1) dedicated left turn and one (1) dedicated right turn lane. Appropriate swept paths for the largest anticipated vehicle shall be utilised to demonstrate the appropriate configuration of the lanes and widths.

These are to be generally in accordance Council’s specification for engineering works - AUS-SPEC #1 and or Council’s Minor Works Policy. Details demonstrating compliance are to be submitted to Council prior to the issue of any Construction Certificate.

Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval. This must be submitted and approved prior to the release of any Construction Certificate.

Reason: To ensure a suitable intersection is designed for users to turn left/right onto Forest Way from Glenaeon Ave. Also to ensure compliance with Council’s specification for engineering works. (DACTRCPC2)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

36. 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.

37. 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 adjoining land
 - iii) all road reserve trees and vegetation.

(b) Tree protection measures:

- i) No tree roots greater than 30mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.
- ii) All structures are to bridge tree roots greater than 30mm diameter unless directed otherwise by the Project Arborist on site.
- iii) All tree protection is to be in accordance with the Arboricultural Impact Report dated 23 July 2018 prepared by Landscape Matrix, the Arboricultural Impact Assessment dated 31 July prepared by Footprint Green and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) 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.
- v) No excavated material, building material storage, site facilities, or landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- vi) All tree pruning within the subject site is to be in accordance with the relevant Development Control Plan for Private Property Tree Management and AS 4373 Pruning of amenity trees
- vii) any tree roots exposed during excavation with a diameter greater than 30mm within the Tree Protection Zone must be assessed by the Project Arborist. Details including photographic evidence of works undertaken shall be submitted by the Project Arborist to the Certifying Authority.

Reason: Tree protection

38. **Project Arborist**

- 1. A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- 2. The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the approved Tree Protection Plan and Arboricultural Impact Assessment dated 31 July 2018 prepared by Footprint Green and the Arboricultural Impact Report dated 23 July 2018 prepared by Landscape Matrix and AS4970-2009 Protection of trees on development sites.
- 3. The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: Tree protection

39. **Impact to Protected Native Wildlife**

Habitat for native wildlife including hollows, native vegetation, rock outcrops and riparian areas must be inspected for native wildlife prior to removal by the project ecologist. If native wildlife is found within habitat required to be removed, a registered wildlife rescue and rehabilitation organisation must be contacted for advice. Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response. If no such incidents occur during works, a statement to that effect is to be prepared. The project ecologist is to prepare a record of any incidents or a statement that no such

incidents occurred and provide this to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016

40. **Construction Environmental Management Checklist Inductions**

All workers, including site inspectors and sub-contractors, are to be briefed on measures specified in the Construction Environmental Management Checklist through a site induction prior to workers commencing their works. Evidence of the site induction is to be documented and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls (DACNEDPC1)

41. **Delineation of the Asset Protection Zones**

Clearing of vegetation for establishing the APZ must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries. A certificate demonstrating compliance must be prepared by the project ecologist and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls

42. **Temporary Protection Fencing – Exclusion Zones**

Prior to the commencement of any works onsite, temporary mesh construction fencing is to be erected surrounding retained vegetation identified and mapped in the approved Biodiversity Development Assessment Report. A certificate demonstrating compliance must be prepared by the project ecologist and submitted to the Principal Certifying Authority prior to any commencement.

Reason: To protect native vegetation in accordance with relevant Natural Environment LEP/DCP controls

43. **Provision of Construction Environmental Management Checklist**

<A copy of the Construction Environmental Management Checklist is to be provided to all workers prior to commencement. A record of receipt of the Checklist is to be signed by all workers and this record is to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls (DACNEDPC2)

44. **Vegetation Clearing Protocols**

Clearing of native vegetation is to be undertaken in accordance with the protocols and recommendations specified in the approved Biodiversity Management Plan. Details confirming compliance are to be certified by the project ecologist and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate

Reason: To protect native vegetation in accordance with relevant Natural Environment LEP/DCP controls

45. Progress Certification (Road & Subdivision)

Written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by Council for the following stages of works. (a) Silt and sediment control facilities b) Laying of stormwater pipes and construction of pits
(b) Pedestrian pathway sub-grade trimmed and compacted **
(c) Pedestrian Base-course laid and compacted **
(d) Kerb and gutter construction
(e) Clean-up of site, and of adjoining Council roadway and drainage system. (**To be tested by a recognised N.A.T.A. approved laboratory). Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

46. 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 pouring of any pedestrian pathways
(c) Prior to pouring of kerb and gutter
(e) Subgrade level / basecourse level / subbase
(f) Sealing road pavement

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

47. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety

48. Vehicle Crossings

The provision of two vehicle crossing 6m and 3.5m metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ N and specifications. 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.

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

Reason: To facilitate suitable vehicular access to private property.

49. 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.

50. **Maintenance of Sediment**

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

51. **Site Entry Access way**

An all-weather access way at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.

Reason: To reduce sediment being taken offsite

52. **Cleaning of Vehicles Leaving Site**

Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

Reason: To reduce sediment being taken offsite

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

Any new information revealed during demolition works and excavation 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)

54. **Protection of rock and sites of significance**

(a) 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.

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

Reason: Preservation of significant environmental features (DACLAEOG1)

55. **Relocation of Logs and Coarse Woody Debris**

All logs and branches are to be salvaged from trees prior to any vegetation clearing and reused as fauna habitat within the retained vegetation.

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

Reason: To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls

56. **Protection of Habitat Features**

All natural landscape features, including rock outcrops, native vegetation, soil and watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls (DACNEEDW1)

57. **Fauna and Tree Hollow re-location**

The project ecologist is to be present to:

- a) relocate any displaced fauna that may be disturbed during any tree clearance and/or construction works.
- b) direct the project arborist to salvage any tree hollows within the development area and place them within areas of retained native vegetation on the site.
- c) certify in writing that the above has been undertaken and submit this to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native wildlife in accordance with Sections 2.1 and 2.4 of the NSW Biodiversity Conservation Act 2016 and relevant Natural Environment LEP/DCP controls

58. **Tree Hollow Inspection by Ecologist**

All tree hollows proposed for clearing are to be inspected by the project ecologist prior to removal. Inspection of tree hollows is to be facilitated by a qualified and experienced tree climber or arborist with the use of an elevated work platform where necessary.

Details prepared by the project ecologist in writing demonstrating compliance are to be submitted to the Principal Certifying Authority prior to commencement of tree removals.

Reason: To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016 and relevant Natural Environment LEP/DCP controls

59. **Works to cease if Aboriginal Heritage item found**

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

Reason: To protect Aboriginal Heritage in accordance with the NSW National Parks and Wildlife Act 1974 (DACNEEDW2)

60. **Dead or Injured Wildlife**

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

Reason: To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016

61. **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 Council's 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 are to be submitted to the Principal Certifying Authority.

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

62. Implementation of Construction Traffic Management Plan.

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for concurrence. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: to ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent (DACTREDW1)

63. Ongoing Management.

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the project.

Reason: To ensure the safety and usability of the local road network (DACTREDW2)

64. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by <INSERT>.

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

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

65. Waste/Recycling Requirements (Waste Plan Submitted)

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

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided. (DACWTE01)

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

66. Authorisation of Legal Documentation Required for Onsite Detention

DA2018/1332

The original completed request forms (NSW Land Registry 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 Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land.

67. Registration of Encumbrances for On-site Stormwater Detention

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land.

68. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces

69. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention 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 Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

70. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) 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 Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

71. **Positive Covenant and Restriction as to User for On-site Stormwater Detention**

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 in accordance with the standard requirements of Council. The terms of the positive covenant 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 NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A restriction as to user shall be created on the title over the on-site stormwater detention 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 at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.

72. **Creation of Positive Covenant and Restriction as a User**

A restriction on the use of land and a positive covenant shall be created on the title of the land in respect of the installation and maintenance of on-site stormwater disposal structures. The detailed information for a restriction on the use of land and a positive covenant is shown in Northern Beaches Council's , WARRINGAH WATER MANAGEMENT POLICY PL850, . The terms of the positive covenant and a Restriction on the use of land 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 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 Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard

73. **Post-Construction Dilapidation Report**

The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of all property, infrastructure, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties

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

74. **Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development

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

The design, construction and fit out of food premises kitchen is to compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Reason: To ensure that any food kitchen complies with the design requirements.
(DACHPFPOC3)

76. **Certification of Road and Footpath Reconstruction Works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed footpath and road works have been constructed in accordance with this consent and the approved Section 138 Roads Act approvals. Works as Executed data certified by a registered surveyor. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate

Security deposits held with Council will not be returned until Council has reviewed all work as executed documentation and agreed to practical completion of works.

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

77. **Temporary Protection Fencing – Exclusion Zones**

Removal of the temporary mesh construction fencing is to be certified by the project ecologist and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate

Reason: To protect native vegetation in accordance with relevant Natural Environment LEP/DCP controls

78. **Certification of ongoing work**

A Bush Regeneration contract is to be entered into to ensure that works required by the Biodiversity Management Plan to occur post Occupation Certificate are adequately completed. The bush regeneration company is to provide certification of contract engagement and commencement of works to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect and maintain native vegetation and wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls

79. **Implementation of Construction Environmental Management Checklist**

Construction is to be undertaken in accordance with the Constructional Environmental Management Checklist. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls (DACNEFPOC1)

80. **Priority Weed Removal and Management**

All Priority weeds (as specified in Appendix 1 of the Greater Sydney Regional Strategic Weed Management Plan 2017 – 2022) on the site are to be removed and managed. Details demonstrating the removal and management of weeds are to be prepared by the project ecologist in writing and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds, in accordance

with relevant Natural Environment LEP/DCP controls

81. Clearing for Asset Protection Zones

Following completion of onsite building works and clearance/modification of vegetation for establishment of the bushfire Asset Protection Zone (APZ), the project ecologist is to certify in writing that clearing of vegetation for establishment of the APZ was confined within the marked APZ boundaries. Certification of compliance is to be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls (DACNEFPOC2)

82. Fauna and Tree Hollow re-location

The project ecologist is to certify in writing that:

- a) they relocated any fauna that was displaced or disturbed during tree clearing and/or construction works,
- b) any tree hollows were salvaged from trees by the project arborist and placed within areas of retained native vegetation on the site.
- c) provide a written certification to the Principal Certifying Authority that the above has been undertaken prior to the issue of any Occupation Certificate.

Reason: To protect native wildlife in accordance with Sections 2.1 and 2.4 of the NSW Biodiversity Conservation Act 2016 and relevant Natural Environment LEP/DCP controls.

83. Relocation of Logs and Coarse Woody Debris - Certified by Ecologist

All logs and branches are to be salvaged from cleared trees and reused as fauna habitat within the proposed retained vegetation.

Details demonstrating compliance are to be certified by the project ecologist and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls.

84. Protection of Habitat Features – Certified by Ecologist

All natural landscape features, including rock outcrops, native vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans. Details demonstrating compliance are to be certified by the project ecologist and provided to the Principal Certifying Authority prior to issue of any Occupation Certificate

Reason: To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls

85. Monitoring maintenance of Installed Nest Boxes

All nest boxes are to be monitored and maintained during APZ management and on site monitoring events as required by the approved Biodiversity Management Plan.

A certificate demonstrating compliance must be prepared by the project ecologist and submitted to the Certifying Authority prior to issue of any Occupation Certificate.

Reason: To maintain wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls

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

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

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

Reason: To ensure bushland management. (DACPLF01)

87. **Occupation of Seniors Housing or Housing for Persons with a Disability**

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and/or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue any Interim / Final Occupation Certificate.

Reason: Statutory requirements. (DACPLF11)

88. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

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

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and

Assessment Regulation 2000. (DACPLF07)

89. **Signage and Linemarking – External.**

Any changes to the signage and line marking on the road or road reserve requires separate approval under the Roads Act and must be obtained prior to the issue of any Occupation Certificate.

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

Note: The applicant is advised that the plan will require approval by the local Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process

Reason: To ensure consistent parking amenity. (DACTRFPOC1)

90. **Waste/Recycling Compliance Documentation**

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

Reason: To ensure waste is minimised and recycled. (DACWTF02)

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

91. **Temporary Dewatering**

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

Parameter	Criterion	Method
Oil and grease	None visible	Visual inspection
pH	6.5- 8.5	Probe/meter
Total Suspended Solids (TSS)	<50mg/L	Meter/grab sample n as NTU

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

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

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

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

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

Reason: Protection of the receiving environment
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92. **Landscape maintenance**

1. Trees shrubs and ground covers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
2. If any tree, shrub or ground cover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity

93. **Protection of Trees and Bushland Vegetation**

All existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls

94. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: To manage the spread of environmental weeds in accordance with relevant Natural Environment LEP/DCP controls.

95. **Visitors Sign**

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

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

Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors. (DACPLG04)

96. **Commercial Waste Collection (DACPLG18)**

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

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

97. **Loading and Unloading**

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

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

98. **Commercial Waste and Recycling Storage**

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

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

99. **Shuttle Services**

The facility shall be required to provide at least 3 shuttle services per day. A plan of management for the shuttle services shall be submitted to Council prior to the issue of any Occupation Certificate.

Reason: To ensure reduced dependency on walking, as safe pedestrian facilities to the bus stop on the opposite side of Forest Way is not achievable (DACTRGOG1)

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA
SUBDIVISION OR SUBDIVISION CERTIFICATE**

00. **Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development.