

Annexure B

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No:

DA2022/0145

Development:

Demolition works and construction of a mixed-use development comprising a residential flat building and shop top housing, basement parking, lot consolidation and Torrens title subdivision

Site:

812 Pittwater Road and 4 Delmar Parade DEE WHY NSW 2099, legally identified as Lot CP SP 32072 and Lot CP SP 32071

Schedule of Modifications:

Date approved	Modification Application Number	Decision maker (Land and Environment Court or relevant council)	Proceedings Name and Number (if applicable)
23 August 2024	Mod2023/0567	Land and Environment Court	2023/00461575
26 June 2024	Mod2024/0083	Northern Beaches Council	N/A

Date of determination:

23 August 2024

Date from which consent takes effect:

Date of determination

GENERAL 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
TP00.02 C - Demolition Plan	3 March 2023	Rothelowman
TP00.04 D - Site Plan	3 March 2023	Rothelowman
TP00.07 D - Bulk Excavation Diagram	3 March 2023	Rothelowman
TP01.01 E - Basement 2	3 March 2023	Rothelowman
TP01.02 E - Basement 1	3 March 2023	Rothelowman
TP01.03 G - Ground	29 March 2023	Rothelowman
TP01.04 E - Level 1	3 March 2023	Rothelowman
TP01.05 E - Level 2	3 March 2023	Rothelowman
TP01.06 D - Level 3	3 March 2023	Rothelowman
TP01.07 D - Level 4	3 March 2023	Rothelowman
TP01.08 D - Level 5	3 March 2023	Rothelowman
TP01.09 D - Level 6	3 March 2023	Rothelowman
TP01.10 D - Level 7	3 March 2023	Rothelowman
TP01.11 D - Level 8	3 March 2023	Rothelowman
TP02.05 E - Site Elevations	29 March 2023	Rothelowman
TP02.06 E - Site Elevations	29 March 2023	Rothelowman
TP03.01 D - Sections	3 March 2023	Rothelowman
TP03.02 D - Sections 2	3 March 2023	Rothelowman
TP06.01 D - GFA Plans	3 March 2023	Rothelowman
TP06.03 D - Deep Soil	3 March 2023	Rothelowman
TP06.04 D - Communal / Landscape Plan	3 March 2023	Rothelowman
TP06.21 D - Storage Schedule	3 March 2023	Rothelowman
TP06.31 D - Adaptable Plans	3 March 2023	Rothelowman
TP06.32 D - Adaptable Plans	3 March 2023	Rothelowman
TP06.33 D - Adaptable Plans & LHA Schedule	3 March 2023	Rothelowman
PLAN OF SUBDIVISION OF THE LAND IN S.P.32071 & S.P.32072	undated	Norton Survey Partners Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arborist Report (ref: 2021-1061)	December 2021	Dr Treegood
BASIX Certificate no. 1250181M_03	24 March 2023	Senica Consultancy Group
Building Code of Australia Design Compliance Report (ref: MSA2246_BCA_DA_01)	25 November 2021	Matt Shuter + Associates
Crime Risk Assessment and Security Management Plan	December 2021	Sutherland & Associates Planning
DA Noise Assessment	25 November 2021	Acoustic Dynamics
Detailed Site Investigation (ref: 21325 Final R1 DSI)	4 May 2022	Geosyntec Consultants
Dewatering Management Plan (ref: 21181RP01 v1)	7 June 2022	Reditus Consulting
Heritage Impact Statement (ref: P0035218 v 02)	26 November 2021	Urbis
Geotechnical Investigation (ref: 6561-G1)	25 November 2021	AssetGeoEnviro
Flood Study Report (ref: 20210067-R01 rev. D)	23 March 2023	S&G Consultants Pty Ltd
NatHERS Certificate no. #HR-6DIV8O-03	24 November 2022	Senica Consultancy Group
NCC Part J Energy Efficiency Report (ref: PJ21/11115 vD)	5 December 2022	Senica Consultancy Group
Preliminary Site Investigation (ref: 21181RP01 v2)	1 December 2021	Reditus Consulting
Statement of Compliance - Access for People with a Disability (ref: 220076)	3 December 2021	Accessible Building Solutions
Traffic Reponse to RFIS (ref: 21205)	6 March 2023	The Transport Planning Partnership
Water Sensitive Urban Design Strategy Report (ref: 20210067-R02 rev. E)	2 December 2022	S&G Consultants 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
LDA-100 E - Existing Tree Plan	6 March 2023	Ground Ink
LDA-101 E - Landscape Master Plan	6 March 2023	Ground Ink
LDA-102 E - Landscape Plan 1	6 March 2023	Ground Ink
LDA-103 E - Landscape Plan 2	6 March 2023	Ground Ink
LDA-104 E - Landscape Plan 3	6 March 2023	Ground Ink
LDA-105 E - Level 5 Landscape Plan	6 March 2023	Ground Ink
LDA-201 E - Landscape Sections	6 March 2023	Ground Ink
LDA-301 E - Level 1 Indicative Tree Plan	6 March 2023	Ground Ink
LDA-302 E - Level 1 Indicative Planting Plan	6 March 2023	Ground Ink
LDA-303 E - Level 1 Indicative Plant Palette	6 March 2023	Ground Ink
LDA-304 E - Level 5 Indicative Planting Plan & Palette	6 March 2023	Ground Ink
LDA-401 E - Landscape Details	6 March 2023	Ground Ink

Waste Management Plan		
Report Title	Dated	Prepared By
Site Waste Management Plan (SW21/09721)	3 March 2023	Senica Consultancy Group

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.

1A. Modification of Consent - Approved Plans and supporting documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

<u>Approved Plans</u>				
<u>Plan Number</u>	<u>Revision Number</u>	<u>Plan Title</u>	<u>Drawn By</u>	<u>Date of Plan</u>
<u>TP00.07</u>	<u>E</u>	<u>Bulk Excavation Diagram</u>	<u>Rothe Lowman</u>	<u>16 January 2024</u>
<u>TP01.00</u>	<u>A</u>	<u>Basement 3</u>	<u>Rothe Lowman</u>	<u>16 January 2024</u>
<u>TP01.01</u>	<u>F</u>	<u>Basement 2</u>	<u>Rothe Lowman</u>	<u>16 January 2024</u>
<u>TP01.02</u>	<u>F</u>	<u>Basement 1</u>	<u>Rothe Lowman</u>	<u>16 January 2024</u>
<u>TP03.01</u>	<u>E</u>	<u>Sections - 1, 2 & 3</u>	<u>Rothe Lowman</u>	<u>19 June 2024</u>
<u>TP03.02</u>	<u>E</u>	<u>Sections - 4, 5 & 6</u>	<u>Rothe Lowman</u>	<u>19 June 2024</u>
<u>TP06.21</u>	<u>E</u>	<u>Storage Schedule</u>	<u>Rothe Lowman</u>	<u>16 January 2024</u>
<u>-</u>	<u>E</u>	<u>Subdivision Plan - Basement 3 & Below</u>	<u>Christopher Thomas Norton</u>	<u>7 February 2024</u>

-	<u>E</u>	<u>Subdivision Plan - Basement 2</u>	<u>Christopher Thomas Norton</u>	<u>7 February 2024</u>
-	<u>E</u>	<u>Subdivision Plan - Basement 1</u>	<u>Christopher Thomas Norton</u>	<u>7 February 2024</u>

Approved Reports and Documentation	
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<u>Document Title</u>	<u>Version Number</u>	<u>Prepared By</u>	<u>Date of Document</u>
<u>Site Hydrogeology Report</u>	<u>Rev 1</u>	<u>Morrow Geotechnics</u>	<u>2 May 2024</u>
<u>Dewatering Management Plan</u>	<u>Rev 1</u>	<u>Morrow Geotechnics</u>	<u>2 May 2024</u>
<u>Geotechnical Investigation Report</u>	<u>Rev 3</u>	<u>Morrow Geotechnics</u>	<u>2 May 2024</u>
<u>Construction Traffic Management Plan</u>	<u>V06</u>	<u>The Transport Planning Partnership</u>	<u>3 May 2024</u>
<u>Site Waste Management Report</u>	<u>J</u>	<u>Senica Consultancy Group</u>	<u>23 February 2024</u>

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(This condition was inserted as part of Mod2024/0083)

1B. Modification of Consent - Approved Plans and supporting documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
<u>Plan Number</u>	<u>Revision Number</u>	<u>Plan Title</u>	<u>Drawn By</u>	<u>Date of Plan</u>
<u>TP00.04</u>	<u>F</u>	<u>Site Plan</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP01.03</u>	<u>K</u>	<u>Ground Floor</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP01.04</u>	<u>J</u>	<u>Level 1</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP01.05</u>	<u>K</u>	<u>Level 2</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP01.06</u>	<u>J</u>	<u>Level 3</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP01.07</u>	<u>J</u>	<u>Level 4</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP01.08</u>	<u>J</u>	<u>Level 5</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP01.09</u>	<u>J</u>	<u>Level 6</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>

<u>TP01.10</u>	<u>J</u>	<u>Level 7</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP01.11</u>	<u>J</u>	<u>Level 8</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP02.05</u>	<u>J</u>	<u>Site Elevations</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP02.06</u>	<u>J</u>	<u>Site Elevations</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP03.01</u>	<u>H</u>	<u>Sections</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP03.02</u>	<u>G</u>	<u>Sections 2</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP06.01</u>	<u>G</u>	<u>GFA Plans</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP06.04</u>	<u>G</u>	<u>Communal / Landscape Plan</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP06.21</u>	<u>F</u>	<u>Storage Schedule</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP06.31</u>	<u>F</u>	<u>Adaptable Plans</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP06.32</u>	<u>F</u>	<u>Adaptable Plans</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP06.33</u>	<u>F</u>	<u>Adaptable Plans</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP06.34</u>	<u>C</u>	<u>Adaptable Plans & LHA Schedule</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>
<u>TP06.40</u>	<u>D</u>	<u>Commercial Adaptations</u>	<u>Rothe Lowman</u>	<u>24 June 2024</u>

<u>Approved Reports and Documentation</u>			
<u>Document Title</u>	<u>Version Number</u>	<u>Prepared By</u>	<u>Date of Document</u>
<u>BASIX Certificate No. 1250181M 08</u>	<u>1</u>	<u>SLR Consulting Pty Ltd</u>	<u>26 June 2024</u>
<u>BCA Compliance Assessment Report</u>	<u>02</u>	<u>Absolute BCA & Accessibility Consulting Pty Ltd</u>	<u>29 September 2023</u>

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(This condition was inserted as part of Mod2023/0567)

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:

<u>Other Department, Authority or Service</u>	<u>EDMS Reference</u>	<u>Dated</u>
<u>Ausgrid</u>	<u>Ausgrid Referral Response</u>	<u>Undated</u>
<u>WaterNSW</u>	<u>WaterNSW Referral Response (Integrated Development Referral - General Terms of Approval)</u>	<u>3 April 2023</u>

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

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

2A. 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:

<u>Other Department, Authority or Service</u>	<u>EDMS Reference</u>	<u>Dated</u>
<u>Ausgrid</u>	<u>Ausgrid Referral Response</u>	<u>29 April 2024</u>
<u>Transport for NSW</u>	<u>TfNSW Referral Response</u>	<u>22 April 2024</u>
<u>WaterNSW</u>	<u>WaterNSW Referral Response</u>	<u>14 June 2024</u>

(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.

(This condition was inserted as part of Mod2024/0083)

3. No Approval for Commercial Tenancy Use

Nothing in this consent shall authorise the use of the commercial tenancies nor any operating hours. The fit-out, use and hours of those shall be the subject of a new Development Application unless authorised by another instrument.

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

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not

be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

5. General Requirements

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the

activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) 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 an 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 \$250,000. The Long Service Levy is calculated on 0.25% 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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or 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.

FEES / CHARGES / CONTRIBUTIONS

6. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

7. Dee Why Town Centre 7.11 Contributions Plan

The applicant must pay a monetary contribution to Council of \$3,211,797.45. This contribution is calculated at the date of this consent, in accordance with Dee Why Town Centre Contributions Plan (as amended).

The monetary contributions is based on a residential contribution for 219 additional dwellings comprising: 86 1-bedroom dwellings, 91 2-bedroom dwellings, and 42 3-bedroom dwellings.

A credit for the existing approved non-residential development has been accounted for in this monetary contribution.

The total amount payable will be adjusted at the time of payment in accordance with the Dee Why Town Centre 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.

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land in lieu of the monetary contribution above (or any portion of that monetary contribution) through a Planning Agreement between Council and the Applicant in accordance the Dee Why Town Centre Contributions Plan (as amended) and Council's Planning Agreement Policy. The Planning Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

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 that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Dee Why Town Centre.

7A. Dee Why Town Centre - Contribution Condition

The applicant must pay an additional monetary contribution to Council of \$11,728.75, as a result of the approved changes to the dwelling mix as follows:

- 83 x 1-bedroom dwellings
- 90 x 2-bedroom dwellings
- 45 x 3-bedroom dwellings

amounting to \$3,223,526.20 for 218 additional dwellings and accounts for the contribution already paid under DA2022/0145. This contribution is calculated at the date of this consent, in accordance with Dee Why Town Centre Contributions Plan (as amended).

A credit for the existing approved non-residential development has also been accounted in this contribution.

The total amount payable will be adjusted at the time of payment in accordance with the Dee Why Town Centre Contributions Plan (as amended). Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to the issue of any Construction Certificate for the residential component of the development.

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land in lieu of the monetary contribution above (or any portion of that monetary contribution) through a Planning Agreement between Council and the Applicant in accordance the Dee Why Town Centre Contributions Plan (as amended) and Council's Planning Agreement Policy. The Planning Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

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 that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Dee Why Town Centre.

(This condition was inserted as part of Mod2023/0567)

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

The applicant is to lodge a bond with Council of \$150,000 as security against any damage or failure to complete the reconstruction of road pavement/ footpath and kerb and gutter works as part of this consent.

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

Reason: Protection of Council's infrastructure.

9. Construction, Excavation and Associated Works Bond (Drainage works)

The applicant is to lodge a bond of \$200,000 as security against any damage or failure to complete the construction of the the upgraded /diverted Council stormwater drainage works as part of this consent.

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

Reason: Protection of Council's infrastructure.

10. Construction, Excavation and Associated Works (Security Bond)

A bond of \$100,000 as security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site.

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

Reason: Protection of Council's infrastructure.

11. Construction, Excavation and Associated Works Bond (Maintenance for Civil Works)

The developer/applicant must lodge with Council a maintenance bond of \$100,000 for the construction of rediverted Council stormwater line running through the site and within Delmar Parade and road/footpath reconstruction works. The maintenance bond will only be refunded upon completion of the six month maintenance period, if work has been completed in

accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion.

Reason: To ensure adequate protection of Council infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

12. 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).

e) A maintenance activity schedule shall incorporate an on-going maintenance plan that shall be submitted to the Certifying Authority outlining a program to monitor and replenish soil levels as a result of soil shrinkage over time.

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

13. Public Road Reserve Landscaping and Infrastructure

a) A Section 139 Infrastructure Works on Council Roadway (made under the Roads Act 1993) application must be submitted to Council.

b) The Section 139 application must include the following details:

- i) Details of street tree planting as required under Conditions of Consent
- ii) Street trees shall be located following consideration of existing trees, existing underground utilities and street lighting. The street trees must be maintained for a period of 12 months following the issue of an occupation certificate. Any failure due to lack of maintenance will require replacement.
- iii) Grassed areas are to be turfed with Couch species (weed free), unless otherwise advised, and even grade to a maximum 4% grade.

c) Evidence of the approved Section 139 Infrastructure Works on Council Roadway (made under the Roads Act 1993) is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To enable the long term retention of the desired streetscape character.

14. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to Delmar Parade Council stormwater drainage system.

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

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

15. **Flooding**

In order to protect property and occupants from flood risk the following is required:

Flood Effects Caused by Development – A2

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level .

Building Components and Structural Soundness – B1

All new development below the Flood Planning Level (various levels) shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

Building Components and Structural Soundness – B2

All new development must be designed to ensure structural integrity up to the Flood Planning Level (various levels), taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

Building Components and Structural Soundness – B3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level. All existing electrical equipment and power points located below the Flood Planning Level (various levels) must have residual current devices installed to cut electricity supply during flood events.

Floor Levels – C1

New floor levels within the development shall be set at or above the various Flood Planning Level. The Flood Planning Level is 27.84 at m AHD at the northern boundary and 32.20m AHD at the southern boundary.

Car parking – D6

All access, ventilation and any other potential water entry points, including entry ramp crests to the basement car park shall be at or above the Flood Planning Level. The Flood Planning Level is 27.84 at m AHD at the northern boundary and 32.20m AHD at the southern boundary. Along the eastern boundary, the Flood Planning Level varies from 32.2mAHD to 28.5m AHD. Therefore the barrier wall protecting the basement carpark driveway from the overland flow path must extend to a height of 28.5mAHD.

Fencing – F1

New fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level. Openings should be a minimum of 75mm x 75mm.

Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level unless adequately protected from floodwaters in accordance with industry standards.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

16. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and The operation of the site during all phases of the construction process.

17. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP 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:

- i Site Boundaries and contours
- i Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- i Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- i Existing and proposed drainage patterns with stormwater discharge points
- i 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.
- i 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.

18. Detailed Design of Stormwater Treatment Measures - Major

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the SGC Water Sensitive Urban Design Strategy Report (rev D), Stormwater Concept Design (rev D) 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.

19. Shoring of Council Property

Should the proposal require shoring to support land owned or managed by Council, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors or other construction measures are to be used within Council Land.

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

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

20. Construction Traffic Management Plan

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

~~Due to heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. No access to the site through the Stony Range car park area is permitted on Tuesdays between 7am and 1pm. Truck movements must be agreed with Council's Traffic Engineer prior to submission of the CTMP.~~

The CTMP must address following:

- i The proposed phases of construction works on the site, and the expected duration of each construction phase
- i 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
- i Make provision for all construction materials to be stored on site, at all times
- i The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- i 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
- i 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
- i Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- i Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- i Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety
- i 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
- i 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
- i 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
- i 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
- i 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
- i 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
- i Proposed protection for Council and adjoining properties
- i 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.

(This condition was amended as part of Mod2024/0083)

21. Basement 1 Loading Bay Access

The basement 1 loading bay shall provide minimum dimensions for service in compliance with AS2890.2:2002 with regards to length, width and vertical clearance for access by a small rigid vehicle. Such vehicles are to be able to ingress and egress the loading bay with only one reverse manoeuvre. Plans showing compliance with the distances and the swept path diagrams are to be submitted to the Certifying Authority prior to the issue of a construction certificate.

Reason: To ensure compliance with Australian Standards.

22. Waste and Service Vehicle Access (11m Waste Vehicle)

Access to the on-site ground floor loading bay area including ramp grades, transitions and height clearance shall be designed for safe forward in and forward out access of 11m Council’s waste vehicle, as a minimum requirement. The height clearance required is 4.5m, 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 11m Council’s waste vehicle shall be submitted to and approved by an Certifying Authority prior to the issue of the Construction Certificate.

Reason: to ensure adequate service vehicle access.

23. Removal of Redundant Driveways

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council prior to the issue of the Construction Certificate. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.

24. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- i The plans shall be amended to detail that all planter boxes to the edges of all balconies (where they are shown on the architectural plans) shall have a minimum internal width of 400mm and a minimum soil depth of 600mm. Several of the species planted within the planter boxes shall be capable of reaching a minimum height of 500mm at maturity.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

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

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

26. Building Code of Australia Fire Safety Requirements

The Building Code of Australia fire safety measures for the building as detailed and recommended in the *Design Compliance Report* prepared by Max Shutter & Associates, dated 25 November 2021 (Report Ref No. MSA2246_BCA_DA_01) including any associated fire engineering / performance solution 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.

27. Building Code of Australia Access

Access and facilities to and within the building are to be provided for Persons with a Disability and are to comply with the Building Code of Australia and AS 1428.1. In this regard the recommendations contained within the *Statement of Compliance Report* prepared by Accessible Building Solutions dated 3 December 2021 are 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 throughout the building.

28. **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* in accordance with the concept drainage plans prepared by SGC Engineering, drawing number SW202 -203 Rev E, SW300 Rev E, dated 17 March 2023. Detailed drainage plans are to be prepared by a degree qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. Provide engineering details and calculations in accordance with the minimum information requirements as detailed in section 9.7.3 of Council's *Water Management for Development Policy*; and
- ii. 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.

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

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of of the footpath paving works, kerb and gutter reconstruction and half road reconstruction including 50mm AC overlay. The works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1 and Councils Public Spaces Guidelines. The plan shall be prepared by a qualified civil engineer with NER or RPENG registration . The design must include the following information:

- 1) Typical footpath reconstruction cross-sections detailing a 150mm reinforced concrete based with Urbanstone pavers above.
- 2) Reinforced plain concrete vehicle crossing and full width kerb and gutter reconstruction.
- 3) Half road reconstruction in accordance with a geotechnical engineers design for the appropriate traffic loadings.
- 4) The provision of street tree planting in accordance with Councils Public Spaces Guidelines.

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

30. **~~DELETED 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.~~

(This condition was deleted as part of Mod2024/0083)

31. Structural Adequacy and Excavation Work

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

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

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

Reason: To provide public and private safety.

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

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

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

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

33. 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.

34. Stormwater Drainage Application

The applicant is to provide a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the diverted and upgraded Council 1200mm RCP Stormwater line which runs from the rear boundary of the development to the northside kerb inlet pit in Delmar parade (SPP 17653). The drainage engineering plans are to be in accordance with the concept drainage plans prepared by SGC Engineering, drawing number SW202 - 203 Rev E, SW300 Rev E, dated 17/3/23.

1) Detailed drainage plans are to be prepared by a degree qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering. The civil design is to be in accordance with the approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1.

2) The Civil engineering plans are to be supported by a DRAINS model prepared in accordance with Australian Rainfall and Runoff 2019 and include hydraulic grade line analysis, sizing of all inlet pits and the sizing of the rear boundary catch drain/overland flow swale . A hydraulic report is to be prepared to support the DRAINS model detailing all modelling assumptions and summary of results. These are to include the pipe and overland flow volumes that are sent to the 1200mm RCP line and the flood void for all storms up to the 1/100 AEP.

3) Existing Council Pit SPP 17653 is to be reconstructed to accommodate the new 1200mm RCP stormwater line.

4) Service locaters are to be used to determine the exact levels of any services to avoid conflict with the new upgraded 1200mm RCP stormwater line in Delmar Parade. Any services including sewer are to be relocated by the applicant at their expense to avoid conflict with the upgraded 1200mm RCP .

5) Cross-sections are also to be provided at regular intervals including the rear overland flow swale/ flood void ,overland flow swale (eastern boundary) and overland flow path/driveway . Freeboards to all habitable floors and basement openings/stairs are to be a minimum of 500mm above the 1/100 AEP overland flow path top water level.

The form can be found on Council's website at www.northernbeaches.nsw.gov.au > Council Forms > Stormwater Drainage Application Form.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management and compliance with the BASIX requirements, arising from the development.

35. **Pre-Construction Stormwater Assets Dilapidation Report**

The Applicant is to submit a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at: <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2>.

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

36. **Pre-commencement Dilapidation Report**

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

The pre-construction / demolition dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifying Authority prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

37. **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 Certifier prior to the issue of the Construction Certificate.

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

38. **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 Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

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

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

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

39. Treatment of Facades to 816 Pittwater Road

The facade treatment to 816 Pittwater Road, Dee Why, shall be designed in a manner consistent with the rest of the building and is not to present as a blank facade from any public or private space. The facades should incorporate materials, colours, and textures that are generally consistent with the rest of the building.

The final design shall be provided to Council for written approval from Council's Manager Development Assessment and is to be incorporated into the architectural plans prior to the issue of a Construction Certificate.

Reason: To ensure the building has no blank facades.

40. External Glazing

The reflectivity index of external glazing for windows, walls or roof finishes of the proposed

development is to be no greater than 20% (expressed as a per centum of the reflected light falling upon any surface).

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 from glazing does not occur as a result of the development.

41. Location of Air Conditioning Units

The plans shall be updated to show the location of all air conditioning units, condensers and associated mechanical equipment. None of these elements are permitted to be placed or installed on the roof of the building, on the exterior of the building, or in any area nominated as landscaping.

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

Reason: To ensure consistency with the approved plans and to minimise impacts on neighbours.

42. Right Turn Prevention Delmar Parade

The applicant shall lodge plans to Council for Traffic Committee and Transport for NSW consideration for both:

- a) the adjustment of the existing AM peak (6am - 10am Monday-Friday) right turn ban from Pittwater Road into Delmar Parade to be expanded to also incorporate a PM peak right turn ban (3pm - 7pm Monday-Friday) and
- b) the closure of the median on Pittwater Road at Delmar Parade to prevent right turns

The applicant shall be responsible for the cost of installation for whichever option is approved to prevent right turns at the Delmar Parade/Pittwater Road intersection.

Reason: To reduce delays associated with the right turns and ensure ongoing safety at the intersection.

43. Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

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

43A. Underground Cabling

All underground cabling shall be located within the grass verge/outside the car park pavement footprint.

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

Reason: Public amenity.

(This condition was inserted as part of Mod2023/0567)

43.B Design and Construction Elements

The recommended building design elements as outlined in Section 7.1 to 7.6 of the Acoustic Report dated 19 March 2024, prepared by Acoustic Dynamics, are to be incorporated into the design of the development.

Reason: To ensure noise emission and transmission is acceptable.

(This condition was inserted as part of Mod2023/0567)

43C. Mechanical Services

Prior to the relevant Construction Certification, a suitably qualified acoustical consultant is to undertake a full mechanical noise emission assessment to certify that noise emission levels resulting from the use and operation of mechanical services will not exceed the noise emission objectives outlines in Section 5 of the Acoustic Report dated 19 March 2024, prepared by Acoustic Dynamics.

Reason: To ensure compliance with noise emission levels

(This condition was inserted as part of Mod2023/0567)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**44. Project Arborist**

a) A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with 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.

45. Tree Removal Within the Road Reserve

a) This consent approves the removal of the following trees within the road reserve as recommended in the Arboricultural Impact Assessment dated December 2021 prepared by Dr Treegood:

Trees numbered T61, T64, T65, T66, T68, T69, T71, T72, T73

b) Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services Section prior to removal.

Reason: Public liability.

46. **No Access Through Adjoining Park/Reserves**

Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council.

Reason: To ensure protection of council parks/reserves.

47. **Utilities Services**

Prior to the commencement of demolition works, written evidence of the following service provider requirements must be provided to the Principal Certifier:

- a) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity,
- b) a response from Sydney Water as to whether the proposed works subject to this consent would affect any Sydney Water infrastructure, and whether further requirements need to be met, and
- c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of demolition works.

Reason: To ensure relevant utility and service providers' requirements are provided to the Principal Certifier.

48. **Works on Land Owned or Managed By Council**

No works are to be carried out in the Stony Range Regional Botanic Garden.

Note: Separate approval from Council is required for access driveways, paths, stairs, connections to underground utilities (stormwater, gas, sewer, electricity, telecommunications etc.) and landscaping works on land owned or managed by Council.

Reason: To protect the land owned or managed by Council.

49. **Dilapidation Report of Land Owned or Managed by Council**

A Pre-Construction Dilapidation Report shall contain a survey of pre-existing land features including photographic record of the land under Council's care control and management adjoining the development, detailing the physical condition of items such as, but not exclusively limited to, physical assets such as crossovers, driveways, footpaths, utilities, furniture, play equipment, trees, gardens, lawn areas, bushland and any rock outcrops.

This Pre-Construction Dilapidation Report shall be submitted to Council and the Certifying Authority prior to commencement of works.

Any damage to these assets during the works must be replaced like for like to the satisfaction of Council and the Certifying Authority.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: Protection of Council's assets.

50. **Removal of Trees in Land Owned or Managed by Council**

Prior to the commencement of work:

- a) written notification is to be provided to Council giving a minimum of 7 days notice prior to undertaking the removal of any trees approved for removal,
- b) removal of approved trees is to be undertaken by a qualified Arborist with minimum level 5 AQF qualifications with suitable public liability insurance.

Reason: Management of public environmental assets.

51. **Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

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

52. **Road Occupancy Licence**

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows.

Reason: Requirement of TMC for any works that impact on traffic flow.

53. **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 will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The DTMP must:-

- i Make provision for all construction materials to be stored on site, at all times.
- i The DTMP is to be adhered to at all times during the project.
- i Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.

- i 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.
- i Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- i 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.
- i 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.
- i 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.
- i Specify spoil management process and facilities to be used on site.
- i 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.

54. **Pre-Construction Dilapidation Report**

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

Properties:

- i 2 Delmar Parade, Dee Why
- i 6 Delmar Parade, Dee Why

- i 8 Delmar Parade, Dee Why
- i 816 Pittwater Road, Dee Why

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

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

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

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

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

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

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

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

DURING BUILDING WORK

56. **Protection of Rock and Sites of Significance**

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

b) Should any Aboriginal 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.

57. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected including:
 - i) all trees and vegetation located on adjoining properties,
 - ii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with the Arboricultural Impact Assessment dated December 2021 prepared by Dr Treegood 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.

58. **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.

59. **Dewatering Management**

Groundwater: A permit from Council is required for any dewatering of groundwater. An application for interference with an aquifer is required to the Natural Resources Access Regulator. Contact catchment@northernbeaches.nsw.gov.au for more information about permits.

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.

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

Council proactively regulates construction sites for sediment management.

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

61. **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.

62. **No Access Through Land Owned or Managed by Council**

Site access is not approved for delivery of materials nor construction of the development through the Stony Range Regional Botanic Garden.

Reason: Public safety, landscape amenity and tree protection.

63. **Storage of Materials on Land Owned or Managed by Council Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste or any other material in the Stony Range Regional Botanic Garden is prohibited.

Reason: Public safety and environmental protection.

64. **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.

65. **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.

66. **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.

67. **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:

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

68. **Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

69. **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.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and 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 Certifier, 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.

70. **Survey Certificate**

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

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

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

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

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

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

71. Progress Certification (Road & Subdivision)

The applicant shall provide compliance certification is to be provided by a NER or RPENG qualified civil engineer upon completion and/or as and when requested by the Council for the following stages of works:

(a) Laying of 1200mm Council stormwater pipes and construction of pits

(b) Proof Roll of Base and Sub-base

(c) Sub-grade trimmed and compacted **

(d) Base-course laid and compacted **

(e) Kerb and gutter construction

(f) Footpath full width concrete base slab and paving,

(g) Landscaping including street tree planting

(h) Clean-up of site, and of adjoining Council roadway and drainage system. (**To be tested by a recognised N.A.T.A. approved laboratory).

Details demonstrating compliance are to be submitted to the Principal Certifying

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

72. Civil Works Supervision

The Applicant shall ensure all civil works approved under the Section 138 Roads Act approval and Section 68 Local Government Act approval are supervised by an appropriately qualified and practising Civil Engineer.

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

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

73. Footpath Construction

The applicant shall reconstruct the existing concrete footpath to full paving with a concrete base the works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Section 138 Road Act approval
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Section 138 Road Act approval for footpath. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

74. **Notification of Inspections (infrastructure works to be handed over to Council)** Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of the upgraded 1200mm stormwater line (Delmar parade and the site)
- (c) Prior to pouring of stormwater kerb inlet pits in Demar Parade
- (d) Prior to pouring of kerb and gutter
- (e) Half Subgrade level / basecourse level / subbase
- (f) Sealing road pavement
- (g) Footpath concrete base slab prior to placement of Urbanstone paving.

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

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

75. **Traffic Control During Road Works**

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

Reason: Public Safety.

76. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 8 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ 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.

77. Kerb and Gutter Construction

The Applicant is to construct kerb and gutter and associated works along the entire frontage of the site in accordance with Northern Beaches Council Drawing No. A4 2276/A. Prior to the pouring of concrete, the works are to be inspected by Council and an approval issued.

The approval is to be submitted to the Principal Certifying

Authority. Reason: To facilitate the preservation of on street parking spaces.

78. Requirement to Notify about New Contamination Evidence

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

Reason: To protect human health and the environment.

79. Management of Site Contamination Issues

At demolition and excavation stages details of documented compliance with the findings and recommendations contained within the Detailed Site Investigation report by Geosyntec Consultants (ref: 21325 Final R1 DSI) is to be supplied to the Certifying Authority (and a copy to Council for its records) at the appropriate stages and before building works commence and shall include:

1. A Hazardous buildings material survey (Hazmat) of existing site structures prior to demolition, as recommended in the REDITUS (2021) PSI.

2. Given the identification of asbestos within the fill material an Asbestos Management Plan (AMP) must be prepared to comply with the Work Health and Safety (WHS) Regulation 2017.

3. Additional inspections and sampling under the hardstand area once the buildings and concrete are removed to ascertain the extent of asbestos containing fibre cement fragments and fines across the site area.

4. Given the majority of the soil in the site will be required to facilitate the development, the compilation of a soil management plan after the additional sampling is completed.

Reason: To ensure that all contamination related issues are appropriately addressed.

80. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled dated 3 March 2023.

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

81. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

81A. Wildlife Protection

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

Reason: To protect native wildlife.

(This condition was inserted as part of Mod2023/0567)

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

82. Required Tree Planting

a) All trees shall be planted in accordance with 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.

83. Street Tree Planting

a) Street trees shall be planted in accordance with the following:

- i) 13 x *Ceratopetalum apetalum* spaced evenly along the road reserve immediately south of the site, minimum pot size 200 litre and shall meet the requirements of Natspec- Specifying Trees and be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained including a four post and top and mid rail timber tree guard and watered until established.
- ii) 3 x *Livistona australis* (Cabbage Tree Palms), to provide a grove located in the road reserve at the entrance to Stony Range Regional Botanic Garden, adjacent to the south west corner of the site. These palms are to be transplanted/advanced stock with minimum trunk height of 10m and maintained including a four post and top and mid rail timber tree guard and watered until established

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.

84. Required Screen Planting

a) Screen planting shall be planted along the eastern and southern boundaries in accordance with the approved Landscape Plans.

b) Plants are to be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

c) 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.

85. Landscape Completion

a) Planting is to be implemented in accordance with the approved Landscape Plan, as amended by Conditions of Consent.

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

Reason: Environmental amenity.

86. 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.

87. Certification of Civil Works and Works as Executed Data on Council Land

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Certificate plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Principal Certifier for approval prior to the issue of the Occupation Certificate.

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

88. **Certification of Council Drainage Works and Works as Executed Data within Private Land** The Applicant shall submit certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 68 approved plans. Works as Executed data (details overdrawn on a copy of the approved drainage plan) certified by a registered surveyor in relation to boundaries and/or relevant easements prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' within the subject site, shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

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

89. **Stormwater Disposal**
The stormwater drainage upgrade works and diversion works of Councils existing stormwater system shall be certified as compliant with all relevant the approved Section 68 (local Government act) approval issued by Council by the design engineer. A compliance certificate is to be issued to Council prior to the issue of any Occupation Certificate.

Reason: To ensure the upgraded is compliant with the Section 68 approval and Councils Auspec One specification.

90. **Post-Construction Road Reserve Dilapidation Report (Major Development)**
The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

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

91. **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 construction certificate documentation. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

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

Reason: Protection of the receiving environment.

92. **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 any 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.

93. **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.

94. **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.

95. **Removal of All Temporary Structures/Materials and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences/bunds 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 Occupation Certificate.

Reason: To protect reserve amenity and public safety.

96. **Loading Dock Traffic Signal and access control system**

To prevent conflicting vehicle flows on the internal carpark and loading dock access ramps and avoid vehicles having to reverse up/ down the ramp, a traffic signal system must be installed to provide warning to vehicles entering and exiting the carpark when the loading dock is in use and designed to warn drivers of any conflicting service/delivery vehicle approaching.

The signal system must;

- i be clearly visible from carpark ramp entrances,
- i is to clearly indicate to an approaching car driver, by way of red light or wording, that a truck is exiting the loading dock,
- i Incorporate an automated boomgate (or other means of access prevention) to manage movements to and from the loading dock and prevent parking in it other than by delivery/waste collection vehicles

Details, including the system operation, components and placement within the development, must be specified by a practising Traffic Engineer. This engineer is to submit a compliance certificate to the Principal Certifying Authority that the system has been installed and operating as designed, in accordance with the requirements of this condition, prior to the issue of any Occupation Certificate issued for the development.

Reason: To ensure no vehicle conflicts at the carpark ramp/loading bay junction.

97. **Loading Dock Management Plan**

A Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by the Principal Certifying Authority prior to the issue of any Occupation Certificate.

The Plan will need to demonstrate how the loading docks will be managed to ensure that there will be only one vehicle entering and exiting each loading docks in any period and how safe servicing arrangements including waste collection will be undertaken without interrupting general traffic. The Loading Dock management plan will also include information relating to measures to prevent unauthorised access to the main loading dock and outline the operation of an automated warning system for motorists entering/exiting the basement carpark that a vehicle is exiting the loading dock. The loading dock management plan will ensure and reinforce that vehicle queuing on public road(s) is not permitted.

Reason: to ensure the loading dock is managed appropriately and that tenants are aware of the conditions of use.

98. **Disabled Parking Spaces**

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009 including provision of shared zone bollards.

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

Reason: To ensure compliance with Australian Standards.

99. **Footpath Construction**

The footpath, in accordance to Council's standard specifications, shall be reconstructed along the full property frontage to Council's satisfaction. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure that an acceptable level of pedestrian access to and from the property is available.

100. **Post-Construction Dilapidation Report**

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

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

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

Details demonstrating compliance with this condition are to be submitted to the

Principal Certifier prior to the issue of an Occupation Certificate.

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

101. Geotechnical Certification Prior to Occupation Certificate

A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in Condition 1 of this consent.

Written certification is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

102. Allocation of Car Parking Spaces

Car parking spaces shall be provided in accordance with the details provided on the approved stamped plans, made accessible and maintained at all times.

Car parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

All car parking spaces marked for residential use are to for the use of residents of the development only.

Details demonstrating compliance are to be submitted to the certifying authority to the issue of an Occupation Certificate.

Reason: To ensure that adequate parking facilities to service the development are provided on the site.

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

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

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

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

104. Certification of Structures Located Adjacent to Council Pipeline or Council Easement

All structures are to be located clear of any Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Water Management Policy; (in particular Section 6 - Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specification). Any proposed landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted) - Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure

105. Stormwater Drainage Easement - rediverted /upgraded 1200mm Stormwater Line

The Applicant shall lodge a drainage easement plan and 88B instrument with a Legal Documents Authorisation Application.

The Applicant shall create on the Title a Stormwater Drainage Easement of a width and with terms acceptable to council over the rediverted/upgraded 1200mm stormwater line within the site. The stormwater line is to be dedicated to Council in accordance with Councils Water Management for Development policy. Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument.

The applicant shall submit to Council a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan) and hydraulic engineers' compliance certification stating the upgraded 1200mm stormwater line as been installed in accordance with the Section 68 Drainage approval.

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 stormwater drainage easement is to be submitted to Council.

The applicant is responsible for all fees and charges with the creation of the stormwater drainage easement.

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

Reason: To comply with the stormwater drainage easement requirements of Councils Water Management for Development policy.

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

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

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

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

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

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

107. Loading Dock Management Plan to be provided to Council

A Loading Dock Management Plan - in accordance with the Site Waste Management Report dated 3 March 2023 is to be submitted to Council's Waste Management team for approval. The Loading Dock Management Plan must ensure that the loading dock is available for the exclusive use of Council's waste collection vehicles from 6.00am to 6.00pm on the scheduled days of collection each week.

The scheduled days of collection will be notified to the owners' corporation/building manager by Northern Beaches Council prior to the commencement of the service and on an ongoing basis as needed.. Council reserves the right to change the days of collection as required.

No items are to be stored in the loading dock and truck turning area.

Reason: To ensure efficient and safe access to provide waste management and removal services.

108. Certification of DSI Recommendations

Certification shall be provided from a suitably qualified professional that the findings and recommendations contained within the Detailed Site Investigation report by Geosyntec Consultants (ref: 21325 Final R1 DSI) have been fully complied, including any new discoveries, appropriate treatment and or removal with and documentation supplied to the Certifying Authority (and a copy to Council for its records).

This documentation includes :

1. A Hazardous buildings material survey (Hazmat) of existing site structures prior to demolition, as recommended in the REDITUS (2021) PSI.

2. An Asbestos Management Plan (AMP) must be prepared to comply with the Work Health and Safety (WHS) Regulation 2017. Documentation concerning

the lawful disposal of any removed material.

3. Additional inspections and sampling under the hardstand area once the buildings and concrete are removed to ascertain the extent of asbestos containing fibre cement fragments and fines across the site area. Results of these inspections and any required actions being completed.

4. The compilation of a soil management plan after the additional sampling is completed.

Reason: To ensure that all contamination related issues were appropriately addressed during works.

109. 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.

110. Garbage and Recycling Facilities

All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

111. Fire Safety Matters

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

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire

Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

112. Disabled Parking Spaces

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards

113. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

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

Reason: To ensure waste and recycling facilities are provided.

114. Waste/Recycling Compliance Documentation

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

Reason: To ensure waste is minimised and recycled.

115. Positive Covenant for Council and Contractor Indemnity

A positive covenant shall be created on the title of the land prior to the issue of an Interim/Final Occupation Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

116. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

117. Neighbourhood Management Statement for Waste Services

Where a development proposes the creation of a neighbourhood scheme, the Neighbourhood

Management Statement shall include wording in relation to the provision of waste services in accordance with Appendix D of Northern Beaches Council Waste Management Guidelines

Reason: To ensure ongoing access for servicing of waste facilities.

117A. Loading Dock Management Plan to be provided to Council

A Loading Dock Management Plan, prepared in accordance with the Site Waste Management Report dated 3 March 2023, is to be submitted to Councils Waste Management Team for approval.

The Loading Dock Management Plan must ensure that the loading dock is available for the exclusive use of Council's waste collection vehicles from 6.00am to 6.00pm on the scheduled days of collection each week.

The scheduled days of collection will be notified to the owners' corporation/building manager by Northern Beaches Council prior to the commencement of the service and on an ongoing basis as needed. Council reserves the right to change the days of collection as required.

No items are to be stored in the loading dock and truck turning area.

Reason: To ensure efficient and safe access for waste management and removal services.

(This condition was inserted as part of Mod2023/0567)

117B. Noise Management Plan

A Noise Management Plan is to be prepared by the building manager/person in charge which incorporates best management practices and procedures to protect the acoustic amenity of building occupants and the surrounding area. The plan is to include recommendations as outlines in Section 7.5 of the Acoustic Report dated 19 March 2024 prepared by Acoustic Dynamics.

Reason: To ensure noise amenity of the area

(This condition was inserted as part of Mod2023/0567)

117C. No Weeds Imported On To The Site

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

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

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

(This condition was inserted as part of Mod2023/0567)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**118. Landscape Maintenance**

a) 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.

Reason: To maintain local environmental amenity.

119. Undesirable Trees

c) Leighton Green Cypress *Cupressocyparis leylandii* or any of its cultivars, or any other Undesirable Trees identified by Council, must not be planted on the site for the life of the development.

d) In the event of any inconsistency between this condition and the development application documents, this condition will prevail to the extent of the inconsistency.

Reason: To reduce the potential for adverse amenity effects such as overshadowing, loss of views and loss of plant diversity.

120. Maintenance of Stormwater Treatment Measures - Major

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.

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

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.

121. Vehicle Parking

The car parking area shown on the approved drawings must be used for vehicle parking only. Loading and unloading of vehicles and delivery of goods to the land must be carried out within the site. Any loading or unloading of materials of potential environmental damage must be appropriately bunded with adequate spill response equipment in place to ensure nil runoff from the site.

Reason: To ensure the safety and amenity of the general public using public streets, and to ensure the protection of the environment from spillage of materials.

122. Delivery/service vehicles not to use Stony Range carpark

Delivery and service vehicles associated with the completed development are not permitted to drive, stand or park in the Stony Range Botanic Gardens carpark. Deliveries to commercial/retail or residential premises shall be undertaken within the Loading Docks provided on site

Reason: to ensure deliveries are undertaken within Loading Docks provided on site for that purpose and prevent use of public carparking which is not designed for use by trucks.

123. Implementation of Loading Dock Management Plan

All vehicle ingress and/or egress activities are to be undertaken in accordance with the approved Loading Dock Management Plan. Vehicle queuing on public road(s) is not permitted.

Reason: To allow for vehicular access.

124. Landscaping and signage adjoining vehicular access

The applicant must ensure that the planting or signage chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1m

Reason: To maintain unobstructed sight distance for motorists.

125. 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.

126. Proposed Outdoor Dining Condition

No outdoor dining is approved in this consent. Any proposed outdoor dining must be consistent with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Any outdoor dining that is consistent with the SEPP shall be the subject of a separate Outdoor Dining Application to Council's Property team.

Reason: To ensure that outdoor dining is assessed and approved under the appropriate regulatory framework and legislation.

127. Waste Management

Waste storage management and collection are to be managed in accordance with the Waste Management Report dated 3 March 2023 and the Loading Dock Management Plan to be submitted and approved by Council prior to the issue of the Occupation Certificate

Reason: To ensure ongoing safe and efficient access for waste management services

128. Commercial Waste and Recycling Storage

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans.

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

129. Noise from Air Conditioning Equipment

Any mechanical equipment associated with the air conditioning units shall not produce noise that exceeds 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

130. Parking Enclosures

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

General advisory notes

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Northern Beaches Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Northern Beaches Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater,
the detention of stormwater,
the controlled release of stormwater, and
connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel.

Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.
The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.