

SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-313
DA Number	DA2022/0633
LGA	Northern Beaches
Proposed Development	Demolition of existing buildings and construction of a mixed-use development comprising of self-storage units and warehouse units
Street Address	Lot 121 DP 882322, 7 Rodborough Road FRENCHS FOREST NSW 2086
Applicant/Owner	The Trustee For 101 Opr Unit Trust Forest Industrial Pty Ltd
Date of DA lodgement	05/05/2022
Number of Submissions	0
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	SEPP (Planning Systems) 2021 Schedule 6 (3) <i>General development over \$30 million</i>
List of all relevant s4.15(1) (a) matters	
List all documents submitted with this report for the Panel's consideration	
Clause 4.6 requests	
Summary of key submissions	Bushland Wildlife Corridor Site coverage
Report prepared by	Louise Kerr Director, Planning and Place
Responsible Officer	Adam Susko, Principal Planner
Report date	

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **YES**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **YES**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: **N/A**

Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

YES

EXECUTIVE SUMMARY

This development application seeks consent for demolition works and the construction of a multi-storey industrial building comprising of warehousing and self-storage units. The application is referred to the Sydney North Planning Panel (**SNPP**) for determination pursuant to Schedule 6 (2) of SEPP (Planning Systems) 2021 as the proposal has a capital investment value over \$30 Million, being \$36,381,394.

The application has been assessed by Northern Beaches Council and reviewed by the Design and Sustainability Advisory Panel (**DSAP**).

The proposal is Nominated Integrated Development, requiring a Water Supply Work approval under the Water Management Act 2000.

The proposal is to construct an industrial complex within the Frenchs Forest business park precinct on a battle-axe block that has a dual frontage to Rodborough Road and Allambie Road. The site presently accommodates a dated manufacturing warehouse facility with at-grade car parking.

The site is unique in that it has no specified maximum height of building or floor space ratio controls. The primary controls governing the proportions of development are under Part B of the Warringah Development Control Plan 2011, which in essence, require one-third of the site area to be soft landscaping, one third to be building, and one third to be hard landscaping (although the instrument is silent on exactly what is envisaged for "*hard landscaping*").

The site accommodates mapped wildlife corridors and has significant mature vegetation throughout. During the assessment of the application, the proposal was amended at Council's request to relocate the building further to the east to retain additional vegetation along the western boundary of the site.

The application was also amended in response to feedback from the *Design and Sustainability Advisory Panel* and Council's Planner which sought to enhance the quality of accommodation provided to future employees within the building, and to increase the sustainability credentials of the building. In this respect, the application was amended to provide a small cafe, enhanced communal facilities, enhanced natural light and ventilation into warehouse units, the full electrification of the building, addition of a 50kW photovoltaic system, and the inclusion of a 35kL rainwater tank.

The proposal was amended to provide the planting of 47 native canopy trees, 40 of which are endemic to the Duffy's Forest Endangered Ecological Community, in addition to over 15,000 shrubs and groundcover plantings.

The site is indicated on the *Northern Beaches Council Hospital Precinct Structure Plan* as being an area for '*jobs growth*', however no specific controls or requirements under that plan apply to the business park. The structure plan envisages an additional 2,300 jobs in the area within a 20 year period. The application indicates that the complex would accommodate 150 employees. Council's

assessment finds that with 84 warehouse units, this number is likely to be higher, at around 252 employees (at an average of 3 employees per warehouse). In any event, the proposal will provide a significant boost to local employment.

The assessment of the application has been a collaborative process to improve what was already a well-designed proposal. On the balance of all factors, this report concludes that the development has minimal impacts on any neighbouring properties, enhances the natural landscape and biodiversity, and provides for significant employment opportunities within the business park precinct.

This report concludes with a recommendation that the SNPP, as the consent authority, should **approve** the development application subject to conditions as recommended.

PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought for demolition works, excavation, and the construction of an industrial building comprising of warehousing and self-storage facilities.

Specifically, the following works are sought under this application:

- demolition of all structures on site, including buildings and roadways
- removal of thirty (30) prescribed trees
- excavation to depths of approximately 8.0m
- construction of four (4) three-storey buildings atop of a single level of basement
- construction of ramping/driveway structures connecting the four (4) buildings

The buildings are to accommodate the following facilities:

- 151 self-storage 'cages'/garages located in the lower-ground floor, ranging in size from 16m² to 122m²
- Cafe of 31m² at ground level
- 84 warehouses over three (3) levels, with associated mezzanine office space, bathroom and kitchenettes, ranging in size from 77m² to 1240m²

The development provides 177 car parking spaces located throughout the various levels, generally allocated to specific units within the facility.

The buildings are to be finished in a mix of dark, light and green metal cladding, white painted render, and a vertical landscaped green wall. The buildings are topped with single pitch skillion roofs at 2 degrees.

The site is to be landscaped with native species, including (but not limited to) the following canopy trees:

- 4 x *Elaeocarpus reticulatus* (Blueberry Ash)
- 3 x *Eucalyptus leucoxylon* 'Euky Dwarf' (Dward Eucalypt)
- 10 x *Eucalyptus haemastoma* (Queensland Brush Box)
- 7 x *Angophora costata* (Smooth Barked Apple Myrtle)
- 19 x *Banksia serrata* (Old Man Banksia)
- 4 x *Eucalyptus capitellata* (Brown Stringybark)

An additional 15,000 other shrubs and groundcovers plants are to be planted across the site (as indicated on the Landscape Plan).

AMENDED PLANS

During the assessment of the application, several concerns were raised from Council's Bushland and Biodiversity Officers, Engineers, Planner and the DSAP.

Council received revised plans on 1 November 2022, which sought to address the concerns, and the following changes were made:

- Increase of the north-western setback from 3.0m to 6.6m
- Retention of an additional five (5) 'she oak' and 'forest oak' trees, and shrubs and groundcover plants
- Amended landscape plan to reflect the planting of 47 native trees, 40 of which are endemic to the Duffys Forest Endangered Ecological Community
- Internal building reconfiguration in response to the increased setback
- Addition of a small cafe
- Enlargement of mezzanines, addition / relocation of windows into the warehouses to provide natural light and ventilation, and the deletion of mezzanines from some units
- Addition of a 50kW photovoltaic system
- Full electrification of the building
- Inclusion of a 35kL rainwater tank for re-use
- Addition of skylights to top-level warehouses

The changes made are all considered to be of a lesser environmental impact than the original scheme, and therefore the proposal was not re-notified in accordance with the Northern Beaches Community Participation Plan.

Herein this report, the above works are described as the '*development*'.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - Zone B7 Business Park
 Warringah Local Environmental Plan 2011 - 6.2 Earthworks
 Warringah Development Control Plan - B4 Site Coverage
 Warringah Development Control Plan - D3 Noise
 Warringah Development Control Plan - D22 Conservation of Energy and Water

SITE DESCRIPTION

Property Description:	Lot 121 DP 882322 , 7 Rodborough Road FRENCHS FOREST NSW 2086
Detailed Site Description:	<p>The site is legally described as Lot 121 in Deposited Plan 882322 and is known as 7 Rodborough Road, Frenchs Forest.</p> <p>The site falls within the Frenchs Forest business park precinct and is correspondingly zoned <i>B7 Business Park</i> under the Warringah Local Environmental Plan 2011. The site also falls within the mapped <i>Northern Beaches Hospital Area of Influence</i> (i.e., less than 1.5kms from the new hospital).</p> <p>The site is irregular in its shape as outlined in red on the below image. The site obtains access from Rodborough Road to the north, but also has a gated pedestrian access to Allambie Road to the south. Overall, the site has a surveyed area of 1.336ha.</p> <p>Presently the site accommodates a centralised brick and metal building used for manufacturing / industrial purposes. That building is surrounding by driveways and at-grade car parking.</p> <p>Landscaping exists along the western and southern edges of the site.</p> <p>Topographically the site falls from west to east by approximately 8m via a reasonably consistent slope.</p> <p>The site is bound by self-storage facilities to the north and east; a large Ausgrid substation facility to the west; an office building to the south; and further south (immediately opposite Allambie Road) is the site of the new Forest High School. The wider business park accommodates storage, commercial and office premises. Beyond the business park is land zoned for R2 Low Density Residential development, generally accommodating detached dwelling houses.</p>

Map:



SITE HISTORY

The property has been used for industrial purposes for an extended period of time, consistent with the uses permitted within the zone.

No prelodgement meeting was held prior to the submission of this development application.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report. The NSW employment zones reforms have been made and will come into force on 26 April 2023. These reforms will result in this property changing from a B7 Business Park zone to a E3 Productivity Support zone. The proposed use will remain permissible in the new zone.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the	Part 4, <u>Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent.

Section 4.15 Matters for Consideration	Comments
<p>Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)</p>	<p>These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to the sustainability credentials of the proposal, the building footprint and its impacts on vegetation, and the internal amenity afforded to future occupants. A response to this request was received in the form of amended plans.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. The proposal will result in the removal of some 30 prescribed trees and the replanting of 47 prescribed trees alongside 15,000 other plants. The new plantings on the site will provide a significant benefit to the established wildlife corridor and habitat opportunities.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The development is sited within an established business park and is identified on the Northern Beaches Council Hospital Precinct Structure Plan as being an area capable of accommodating job opportunities. The proposal includes 84 warehouse units which are each assumed to require staffing. The application identifies that approximately 150 staff will be required for operation, however Council considers that this figure is likely to be higher. The proposal will provide a positive economic impact through the introduction of new business and employment opportunities within the business park and the wider Frenchs Forest precinct, which is consistent with the underlying intent of the Structure Plan, and of the new employment zone reforms.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>

Section 4.15 Matters for Consideration	Comments
submissions made in accordance with the EPA Act or EPA Regs	
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 18/05/2022 to 15/06/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Design and Sustainability Advisory Panel	<p><i>Supported, with conditions</i></p> <p>The proposal was reviewed by the DSAP on 23 June 2022. The panel were generally supportive of the application but did raise several recommendations as to how the building could be improved. The Amended Plans submitted as a part of the application addressed the recommendations of the Panel as follows:</p> <p>1. <i>The 'long life, loose fit' potential of the project should also be further examined to provide a level of future proofing of the building should further height be appropriate in the future.</i></p> <p><u>Comment</u></p> <p>The applicant has not sought to add additional levels to the building.</p> <p>2. <i>Investigate improving the amenity of the units on the upper floor by adding height allowing for clerestory windows, increased ventilation and daylighting.</i></p> <p><u>Comment</u></p> <p>The plans have been amended to address this issue as detailed below.</p> <p>The mezzanines have been extended to the rear wall of the covered warehouses, so they all have direct access to natural light and ventilation. This</p>

Internal Referral Body	Comments
	<p>amendment has been made for the following units:</p> <p>1-13</p> <p>29-41</p> <p>The mezzanines have been deleted in the following units to address this issue and contribute to the variety of warehouse spaces within the development:</p> <p>a. 14-19</p> <p>b. 42-47</p> <p>The pop-out section for units 7 & 35 has been deleted. This will allow more natural light to pass through the large 5m high opening along the north-west side of building.</p> <p>Windows have been added to the western walls of the mezzanines to units 20 & 48 to allow more natural light to pass through and take advantage of outlook to the BBQ and recreation area.</p> <p>The mezzanine layouts of units 20-26 have been amended to provide a more efficient use of the warehouse space and allow natural light to access the warehouse section of these lower-level units.</p> <p>3. <i>The access 'handle' is 9m wide. Investigate the introduction of a pedestrian path along the eastern side noting that the retention of trees should be prioritised.</i></p> <p><u>Comment</u></p> <p>The existing driveway is shared with 9 Rodborough Rd and is burdened with many easements. Creating a specific walkway is not therefore possible. A line marked pedestrian pathway is proposed along the western side of the driveway to improve the safety of pedestrians entering and leaving the site.</p> <p>4. <i>Investigate more efficient and less circuitous access to the upper levels. This could be achieved by a single continuous 'express' ramp giving access to 'dead end' aisles. This would require more area at the eastern end of the site to be devoted to circulation but this could be regained by the elimination of ramps and parking at the western end.</i></p> <p><u>Comment</u></p> <p>Internal circulation as designed is required for the save manoeuvring of heavy rigid vehicles.</p> <p>5. <i>Provide and another lift and consider relocation of the lift southwards to provide access to the the outdoor recreation area and possible common room and shared facilities.</i></p>

Internal Referral Body	Comments
	<p><u>Comment</u></p> <p>The intent of the building design is to allow users to drive and park on the level they intend on using. The intention of the lift is to provide access for off street users which will be very limited in numbers. The current lift will adequately service the needs of the site and is only within a short walking distance to the shared BBQ and recreation area.</p> <p>6. <i>Consider providing a level of consolidated parking for cars and light commercial vehicles with access to the lifts.</i></p> <p><u>Comment</u></p> <p>Not adopted as each warehouse unit is provided with its own dedicated car parking.</p> <p>7. <i>Provide details of landscape treatments to site easements and to the eastern and western boundaries.</i></p> <p><u>Comment</u></p> <p>The landscape solution proposed is deemed to be acceptable by Council's Landscape Officers and Bushland Biodiversity Officers.</p> <p>8. <i>Increase the number and extent of planters and consider trailing vines.</i></p> <p><u>Comment</u></p> <p>The development exceeds the minimum landscape area requirement of the WDCP and the landscape design has generally been supported by Council's Landscape Officer, subject to conditions. The building incorporates trailing vines.</p> <p>9. <i>Provide more detail on the planting in the main 'courtyard' including drainage</i></p> <p><u>Comment</u></p> <p>Three (3) trees have been removed from the central courtyard to allow more natural light into this space. Six (6) additional canopy trees have been proposed in the setbacks of the building to offset the minor reduction in the number of trees in the courtyard.</p> <p>10. <i>Consider plant more large endemic canopy trees on side easements and front setback</i></p> <p><u>Comment</u></p> <p>Additional endemic canopy trees have been proposed throughout, particularly on the western boundary. There is no opportunity for additional plantings at the front of the building.</p>

Internal Referral Body	Comments
	<p>11. <i>Relocate all mezzanine areas to outside walls and provide natural light and ventilation to all toilets and shower facilities.</i></p> <p><u>Comment</u></p> <p>See recommendation 2.</p> <p>12. <i>Consider providing shared meeting and change rooms, toilets and 'end of trip facilities' next to the outdoor recreation area. This could be in a structure extending westward into the landscaped area already proposed. These rooms should be located on the perimeter of the building, affording views, ventilation, and daylight.</i></p> <p><u>Comment</u></p> <p>The types of communal facilities suggested are more relevant to office parks/work spaces. Within this development these activities will be conducted in the office/mezzanine space. The amenity of the office/mezzanine spaces has been improved by the changes proposed. However, notwithstanding that, the proposal now includes a café and small meeting room for occupant use.</p> <p>13. <i>Consider shade structures on the top level and the introduction of more planters than already indicated could be considered where vehicle movements allow it.</i></p> <p><u>Comment</u></p> <p>Not adopted. Council did not encourage additional height or 'filling' the voids between buildings with structure.</p> <p>Note: Recommendations 14-26 addressed in single comment below</p> <p>14. <i>Specify a 'minimum compliance building' and estimate improvements due to environmental initiatives.</i></p> <p>15. <i>Maximise the amount of PV on the extensive roof and consider including on-site battery storage</i></p> <p>16. <i>Consider the inclusion of bidirectional EV charging points</i></p> <p>17. <i>Full electrification and no gas in anticipation of decarbonisation of the grid</i></p> <p>18. <i>Rainwater collection for irrigation, and toilet flushing, reuse and washdown, this would be facilitated by the provision of rain water tanks at a high level</i></p> <p>19. <i>Investigate material choices with low embodied carbon; low carbon concrete mixes with 70% less cement are readily available.</i></p> <p>20. <i>Select roofing materials with high albedo roof to reduce urban heat and install high insulation levels</i></p>

Internal Referral Body	Comments
	<p>21. <i>Introduce vents and skylights and noting that these should have upper and lower translucent layers to minimise heat transfer.</i></p> <p>22. <i>Maximise the shading of the upper open deck area by generous roof overhangs.</i></p> <p>23. <i>Use high efficiency lighting in association with building control systems.</i></p> <p>24. <i>Investigate the potential to draw cool air from the lower levels that could act as a 'labyrinth'.</i></p> <p>25. <i>Ensure the façade and building maximises the opportunities for cross ventilation</i></p> <p>26. <i>Fly ash concrete should be investigated for the structure of the building, as well as other low carbon materials</i></p> <p><u>Comment</u></p> <p>The Following items have been included in the design to enhance sustainability credentials:</p> <ul style="list-style-type: none"> - PV system specified to two roofs pitched north, which will provide minimum a 50kW system - 4 x EV Chargers - Project is fully electrified with no gas - 35,000L RWT has been included in design for re-use and irrigation - Skylights have been included on all top-level warehouse units - Roof overhangs included on upper level above roller door entries - LED lighting will be used throughout the building <p>The Amended Plans appropriately respond to the DSAP comments.</p>
Building Assessment - Fire and Disability upgrades	<p><i>Supported, with conditions</i></p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be</p>

Internal Referral Body	Comments
	determined at Construction Certificate Stage.
Environmental Health (Contaminated Lands)	<p>Supported, with conditions</p> <p>A Preliminary Site Investigation (PSI) was undertaken by EI Australia. The PSI recommends a Detailed Site Investigation be undertaken (following demolition and prior to any construction activities), to further assess site contamination and close data gaps identified in the PSI. The DSI is to include intrusive soil and groundwater sampling and associated laboratory analysis. Should the DSI confirm the presence of contamination, it may be necessary to develop a remedial works strategy. The PSI also recommends a Hazardous Materials Survey be undertaken prior to the commencement of any demolition works. Environmental Health Supports this statement in the EIS and supports the proposal and based on the current level of assessment has applied conditions requiring further assessment. If contamination is found in the detailed site investigation conditions requiring remediation and validation will apply.</p>
Environmental Health (Industrial)	<p>Supported, with conditions</p> <p>The multi level storage facility which is acoustically open with truck and access ramps will operate 24/7. An acoustic assessment has not been carried out. The concrete and "open" design means that any noise from deliveries and unloading can travel from site potentially impacting on residential premises adjacent but distant to the industrial area.</p> <p>The simplest way to prevent nuisance would be to restrict use during the late night and early morning which conflicts with the unimpeded access to the site proposed. Alternatively, an acoustic assessment could be requested.</p> <p>Therefore, it is important that the site operators have a plan to manage this elevated noise source.</p> <p>Environmental Health support the proposal subject to conditions.</p> <p>Planner comment: The below-ground and enclosed self-storage units are to operate 24/7 and the above-ground warehouse units are to operate between 7:00am and 6:00pm only. This is secured by way of condition. It is therefore considered that the hours of operation would not be likely to have a detrimental impact on residential receivers.</p> <p>Notwithstanding this, a condition is imposed which requires the preparation of and adherence to a Noise Management Plan for the life of the development, to ensure that no unreasonable acoustic impacts are caused by the proposal.</p>
Landscape Officer	<p>Supported, with conditions</p> <p>The application seeks consent for demolition of existing buildings and construction of a mixed-use development comprising self-storage units and warehouse units.</p> <p>The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to):</p> <ul style="list-style-type: none"> • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed

Internal Referral Body	Comments
	<p>Vegetation</p> <p>The Arborist's Report prepared by Rain Tree Consulting, Landscape Plans prepared by Taylor Brammer and Biodiversity Management Plan prepared by Narla Environmental are noted.</p> <p>The Arborist's Report indicates that of the 66 trees assessed, 39 non-exempt trees and 15 exempt trees are to be removed to accommodate the proposed works. All other trees are to be retained.</p> <p>The Landscape Plans indicate replanting of 40 native trees, 36 of which are species representative of the Duffy's Forest Ecological Community. The Landscape Plans also indicate proposed planting of local native shrubs and groundcovers, numbering in the thousands, the majority of which are selected from the Duffy's Forest Species List provided in the Biodiversity Management Plan.</p> <p>Based on the above, no objections are raised to the proposed tree removals and proposed planting as indicated on the Landscape Plans, subject to conditions.</p> <p><u>Planner comment:</u> The figures provided in the Landscape Officer referral comments are superseded by the newer Landscape Plans which provide the retention of more trees, as detailed below in the NECC Bushland and Biodiversity referral comments.</p>
NECC (Bushland and Biodiversity)	<p><i>Supported, with conditions</i> Biodiversity Referral Comments (4 November 2022) These updated referral comments are based on the following additional information:</p> <ul style="list-style-type: none"> • Amended architectural plans (Figgis + Jefferson Tapa, 31 October 2022) • Arboricultural addendum letter (Raintree Consulting, 27 October 2022) • Amended tree removal/retention plan and landscape plans (Taylor Brammer, 27 October 2022) <p>The revised design will enable the retention of an additional 5 prescribed native trees of high (3 trees) and medium (2 trees) retention value, as well as the retention of some native groundcover and midstorey vegetation in the northwestern setback. Furthermore, the amended landscape plan provides for planting of an additional 7 trees. It is considered that the design amendments, in addition to the proposed impact mitigation and management measures outlined in the submitted biodiversity management plan (Narla Environmental, April 2022), will serve to ensure that the proposal is consistent with the objectives of applicable biodiversity controls.</p> <p>Superseded Biodiversity Referral Comments (25 August 2022) The proposal is not supported in its current form due to inconsistency with applicable biodiversity-related controls.</p>

Internal Referral Body	Comments
	<p>The development, which includes demolition of existing buildings and construction of a mixed-use development comprising self-storage units and warehouse units, has been assessed against the following:</p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 (BC Act) • Warringah DCP Clause E2 Prescribed Vegetation • Warringah DCP Clause E4 Wildlife Corridors • Warringah DCP Clause E6 Retaining unique environmental features <p>The submitted Flora and Fauna Assessment (FFA) Report (Narla Environmental, April 2022) identifies vegetation on the site as best conforming to the following vegetation types:</p> <ul style="list-style-type: none"> • Degraded Sydney Ironstone Bloodwood-Silvertop Ash Forest (aligned with Duffys Forest Endangered Ecological Community) • Urban Native/Exotic • Exotic Grassland <p>Vegetation within the proposed development footprint is generally Urban Native/Exotic and Exotic Grassland. The submitted plans and documentation indicate that areas of degraded Duffys Forest Ecological Community (DFEC) on the subject site are proposed for retention and protection; as such, the FFA Report concludes that further assessment in the form of a 'Threatened Species Test of Significance' (as per s7.3 of the BC Act) is not required for the EEC. This conclusion is concurred with.</p> <p>The Arboricultural Assessment (RainTree Consulting, 21 March 2022) assesses 66 trees, identifying 35 prescribed trees proposed for removal and a further five prescribed trees likely to be impacted to such a degree that removal is required. Of the prescribed trees to be removed/impacted, the majority are locally native species which are likely to provide habitat and resources for wildlife including the threatened Glossy Black-Cockatoo. These trees include, but are not limited to:</p> <ul style="list-style-type: none"> • <i>Allocasuarina torulosa</i> (Forest Oak) - 17 trees • <i>Casuarina glauca</i> (Swamp Oak) - 14 trees • <i>Corymbia maculata</i> (Spotted Gum) - 3 trees • <i>Elaeocarpus reticulatus</i> (Blueberry Ash) - 3 trees <p>In addition, the proposal seeks to remove two <i>Corymbia citriodora</i> (Lemon-scented Gum) of high landscape significance including one (Tree 9) of substantial height, spread and trunk diameter.</p> <p>WDCCP Clauses E2 (Prescribed Vegetation) and E4 (Wildlife Corridors) seek to "retain and enhance native vegetation and the ecological functions of wildlife corridors", and require development to be "situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species". The submitted proposal will either</p>

Internal Referral Body	Comments
	<p>substantially impact upon and/or require the removal of at least 35 of the 50 prescribed native trees on site (70%). In addition, the understorey stratum within the north-western side setback, which is proposed to be excavated and built upon, does include native shrub and ground species of moderate diversity and coverage.</p> <p>As such, it is considered that the proposal as submitted is inconsistent with the relevant control objectives which seek to retain native vegetation, remnant canopy trees, understorey/ground cover vegetation and the ecological function of the mapped wildlife corridor. The proposal therefore cannot be supported in its current form. The applicant is encouraged to consider design alternatives which would allow for greater retention of native vegetation on site. This may include an increase in setbacks along the north-western side to retain and protect the more than 20 prescribed native trees in this area.</p>
NECC (Development Engineering)	<p>Supported, with conditions Development Engineer (7 September 2022)</p> <p>The amended stormwater plan has been reviewed. Basement drainage shall be connected to the OSD tank via a pump system as conditioned. No objections to approval subject to conditions as recommended.</p> <p>Superseded Development Engineer Referral Comments (18 July 2022)</p> <p>The proposal is for demolition works and the construction of self-storage units and warehouse units. the submitted stormwater plan proposes to discharge via an OSD system to the existing inter allotment drainage line. The plans indicate significantly large flows discharging from the OSD system however it is unclear if the existing pipes within the easement have sufficient capacity to cater for the flows indicated on the plans. Additional information required for assessment are:</p> <ul style="list-style-type: none"> • The applicant shall demonstrate that the interallotment drainage line has sufficient capacity to cater for the flows from the site or propose upgrades as required. <p>The proposed application cannot be supported by Development Engineering due to lack of information to address:</p> <ul style="list-style-type: none"> • <i>Stormwater drainage for the development in accordance with Council's Water Management for Development Policy.</i>
NECC (Water Management)	<p>Supported, with conditions</p> <p>The proposal was assessed under the current creek and water management legislation framework, the relevant parts of the LEP, DCP and Water Management for Development Policy. The Creek Management Study 2004 principles and NRAR waterfront land principles were also considered in the assessment. The supplied reports, plans and documentation were considered.</p> <p><u>Water Quality</u></p> <p>The proposed stormwater management is integrating gross pollutant trap (pit inserts), an online rainwater tank, and stormwater cartridges.</p> <p>Pollutant loading (sediment and nutrient) will be reduced to the Water</p>

Internal Referral Body	Comments
	<p>Management for Development Policy requirement and is as such considered as a water quality treatment chain subject to conditions.</p> <p><u>Dewatering</u></p> <p>1. Tailwater (surface water, rainwater, minor seepage): Please contact catchment@northernbeaches.nsw.gov.au for advice on Council's water quality requirements for a single instance of dewatering tailwater that collects in an excavation during works. A Council dewatering permit application must be made for expected multiple instances or continuous dewatering of tailwater.</p> <p>2. Groundwater:</p> <p>The geotechnical report from EIAustralia (E25553.G03v1, Final dated 31 March 2022) is indicating that groundwater inflow is likely in the proposed excavation level for the basement.</p> <p>The report is stating that a sump and pump management system might be sufficient during construction.</p> <p>If the dewatering operation is becoming more complex during construction activity then:</p> <ul style="list-style-type: none"> • A permit from Council will be required for any dewatering of groundwater (Contact catchment@northernbeaches.nsw.gov.au for more information about Council permits). • An application for interference with an aquifer is required to WaterNSW (If the need for water management act (WMA) approvals only becomes apparent following development consent,applicants should be referred directly to WaterNSW). <p>https://www.waternsw.com.au/__data/assets/pdf_file/0003/155424/Dewatering-information-for-councilsand- applicants.pdf</p> <p>https://www.waternsw.com.au/__data/assets/pdf_file/0005/167279/Geotechnical-Investigation-Reports-Minimum-Requirements-fact-sheet.pdf</p> <p>https://www.waternsw.com.au/customer-service/water-licensing/dewatering</p> <p>The geotechnical report from EIAustralia (E25553.G03v1, Final dated 31 March 2022) is recommending a permanent drainage solution (sump and pump) to drain the basement area. Additional seepage water quality investigation will be required prior the issue of the occupation certificate to confirm the collected seepage if suitable for pumping to the stormwater network. If not suitable alternatives solutions must be arranged prior the issue of the occupation certificate.</p> <p><u>Sediment management</u></p> <p>Due to the sensitivity of the downstream environment, it is imperative that an erosion and sediment management strategy is developed and implemented to ensure protection of this area during construction.</p>
Traffic Engineer	<p><i>Supported, with conditions</i></p> <p>The revised traffic report submitted by the applicant remains mostly unchanged with only slight modifications which indicates that there will little to no additional</p>

Internal Referral Body	Comments
	<p>impact on the traffic and transport network when compared to those outlined in the previous version of the traffic report.</p> <p>The proposal is deemed acceptable.</p> <p><u>Parking</u></p> <p>Warringah Development Control Plan 2011 car parking requirements for Industry and Transport – Warehouse or Distribution Centre require:</p> <p>1.3 spaces per 100m² GFA (<i>including up to 20% of floor area as office premises space component. Office premises component above 20% determined at office premise rate</i>).</p> <p>Loading and unloading areas are exempted from GFA calculations.</p> <p>Calculations provided by applicant appears incorrect.</p> <p>Total warehouse GFA = (Total warehouse floor space – Total internal loading area) = (8,597.52 – 1,859) = 6,738.52 m²</p> <p>6,738.52 m² @ 1.3 spaces per 100m² GFA = 6,738.52/100 x 1.3 = 88 (87.6) spaces</p> <p>The inclusion for office floor space:</p> <p>6,738.52m² x 20% = 1,347.70m² < 3,947.19m² proposed ancillary office/ Mezzanine space. As per Northern Beaches Council Car Parking requirements, additional car parking spaces are required.</p> <p>For Office premise use, the rate is:</p> <p>1 space per 40m² GFA, therefore</p> <p>(3,955.69 – 1347.70) / 40 = 2,599.49 / 40 = 65 additional spaces required.</p> <p>Hence, the total off-street parking spaces that should be provided is 88 + 65 = 153 spaces. The Applicant is proposing to provide 177 spaces, including 3 mobility parking spaces.</p> <p>However, it shall be noted, car parking calculation provisions have not accounted for the self-storage aspect of the development. As the applicant has indirectly referred, no car parking requirements for this component of the development as visitors to the storage units are able to park adjacent to their self-storage unit without impeding through traffic.</p> <p>The applicant's rationale is based upon an assessment of car parking demands</p>

Internal Referral Body	Comments
	<p>generated by self-storage facilities around Australia conducted by the Self-Storage Association of Australia. This Traffic and Parking study assessed 32 self-storage businesses around Australia, including 4 within Sydney and found that for “ranch style” self - storage facilities where vehicles can park adjacent to their storage unit, customers, typically private individuals storing domestic items are able to park directly outside their respective unit. The reasoning provided within the report appears sound.</p> <p>Furthermore, within this iteration of the Development Application, the proposal includes a 31.76 m2 café on the ground floor. The parking requirements for the café have been omitted during the calculations as the proposed area is relatively small, the surplus of off-street parking proposed and the expected patrons of the café is expected to be majority walk-ins from the surrounding area and workers/ visitors to the warehouse and self-storage facilities.</p> <p><u>Traffic Generation</u></p> <p>The applicants traffic consultant has revised the calculations to take account of the issues noted in the original traffic referral comments</p> <p>Referencing the TfNSW Guide to Traffic Generating Developments, the rates are:</p> <p><u>Office and Commercial (Mezzanine)</u></p> <ul style="list-style-type: none"> · Daily Vehicle Trips @ 10 per 100m2 GFA = $3,947.19/100 \times 10 = 394.7$ · Peak Hour Vehicle Trips @ 2 per 100m2 GFA = $3,947.19/100 \times 2 = 78.94$ <p><u>Warehouses</u></p> <ul style="list-style-type: none"> · Daily Vehicle Trips @ 4 per 100m2 GFA = $6,738.52/100 \times 4 = 269.54$ · Peak Hour Vehicle Trips @ 0.5 per 100m2 GFA = $6,738.52/100 \times 0.5 = 33.69$ <p>The applicant has now taken the loading area out of their floor area when calculating GFA</p> <p>The applicant's traffic consultant argues that the office component of the development can however be considered ancillary to the warehouse component and that a discount in the traffic generated by the offices use would be considered appropriate. This is accepted. The traffic consultant makes reference to the TfNSW Guidelines to traffic generating development which</p>

Internal Referral Body	Comments
	<p>states with regard to factory developments "If the office space component of the development exceeds 20% of the total floor area, allowance ought to be made for additional traffic generation for the floor area in excess of 20%." i.e only the office component that exceeds 20% of the total development floor area can be considered to generate traffic at the office rate. This approach is also supported by Council's DCP which advises that the first 20% of office space can be assessed at the warehouse rate. If this discount is applied to traffic generation rates the traffic generated from the mezzanine offices drops considerably i.e for peak hour traffic</p> <p>2929 m2 of mezzanine office @ 0.5 trips/100m2 = 14.6 trips/hr 1018 m2 of mezzanine office @ 2 trips/100m2 = 20.4 trips/hr</p> <p>total peak hour traffic generation from mezzanine offices = 35 trips/hr daily peak hour traffic generation from mezzanine offices = 117.2 + 101.8 = 219 trips/day</p> <p>In terms of the self-storage component of the development the applicant has utilised the traffic generation rates provided within the report Self-Storage Traffic and Parking Assessment conducted by Self-Storage Associations of Australia.</p> <p>For a self-storage site between 3,000m2 – 6,000m2, the traffic generation is envisioned to be:</p> <p><u>Weekday:</u></p> <ul style="list-style-type: none"> · Daily Vehicle Trips = 110 – 220 · Morning Peak Hour Vehicle Trips = 10 - 20 · Evening Peak Hour Vehicle Trips = 10 – 20 <p><u>Weekend:</u></p> <ul style="list-style-type: none"> · Daily Vehicle Trips = 80 - 160 · Business Peak Hour Vehicle Trips = 10 - 30 <p>As the self-storage portion of the site is 3,957.41, through approximate extrapolation:</p> <p><u>Weekday:</u></p> <ul style="list-style-type: none"> · Daily Vehicle Trips = 145 · Morning Peak Hour Vehicle Trips = 13

Internal Referral Body	Comments
	<ul style="list-style-type: none"> · Evening Peak Hour Vehicle Trips = 13 <p><u>Weekend:</u></p> <ul style="list-style-type: none"> · Daily Vehicle Trips = 105 · Business Peak Hour Vehicle Trips = 16 <p>Therefore, the total weekday traffic generation for the site is:</p> <ul style="list-style-type: none"> · Daily Vehicle Trips = 219 + 261 + 145 = 625 trips/day · Peak Hour Vehicle Trips = 35 + 33 + 13 = 81 trips/hour <p>As per applicant's report, the existing site is a manufacturer of building supplies and equipment and traffic generation rates for an approximate 5,900m² factory are as follows:</p> <ul style="list-style-type: none"> · Daily Vehicle Trips @ 5 per 100m² GFA = 5 * 59 = 295 · Peak Hour Vehicle Trips @ 1 per 100m² GFA = 59 <p>The increase in traffic generated by the development is therefore 330 trips/day or 22 trips/hour</p> <p>The net increase in traffic activity is consistent with the planning controls which apply to the B7 Business Park as noted in the traffic impact assessment report and is not at a level that is considered likely to have a significant impact upon the operation of the surrounding road network. The increase in traffic generation is acceptable.</p> <p>Furthermore, within this iteration of the Development Application, the proposal includes a 31.76 m² café on the ground floor. The traffic generation rates for the café have been omitted during the calculations as the proposed area is relatively small and the patrons of the café are expected to be majority walk-ins from the surrounding area and workers/ visitors in the warehouse and self-storage facilities. Traffic generation from the café is expected to be minimal to none.</p> <p><u>Vehicular Access</u></p> <p>The swept path analysis has shown sufficient space within the self-storage facility for internal circulation by B99 vehicles, sb99 vehicles towing a trailer and</p>

Internal Referral Body	Comments
	<p>by small rigid truck. This is considered appropriate for this type of facility.</p> <p><u>Loading/Servicing</u></p> <p>As per applicant's report, the expected vehicles to attend the site include a variety of commercial vehicles i.e., vans, utility vehicles, wagons, and small rigid trucks. Each self-storage unit has an internal loading bay.</p> <p>Waste collection is expected to be undertaken by private waste contractor, attending on-site with medium rigid trucks. On site turning for forwards ingress and egress of a medium rigid vehicle have been demonstrated by swept path turning plots.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
Nominated Integrated Development - Department of Planning and Environment - Water - Water Management Act 2000, s90(2) - Water management works approval to construct and use a specified water supply/drainage/flood work at a specified location	<p><i>Supported, with conditions</i></p> <p>The proposal was referred to WaterNSW under Section 90(2) of the Water Management Act 2000. WaterNSW raised no objections to the development, and provides General Terms of Approval (ref:IDAS1145540 dated 19 October 2022) as endorsed by the recommendation of this report.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

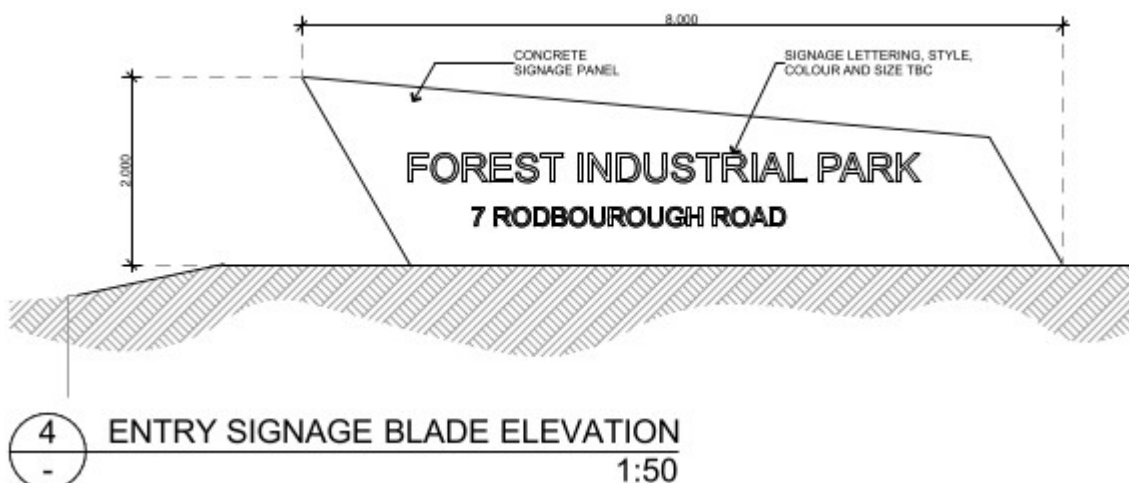
The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Industry and Employment) 2021

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

The proposal includes the installation of once piece of signage at the Rodborough Road frontage constituting business identification signage. The total structure is 2m in height by 8m in length and accommodates illuminated lettering of the business / premises name and address. An elevation of the sign proposed is below:



In accordance with the provisions stipulated under Schedule 5 of Chapter 3, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The sign is located along the street frontage in a business park and is generally architectural in its character. The proportions, design, materiality, and location of the sign is not incongruent with other signage in the area, or the desired character of the business park.</p> <p>The signage serves a useful purpose since the proposed building is not visible from the street.</p>	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No. The signage is appropriate in its design.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	No.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	No. The sign is 2m in height.	YES
Does the proposal respect the viewing rights of other advertisers?	Yes. The sign does not block, dominate, or obscure any other business signage.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, as above.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes, as above.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Only one sign is proposed.	YES
Does the proposal screen unsightliness?	There is no particular unsightliness to be screened.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage	Yes, as above.	YES

is to be located?		
Does the proposal respect important features of the site or building, or both?	Yes, as above.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes, as above.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	No. The sign is located in a business park.	YES
Can the intensity of the illumination be adjusted, if necessary?	No.	YES
Is the illumination subject to a curfew?	No.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	No.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.	YES

Accordingly, the proposed signage is of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of this chapter and its underlying objectives.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for industrial and manufacturing purposes for a significant period of time with no prior land uses.

The application is accompanied by a Preliminary Site Investigation (PSI) that has been reviewed by Council's Environmental Health department. The PSI recommends that a Detailed Site Investigation (DSI) should be undertaken once the existing building has been demolished.

Council's Environmental Health department has advised that they are satisfied with the findings and recommendations of the PSI and find that, subject to the imposition of appropriate conditions, safeguards will be in place to ensure that the site will be suitable for occupation prior to the issuance of any Occupation Certificate (specifically the requirement for a Validation Report to be provided).

Therefore, as a part of this DA, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered able to be made to be suitable for the industrial land use.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings	N/A	No building height controls applicable	N/A
Floor Space Ratio	N/A	No FSR controls applicable	N/A

Compliance Assessment

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone B7 Business Park

The proposal is for the construction of a mixed-use industrial building comprising self-storage units and warehouses. The land uses are defined by the Warringah Local Environmental Plan 2011 as follows:

- **Self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods and materials).
- **Warehouse or distribution centre** means a building or place used mainly or exclusively for handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

These uses are permitted with consent in the B7 Business Park zone. An assessment of the development against the underlying Objectives of the zone is below.

- **To provide a range of office and light industrial uses.**

Comment:

The site provides for self-storage units and 84 warehouse units with associated mezzanine office spaces, which is consistent with neighbouring and nearby properties. The warehouse units are likely to accommodate a range of uses either under this consent, or under separate 'use' development applications.

- **To encourage employment opportunities.**

Comment:

The application states that the complex will employ approximately 150 persons, however this figure is considered to be on the low side, given that there will be 84 warehouses on the site. The site is identified in the Hospital Precinct Structure Plan as being an area for 'jobs growth', and therefore the development will satisfy this objective.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.***

Comment:

The development includes recreational facilities including a small café to meet the day to day needs of workers on the site or within the vicinity.

- ***To create business park employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.***

Comment:

The building will not be readily visible from the public domain, and only limited vantage points in the private domain will be able to see the site. Notwithstanding that, the development employs an appropriate degree of landscape and architectural treatment to visually minimise its scale.

- ***To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.***

Comment:

No conflicts have been identified between the proposed and surrounding land uses.

Therefore, the proposed development is permissible and considered to be consistent with the B7 Business Park zone objectives.

6.2 Earthworks

The proposed development requires excavation of up to 8m in order to accommodate the building.

Clause 6.2 (3) requires that:

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area

Comment

In its assessment Council has considered the findings of a Geotechnical Investigation, Groundwater Take Assessment, and a Preliminary Site Investigation (inter alia) which satisfactorily demonstrate that the site and proposal is:

- capable of being development without having any detrimental effect on existing drainage patterns and soil stability;
- capable of being development without having any detrimental effect on the future redevelopment of the land;
- capable of appropriately disposing of soil to be excavated through proper management (as conditioned in the recommendation of this report);
- not likely to have any adverse impact on the amenity of adjoining properties, particularly given the business park nature of the site;
- capable of appropriately managing the delivery and disposal of excavation material through proper management (as conditioned in the recommendation of this report);
- Unlikely to disturb any relics, however conditions are imposed requiring the protection of relics and, if an Aboriginal Cultural Heritage item is located, that works cease and the Aboriginal Heritage Officer be contacted to assess the findings; and
- Capable of being development without having adverse impacts on water courses, drinking water catchments, or environmentally sensitive areas.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation	Complies
B4 Site Coverage	Max. 33.3% (4,453m ²)	Approx: 53% (7,200m ²)	61%	NO
B5 Side Boundary Setbacks	East - Nil	Driveway - 6.57m Building - 11.0m - 21.0m	- -	Yes Yes
	West - Nil	5.1m - 41.0m	-	Yes
B7 Front Boundary Setbacks	North - 10.0m	89.6m access handle + 3m building setback	- -	Yes Yes
B9 Rear Boundary Setbacks	South - Merit Assessment	9.7m - 10.2m	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	Min. 33.3% (4,453m ²)	34.8% (4,653m ²)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B4 Site Coverage	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B4 Site Coverage

Part B4 of the WDCP requires that the building footprint must not cover more than 33.3% of the site area. It is understood that the intent of the control is to allow for 1/3 building, 1/3 landscaping, and 1/3

at-grade parking or driveway.

There is disagreement between Council and the applicant regarding the calculation of 'site coverage'. The term is defined in the WLEP Dictionary as:

Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

The Applicant has provided a legal opinion which, in summary, considers that the proposal is for three buildings which are interconnected by a series of ramps for vehicular access. That advice considers that the ramps would fall under the catch-all in (d) above of *unenclosed balconies, decks, pergolas and the like*.

The ramp areas in question measure approximately 75.0m by 18.0m and are elevated, to their most extreme point, approximately 14.0m above natural ground level. Council considers these ramps a fundamental and necessary component of the development which facilitates the use of the site for self-storage and warehouse purposes. The ramps are considered to be a part of the **building**, which is defined in the Environmental Planning and Assessment Act 1979 as:

Building includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the Local Government Act 1993.

The proposal is not for a manufactured home or moveable dwelling, or any associated component of those land uses, and therefore it is concluded that the ramping structures are a part of the building and are to be included in the site coverage calculation.

Therefore, it is assessed that the proposal seeks a site coverage of approximately 7,200m², which is equivalent to **53%** of the total site area. This equates to a 61% variation to the control requirements.

Regarding the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- **To provide opportunities for the provision of landscaping and the enhancement of existing native vegetation.**

Comment:

The proposal provides a greater than required landscaped area pursuant to Part D1 *Landscaped Area* of the WDCP; retains the vegetation within the wildlife corridor; and has been amended during the course of assessment to provide a greater western setback to provide the retention of additional vegetation at the request of Council.

On balance, the proposal is found to provide adequate opportunities for the provision of landscaping and the enhancement of existing native vegetation.

- ***To minimise the bulk and scale of development.***

Comment:

The building is large; however its proportions are not inconsistent with the proportions of other surrounding developments. The building is broken up into three primary components, with the interconnecting ramps providing visual depth to the building. The facades are clad in varying materials including coloured metal cladding, rendering and vertical landscaped green walls.

Contextually, the height of the building decreases as the land falls to the south, and such a decrease is consistent with the established building pattern (i.e., the adjoining Kennards building to the north has a parapet height of RL174; the northern building of this development has an height of RL172; and the southern building is at RL170).

The bulk and scale of the building is contextually compatible with its surroundings, and accommodates sufficient architectural treatment to minimise its visual proportions, whilst highlighting that a warehouse building within an business park is a inherently a bulky structure which reflects its use.

- ***To reduce the stormwater runoff, preventing soil erosion and siltation of the natural drainage network.***

Comment:

Refer to comments from Council's Development Engineers.

- ***To limit impervious areas and encourage natural drainage into the sub-surface.***

Comment:

A sufficient degree of landscaped area is provided, and Council's Development Engineers have raised no objections.

Therefore, notwithstanding the divergent opinions on the interpretation of 'site coverage', Council is of the opinion that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979.

Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D3 Noise

During the assessment of the application, concern was raised by Council's Planner that the long and semi-enclosed driveways between the warehouse units may generate an unreasonable echo and acoustic environment to the future employees within those warehouses. The Applicant was requested to have this issue reviewed by an acoustic consultant.

A Letter of Advice has been provided by Acoustic Dynamics, which includes the following commentary regarding noise impacts associated with the use of the warehouse car park area:

- *The internal warehouse area is understood to be used by a mix of cars (staff vehicles) and light to medium-rigid vehicles (deliveries);*
- *The internal warehouse area is semi-enclosed, with openings at either end for the ingress and*

egress of vehicles;

- *Acoustic Dynamics advises that noise "echoes" are unlikely to be significant due to the semi-enclosed nature of the warehouse area;*
- *It is unlikely that vehicles will spend significant time with their engines engaged within the warehouse area, as vehicles will either be:*

- 1. Passing through the warehouse area to another area; or*
- 2. Parking and unloading, where they should be encouraged to disengage their engines.*

- *There is no specific criterion or regulation relation to noise emission from the use of warehouse areas and impacts on other tenants within the same complex;*
- *Given our understanding of noise levels associated with the relevant vehicles, the potential reverberation of the semi-enclosed warehouse areas, and the use of internal warehouse areas as processing centres, Acoustic Dynamics does not deem any additional construction of significant benefit; and*
- *Should it be deemed necessary, or greater benefit would be the implementation of a "Noise Management Plan" to regulate the on-site behaviour of those using vehicles. The Noise Management Plan could include the following policies and procedures to ensure noise emission from the site is kept to a minimum:*

- 1. Signage at the entrance of the site advising heavy vehicle drivers restrict the use of air brakes when in close proximity to residential properties;*
- 2. The erection of clear signage at all entries and exists advising tenants that they must not generate excessive noise when entering, leaving or on the premises;*
- 3. Where feasible, switching off heavy vehicle engines and refrigeration units during deliveries;*
- 4. Use of broadband reversing alarms on all heavy vehicles;*
- 5. Installation of signage requesting drivers consider the amenity of tenants;*
- 6. Implementation of an appropriate community liaison and compliant procedure;*
- 7. Training and induction of all staff in appropriate behaviour and use of loading docks and waste collection areas;*
- 8. Staff are to partake in ongoing training and induction as required by the noise management plan or as directed by the site operator; and*
- 9. Staff are to be provided with appropriate instruction and training to ensure safe and appropriate vehicle maneuvering procedures.*

Comment:

The Applicant has provided a response to the concern raised by Council, and in that response the acoustic consultant has suggested the implementation of a Noise Management Plan and has provided recommended policies and procedures to minimise noise impacts on other tenants within the building.

The recommendations of this report include a condition which requires a Noise Management Plan to be created prior to the issuance of any Occupation Certificate and for it to be adhered to in perpetuity in accordance with the recommendations of the acoustic consultant's response.

D22 Conservation of Energy and Water

The DSAP recommended that the Applicant consider increasing the sustainability credentials of the development to minimise its impacts on the environment, and to lessen on-going costs associated with the operation of the industrial complex.

On 23 August 2022, the Applicant advised Council that the following elements have been included in the design in order to enhance the buildings sustainability credentials:

- PV system specified to two roofs pitched north, which will provide minimum a 50kW system
- 4 x EV Chargers
- Project is fully electrified with no gas
- 35,000L RWT has been included in design for re-use and irrigation
- Skylights have been included on all top-level warehouse units
- Roof overhangs included on upper level above roller door entries
- LED lighting will be used throughout the building

The above changes are all appropriately incorporated into the architectural and engineering plans, however no annotation of the photovoltaic system capacity is provided. Therefore, to ensure that a minimum 50kW system is installed, a condition to this effect is recommended.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$363,817 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$36,381,694.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

The assessment of this proposal for a multi-storey industrial complex accommodating self-storage and warehouse uses within a business park precinct is appropriately proportioned, positioned and responsive to the natural environment.

The proposal has been amended throughout the assessment process in response to feedback from Council's Planner, Engineers, Biodiversity Officers and the Design and Sustainability Advisory Panel.

On all occasions, the Applicant has appropriately resolved the concerns raised which ultimately has resulted in a building that will provide a high-quality working environment for several hundred employees; has a minimal impact on neighbouring properties; and will enhance the surrounding natural environment.

On balance, it is found that the building will make a positive contribution to the Rodborough Road business park precinct and will contribute to facilitating employment options for the growing Frenchs Forest town centre area.

This report concludes with the recommendation that the SNPP, as the consent authority, should **APPROVE** the development application.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Sydney North Planning Panel as the consent authority grant Development Consent to DA2022/0633 for Demolition of existing buildings and construction of a mixed-use development comprising of self-storage units and warehouse units on land at Lot 121 DP 882322, 7 Rodborough Road, FRENCHS FOREST, subject to the conditions outlined in Attachment 1.

ATTACHMENT 1

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA 020 B - Demolition Plan	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
DA 100 C - Site Plan	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
DA 110 C - Basement Floor Plan	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
DA 111 C - Ground Floor Plan	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
DA 112 C - Ground - Mezzanine Floor Plan	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
DA 113 C - First Floor Plan	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
DA 114 D - First Floor - Mezzanine Plan	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
DA 115 C - Second Floor Plan	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
DA 116 D - Second Floor - Mezzanine Plan	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
DA 117 C - Roof Plan	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
SK 200 D - Elevations	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
SK 201 D - Elevations	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
SK 202 D - Elevations	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
DA 300 D - Sections	31 October 2022	Figgis + Jefferson Tapa Pty Ltd
DA 301 D - Sections and Entry Signage	31 October 2022	Figgis + Jefferson Tapa Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:

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Report No. / Page No. / Section No.	Dated	Prepared By
Access Compliance Assessment Report (ref: 11898)	6 April 2022	AE&D Pty Ltd
Arboricultural Impact Assessment Report (ref: 3022)	21 March 2022	Rain Tree Consulting
Arboricultural Addendum Report (ref: 14522)	27 October 2022	Rain Tree Consulting
Biodiversity Management Plan (ref: rev.Final v2.0)	7 April 2022	Narla Environmental Pty Ltd
Building Code of Australia Compliance Assessment Report (ref: 11898_R1.0)	6 April 2022	AE&D Pty Ltd
Flora and Fauna Assessment Report (ref: rev.Final v1.0)	7 April 2022	Narla Environmental Pty Ltd
Geotechnical Investigation (ref: E25553.G03_Rev1)	5 April 2022	EI Australia
Groundwater Take Assessment (ref: E25553.G13)	14 September 2022	EI Australia
Preliminary Site Investigation (ref: E25553.E01_Rev1)	24 March 2022	EI Australia
Traffic and Parking Assessment Report (ref: 22055)	27 October 2022	Varga Traffic Planning Pty Ltd

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
LA00 F - Cover Sheet and Context Plan	27 October 2022	Taylor Brammer Landscape Architects
LA01 E - Ground Floor Plan 1/2	27 October 2022	Taylor Brammer Landscape Architects
LA02 F - Ground Floor Plan 2/2	27 October 2022	Taylor Brammer Landscape Architects
LA03 E - Level 1 Floor Plan	27 October 2022	Taylor Brammer Landscape Architects
LA04 E - Level 2 Floor Plan	27 October 2022	Taylor Brammer Landscape Architects
LA05 F - Detail Plan and Section	27 October 2022	Taylor Brammer Landscape Architects
LD01 C - Landscape Details	27 October 2022	Taylor Brammer Landscape Architects

Waste Management Plan		
Report Title	Dated	Prepared By
Waste Management Plan	29 March 2022	Forest Industrial Pty Ltd

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	Undated
WaterNSW	General Terms of Approval (ref:IDAS1145540)	19 October 2022

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the following definitions:

- Basement Level (as shown on DWG: DA 100 C):

Self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods and materials).

- Ground, First and Second Level (including mezzanine) (as shown on DWGs DA 111 through to 116 C):

Warehouse or distribution centre means a building or place used mainly or exclusively for handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

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

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

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

4. **No Approval for Subdivision**

No approval is granted under this Development Consent for any subdivision (Strata, Stratum, Torrens or otherwise). A separate Development Application must be submitted to Council for approval prior any subdivision (except in circumstances where it is permitted under Exempt or Complying Development).

Reason: To ensure compliance with Warringah Local Environmental Plan 2011.

5. 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.

6. 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) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local

Government.

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

7. **Staff and Contractor Parking**

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the on site parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the parking areas, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local parking amenity.

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

The developer shall apply for a Road Occupancy Licence (ROL) from the TfNSW Transport Management Centre (TMC) prior to commencing work within the Allambie Road 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.

FEES / CHARGES / CONTRIBUTIONS

9. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$363,816.94 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$36,381,694.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

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 are required to ensure the rectification of any

damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

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

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

11. On Slab Landscape Works

a) Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

b) Landscape treatment details shall also be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

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

- i) 300mm for lawn
- ii) 600mm for shrubs
- iii) 1m for small trees

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

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

12. Preparation of a Tree Removal Protocol

The Project Ecologist is to prepare a Tree Removal Protocol which includes the provision of (at a minimum):

- a pre-clearance survey
- direct supervision of tree removal
- protocol for rescue of fauna and relocation of log hollow sections onsite to provide fauna habitat

The Tree Removal Protocol must also include procedures for stop work and formal impact assessment in the event that threatened fauna species are found during the pre-clearance

survey.

The Tree Removal Protocol is to be submitted to the Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native wildlife.

13. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

14. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (SWMP) shall be prepared by an appropriately qualified person 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 ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: Protection of the receiving environment.

15. **Detailed Design of Stormwater Treatment Measures**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the Civil and Stormwater Design (ACCOR NSW220254 Rev. B dated 5 April 2022) and Council's Water Management for Development Policy.

The certificate shall be submitted to the Certifying Authority prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment.

16. **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 in writing by Northern Beaches Council Traffic Engineer prior to issue of any Construction Certificate.

Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

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 safety
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent

- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

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

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

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

17. Waste and Service Vehicle Access (8.8m Waste Vehicle)

Access to the warehouse units and on-site manoeuvring area including ramp grades, transitions and height clearance shall be designed to comply with 8.8m waste vehicle, as a minimum requirement. The height clearance required is 3.5m, measured from the floor level to any overhead structures such as pipes. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 8.8m vehicle shall be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate service vehicle access.

18. Pedestrian sight distance at property boundary

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To maintain pedestrian safety.

19. Boundary Identification Survey

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

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

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

20. Building Code of Australia Fire Safety Requirements

The Building Code of Australia fire safety measures for the building as detailed and recommended in the BCA Compliance Assessment Report for DA Submission by AED Group,

dated 6 April 2022, Report No. 11898_R1.0 and including any proposed Performance Solutions are to be considered as part of the assessment of the Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

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

21. **Building Code of Australia Access**

Access and facilities to and within the building are to be provided for Persons with a Disability. In this regard the recommendations contained in the Access Compliance Assessment Report prepared by AED Group and dated 6 April 2022, Report no. 11898 is to be taken into consideration as part of the assessment of the Construction Certificate. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

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

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

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Acor Consultants, project , number NSW220254, drawing number C7.001, C7.002, C7.101, C.201 to C7.205, C7.301, C7.302, C7.401, revision C, dated 8/8/2022. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

i. Details of the roof and surface drainage connecting to the rainwater tank and OSD tank respectively.

ii. Basement drainage to be connected to OSD tank via a pump system.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

23. **Tanking of Basement Level**

The basement area is to be permanently tanked. The Applicant is to submit structural details of the tanking, prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Environment and Heritage. The bore license must be obtained prior to commencement of dewatering works. All requirements of the NSW Office of Water are to be complied with and a copy of the approval must be submitted to the Certifying Authority. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements.

24. **Structural Adequacy and Excavation Work**

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

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

Reason: To provide public and private safety.

25. **Vehicle Crossings Application**

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

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

Reason: To facilitate suitable vehicular access to private property.

26. **Phase 2 Detailed Site Investigation - data gaps**

Prior to the issue of any Construction Certificate a phase 2 detailed site investigation with data gap analysis is to be undertaken with a report prepared detailing findings and recommendations. The investigation and report is to identify the following:

- Soil sampling at a minimum of 25 locations, in compliance with the nominated density under the NSW EPA (1995) Sampling design guidelines for an area of 1.34 ha;
- Installation of at least 3 groundwater monitoring wells within the site.
- Gauging and sampling of the existing and new groundwater monitoring wells within the site; and,
- Analysis of representative soil and groundwater samples for the Contaminates of Potential Concern.

The investigation is to be in accordance with relevant industry guidelines including State Environmental Planning Policy (Resilience and Hazards) 2021 and NSW EPA guidelines.

The report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy.

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

Reason: Protection of the environment, State Environmental Planning Policy (Resilience and Hazards) 2021.

27. **Remedial Action Plan to be prepared if Required**

A site-specific Remedial Action Plan (RAP) is to be prepared if the results of the Phase 2 Detailed Site Investigation and Data gap Analysis Investigation & Report identify that contaminated material is required to be remediated/removed from site. The RAP must be

prepared in accordance with the relevant guidelines and legislation including Managing Land Contamination Planning Guidelines, State Environmental Planning Policy (Resilience and Hazards) 2021 and NSW EPA Guidelines including Guidelines for Consultants reporting on contaminated Land.

The RAP is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Principal Certifying Authority.

Reason: Environmental Protections and State Environmental Planning Policy (Resilience and Hazards) 2021.

28. **Engagement of Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with these conditions of consent.

The Project Ecologist must have one of the following memberships / accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

29. **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.

30. **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.

31. **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.

32. **Photovoltaic System**

A minimum 50kW photovoltaic system shall be installed on the roof of the development. The architectural plans shall be amended to demonstrate this.

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

Reason: To minimise energy consumption.

33. **No Air-Conditioning Units on the Roof**

This consent does not authorise or approve the installation or fixture of any air-conditioning units or their associated equipment to the roof of the development.

Reason: To ensure the building height is consistent with the approved plans.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

34. **Project Arborist**

a) A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with the Arboricultural Impact Assessment report dated 21 March 2022 prepared by Raain Tree Consulting and Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection and ground protection.

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

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

d) All tree protection measures specified 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.

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

Note: i) A separate permit or development consent may be required if the branches or

roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

35. **Tree Removal Within the Property**

a) This consent approves the removal of the following trees within the property as recommended in the Arboricultural Impact Assessment report dated 21 March 2022, and the Arboricultural Addendum Report dated 27 October 2022, both prepared by Rain Tree Consulting:

- i) Trees 4, 9, 10, 11, 12, 15, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 35, 36, 37, 38, 42x2, 43, 44, 45, 46, 47, 48, 49, 50, 51 & 52

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised building works.

36. **Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. a Works Zone will not be approved for Allambie Road

A separate application to Stand Plant is required with a Traffic Guidance System for standing of construction vehicles in a trafficable lane.

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

37. **Demolition Traffic Management Plan**

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

Due to heavy traffic congestion throughout the area, truck movements should be limited during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any

- activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- Specify spoil management process and facilities to be used on site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

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

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

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

38. **Hazardous Material Survey**

A Hazardous Materials Survey shall be undertaken prior to the commencement of any demolition works.

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

Reason: To protect people and the environment

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

39. **Protection of Landscape Features and Sites of Significance**

a) All natural landscape features including natural rock outcrops, natural vegetation, soil and watercourses are to remain undisturbed during demolition, excavation and construction works except where affected by works detailed on approved plans.

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

c) Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

40. **Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected including:
 - i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with the Arboricultural Impact Assessment report dated 21 March 2022 prepared by Rain Tree Consulting and Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
 - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
 - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by the Project Arborist on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with the Project Arborist including advice on root protection measures,
 - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
 - viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
 - ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
 - x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
 - xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

Reason: Tree and vegetation protection.

41. **Road Reserve**

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

Reason: Public safety.

42. **Implementation of Biodiversity Management Plan**

All applicable mitigation/management measures identified in the approved Biodiversity Management Plan (Narla Environmental, April 2022) are to be implemented during the demolition and construction stages.

Compliance with this condition is to be certified by the Project Ecologist and evidence provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

43. **Wildlife Protection**

All trees approved for removal are to be inspected for native wildlife by the Project Ecologist prior to their removal. If native wildlife is found within habitat to be removed, the wildlife is to be safely relocated by the Project Ecologist or a licensed wildlife carer.

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.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifying Authority

Reason: To protect native wildlife.

44. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the SWMP prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development

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

Reason: Protection of the receiving environment.

45. **Substitution of Stormwater Treatment Measures**

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must submitted to the Principal Certifying Authority for approval prior to installation.

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

46. **Dewatering Management**

Tailwater (surface water and rainwater): Please contact catchment@northernbeaches.nsw.gov.au for advice on Council's water quality requirements for a single instance of dewatering tailwater that collects in an excavation during works. A dewatering permit application must be made for expected multiple instances or continuous dewatering of tailwater.

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

All approvals, 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.

Reason: Protection of the receiving environment and groundwater resources.

47. **Implementation of Demolition Traffic Management Plan**

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

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

48. **Implementation of Construction Traffic Management Plan**

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

approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

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

49. **Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

50. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

51. **Geotechnical Requirements**

All recommendations identified in the Geotechnical Report referenced in Condition 1 of this consent, that are required to occur during works must be done.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

52. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

Should asbestos be found present on site, a sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm must be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the

intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

53. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

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

54. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 11 metres wide in accordance with Northern Beaches Council Drawing Normal and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

55. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

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

Reason: To protect human health and the environment.

57. **Onsite Encapsulation of Contaminated Material**

No onsite encapsulation of contaminated material is to occur without approval under a separate DA or modification submitted to Council.

Reason: To allow for a proper evaluation of any proposed encapsulation works and to ensure that any contaminated material is effectively capped and managed long term.

58. Classification of waste

Prior to the exportation of waste (fill and/or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Reason: Appropriate disposal of waste and protection of environment.

59. Contamination Management

Any recommendations within the Contaminated Land Reports including the Preliminary site investigation by EI australia dated 24 March 2022 (reference: E25553.E01_Rev1), the required Phase 2 Detailed Site Investigation and Data gap Analysis, the required hazardous materials survey and the Remedial Action Plan (if required) must be followed during works.

Details demonstrating compliance shall be provided to the Certifying Authority.

Reason: Protection of the environment, State Environmental Planning Policy (Resilience and Hazards) 2021.

60. Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during construction and demolition works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

61. Pre-clearance microbat survey

Prior to commencement of demolition of the existing building/s, a pre-clearance survey for microchiropteran bats must be undertaken by a suitably qualified ecologist in accordance with recommendations of the approved Flora and Fauna Assessment Report (Narla Environmental, April 2022). The pre-clearance survey is to include acoustic monitoring over a minimum of two nights. Should microbats be detected within the building/s, they are to be safely relocated to an appropriate location by the Project Ecologist and/or a licensed wildlife carer.

Compliance with this condition is to be certified by the Project Ecologist and evidence provided to the Certifying Authority prior to any Occupation Certificate.

62. Off-site Disposal of Waste (fill and/or soil material)

'Chain of Custody' documentation including receipts shall be kept for the exportation of waste (fill and/or soil material) from the site.

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

Reason: Appropriate disposal of waste and protection of environment.

OCCUPATION CERTIFICATE

63. **Required Tree Planting**

a) Trees shall be planted in accordance with the following:

i) A minimum of 40 trees as indicated on the approved Landscape Plans

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

Reason: To maintain environmental amenity.

64. **Landscape Completion**

Planting is to be implemented in accordance with the approved Landscape Plans prepared by Taylor Brammer:

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

Reason: Environmental amenity.

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

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

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

Reason: Tree protection.

66. **Tree Removal Protocol to be Certified as Completed**

The Project Ecologist is to provide written and photographic evidence of implementation and completion of the Tree Removal Protocol to the Principal Certifying Authority prior to issue of Occupation Certificate.

Reason: To protect native wildlife.

67. **Protection of Habitat Features – Certified by Ecologist**

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Written 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.

68. **No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be 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 and environmental weeds.

69. **Certification for the Installation of Stormwater Treatment Measures**

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the plans approved at construction certificate. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment.

The certificate must also confirm that collected groundwater seepage is meeting acceptable water quality requirements prior pumping to the stormwater network, investigation results should be attached to the certificate.

Water Quality minimum requirements

Oil and grease, not visible

pH, 6.5-8.5

Total Suspended Solids (TSS), <50mg/L NTU from a meter/grab sample

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

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

70. **Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the 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.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifying Authority prior to the issue of Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

71. **Stormwater Treatment Measures Operation and Maintenance Plan**

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

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

1. Detail on the stormwater treatment measures:

- a) Work as executed drawings
- b) Intent of the stormwater treatment measures including modelled pollutant removal rates
- c) Site detail showing catchment for each device
- d) Vegetation species list associated with each type of vegetated stormwater treatment measure
- e) Impervious area restrictions to maintain the water balance for the site
- f) Funding arrangements for the maintenance of all stormwater treatment measures
- g) Identification of maintenance and management responsibilities
- h) Maintenance and emergency contact information

2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:

- a) Activity description, and duration and frequency of visits

Additionally for vegetated devices:

- b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
- c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure

3. Maintenance schedule and procedure - ongoing

- a) Activity description, and duration and frequency of visits
- b) Routine maintenance requirements
- c) Work Health and Safety requirements
- d) Waste management and disposal
- e) Traffic control (if required)
- f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

72. **Works as Executed Drawings - Stormwater Treatment Measures**

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council

Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

73. **Strata Management Statement**

The Strata Management Statement must specifically list the stormwater treatment measures that will be maintained under strata title. The statement must also include the Stormwater Treatment Measure Operation and Maintenance Plan.

Details demonstrating compliance shall be submitted to the Certifying Authority prior to the release of the Occupation Certificate.

Reason: To ensure maintenance of all stormwater management assets and protection of the receiving environment.

74. **Positive Covenant for the Maintenance of Stormwater Pump-out Facilities**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance of the pump-out facility on the property being developed. Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Northern Beaches Council's delegate shall sign these documents prior to the submission to the NSW Land Registry Services. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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 final Occupation Certificate.

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard.

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

The Applicant shall lodge a Legal Documents Authorisation Application with Council. The application is to include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan by a Registered Surveyor) and Hydraulic Engineers' certification for the completed on-site stormwater detention system works. A guide to the process can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/guide-submitting-ldaa-nov19.pdf>

The form for the application can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/4023-legal-documents-authorisation-oct19.pdf>

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure the on-site stormwater detention system is maintained to an appropriate operational standard and not altered.

76. **Validation for Remediation**

At the completion of any required remediation works (if the results of the phase 2 detailed site investigation and Data gap Analysis identify that contaminated material is required to be remediated/removed from site) a validation report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Principal Certifying Authority.

The Validation Report must be in accordance with the requirements of the following:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Contaminated Land Management Act 1997;
- Relevant NSW EPA guidelines including the NSW EPA Guidelines for Consultants reporting on contaminated Land: Contaminated land guidelines 2020

The report shall document the following:

- The extent of validation sampling, and the results of the validation testing; and
- That the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the

issue of any Occupation Certificate.

Reason: Protection of the environment, State Environmental Planning Policy (Resilience and Hazards) 2021.

77. Noise Management Plan

A Noise Management Plan shall be created by a suitably qualified acoustic professional which includes (as a minimum) the recommendations of part 4 of the Acoustic Letter of Advice (ref: 5735) by Acoustic Dynamics dated 18 August 2022.

A copy of the Noise Management Plan shall be kept on site at all times, and a digital copy shall be provided to Northern Beaches Council for record keeping purposes.

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

Reason: To minimise internal acoustic impacts from vehicles.

78. Biodiversity Management Plan

A bushland management contract for implementation of all post-construction actions identified in the approved Biodiversity Management Plan (BMP) (Narla Environmental, April 2022) is to be entered into for a five-year term, as outlined in the BMP. Evidence of engagement in accordance with this condition is to be certified by a qualified Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect and maintain native vegetation and wildlife habitat.

79. 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.

80. Unit Numbering for Warehouse Units

The warehouse units within the development are to be numbered in accordance with NSW Address Policy and User Manual.

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website Unit Numbering for Multi-Unit Developments Form

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted to the satisfaction of the certifying authority and prior to the issue of any Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access.

81. Waste Management Confirmation

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

82. Landscape Maintenance

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

b) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

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

Reason: To maintain local environmental amenity.

83. Maintenance of Stormwater Treatment Measures

Stormwater treatment measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. Evidence supporting the replacement must be retained on site and made available to Council as required.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

84. Landscaping adjoining vehicular access

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1.1m

Reason: To maintain unobstructed sight distance for motorists.

85. **Sight lines within carparks**

The required sight lines to pedestrians and other vehicles in and around the carpark and entrance(s) are not to be obstructed by landscaping or signage. No signposting or landscaping that obstructs driver visibility shall be placed within the 2.5m x 2.0m pedestrian sightline triangle at the property boundary

Reason: To maintain unobstructed sight distance for motorists.

86. **Geotechnical Recommendations**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

87. **Hours of Operation**

The hours of operation are to be restricted to:

WAREHOUSE UNITS

- Monday to Friday – 7:00am - 6:00pm
- Saturday – 7:00am - 6:00pm
- Sunday and Public Holidays – 7:00am - 6:00pm

SELF-STORAGE UNITS

- Monday to Sunday (inclusive) and Public Holidays – 24 hours

Upon expiration of the permitted hours, all staff and customers on the premises shall be required to leave within the following 30 minutes.

For clarity, this condition does not pertain to the self-storage units in the basement level of the development, which are accessible to owners 24/7.

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

88. **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.

89. **Deliveries**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 6:00pm and 7:00am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties.

90. **Noise Management Plan**

The recommendations and requirements of the Noise Management Plan shall be adhered to for the life of the development, and the contact details of the site operator shall be displayed at the entry point of the building.

Reason: To minimise acoustic impacts on other tenants within the development.

91. **Rooftop Lighting**

Upon cessation of the permitted operating hours for the warehouse units, all rooftop lighting shall be extinguished until the operating hours approved by this consent recommence.

Reason: To minimise unreasonable light spill.