

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

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

#### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
003 (Revision A)	03.12.2019	Adriano Pupilli Architects
004 (Revision A)	03.12.2019	Adriano Pupilli Architects
010 (Revision A)	03.12.2019	Adriano Pupilli Architects
011 (Revision A)	03.12.2019	Adriano Pupilli Architects
012 (Revision A)	03.12.2019	Adriano Pupilli Architects
013 (Revision A)	03.12.2019	Adriano Pupilli Architects
014 (Revision A)	03.12.2019	Adriano Pupilli Architects
015 (Revision A)	03.12.2019	Adriano Pupilli Architects
016 (Revision A)	03.12.2019	Adriano Pupilli Architects
017 (Revision A)	03.12.2019	Adriano Pupilli Architects
018 (Revision A)	03.12.2019	Adriano Pupilli Architects
020 (Revision A)	03.12.2019	Adriano Pupilli Architects
LR-L11 (Revision 03)	03.12.2019	Tyrell Studio
LR-L112 (Revision 03)	03.12.2019	Tyrell Studio
LR-L121 (Revision 03)	03.12.2019	Tyrell Studio
LR-L122 (Revision 03)	03.12.2019	Tyrell Studio
LR-L131 (Revision 03)	03.12.2019	Tyrell Studio
LR-L132 (Revision 03)	03.12.2019	Tyrell Studio
LR-L133 (Revision 03)	03.12.2019	Tyrell Studio
LR-L201 (Revision 02)	09.10.2019	Tyrell Studio
LR-L202 (Revision 03)	03.12.2019	Tyrell Studio
LR-L203 (Revision 03)	03.12.2019	Tyrell Studio
CI-050-01 Revision C)	22.10.2019	Wood & Grieve Engineers
CI-570-01 Revision B)	16.10.2019	Wood & Grieve Engineers
CI-576-01 Revision B)	16.10.2019	Wood & Grieve Engineers
CI-500-01 Revision B)	16.10.2019	Wood & Grieve Engineers
CI-500-02 Revision B)	16.10.2019	Wood & Grieve Engineers
CI-520-01 Revision B)	16.10.2019	Wood & Grieve Engineers
CI-526-01 Revision B)	16.10.2019	Wood & Grieve Engineers

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Acoustic Assessment	27.02.2020	GHD
Statement of Environmental Effects	January 2020	DFP Planning Consultants
Arboricultural Impact Assessment	December 2019	Allied Tree Consultancy
BCA Assessment Report	10.01.2020	Steve Watson & Associates

Bushfire Assessment	30.08.2019	GHD
Coastal Engineering Advice	10.01.2020	Horton Coastal Engineering
Energy Performance Report	21.10.2019	BCA Energy
Geotechnical Site Investigation	08.01.2020	Crozier Geotechnical Consultants
Stormwater Management Report	16.10.2019	Wood & Grieve Engineers
Traffic Impact Assessment	27.02.2020	PTC Consultants
Waste Management Plan	Undated	

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

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

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

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

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

Other Department, Authority or Service	eServices Reference	Dated
Ausgrid	Response Ausgrid	17 February 2020
Transport for NSW	Response Transport for NSW	14.02.2020

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

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

## 3. Prescribed Conditions

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative Requirement

#### **4. General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

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) 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.
- (c) 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.
- (d) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (e) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (f) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (g) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.
- (h) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (i) 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.

- (j) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered

with Council prior to operating.

Note: Systems can be registered at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

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

## **5. Limits on use of the function room and adjacent terrace and deck**

The function room and the adjacent terrace and deck is not to be used for any purpose other than activities of the Long Reef Surf Life Saving Club, on Saturdays, Sundays and public holidays between the hours of 9am and 6pm from 1 December to 1 March. This exclusion extends to, but is not restricted to, the hiring of the function room and adjacent terrace and deck to persons or groups other than the Long Reef Surf Life Saving Club.

Reason: To limit the use of the development to reflect the limits on car parking that is available at those times.

## **6. Hours of operation**

The hours of operation of the café and associated kitchen are to be restricted to:

- Monday to Sunday – 6.00am to 6.00pm

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

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

## **7. Seating**

Seating provided within the café is to be limited to a maximum of 20 persons in total.

Reason: To ensure that the intensity of the use is controlled and protect the amenity of the surrounding area.

## **8. Outdoor Dining**

Any proposed outdoor dining shall be the subject of a separate application to Council under the Outdoor Dining Approval Application form available on Council's website.

Reason: To ensure the proper regulation of outdoor dining on public land.

## **9. Registration of food business**

The food business must be registered with the Appropriate Regulatory Authority.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

## **10. Noise restrictions**

Noise associated with any entertainment (function room, café, training room) or use of the gym, within the premises including but not limited to live music, amplified music, background acoustic music, patrons or otherwise must not be audible within any residential habitable room outside the hours of 6 am to 10 pm Monday to Saturday, and 7 am to 9 pm on Sunday.

Reason: To minimise noise disturbance to neighbouring residential properties.  
(DACHPBOC5)

## **FEES / CHARGES / CONTRIBUTIONS**

### **11. Construction, Excavation and Associated Works Bond (Stormwater works)**

The applicant is to lodge a bond of \$45,000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent. The bond will be held until the satisfactory submission of the Post-Construction Stormwater Assets Dilapidation Report and rectification or any damages.

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.

### **12. Construction, Excavation and Associated Works Security Bond**

A bond of \$15,000 as security against damage to Council's car park and reserve fronting the site caused by the transport and disposal of materials and equipment to and from the site. The bond will be held until the satisfactory submission of the Post-Construction Dilapidation Report and rectification or any damages.

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.

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

### **13. Compliance with Standards**

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

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

- (a) AS2601.2001 - Demolition of Structures\*\*
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- (e) AS 4970 - 2009 'Protection of trees on development sites'\*\*
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking\*\*
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- (l) AS 1428.1 – 2009\* Design for access and mobility - General requirements for access – New building work\*\*
- (m) AS 1428.2 – 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*

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

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

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

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

#### **14. Construction and Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, and works being undertaken in a public reserve, a Construction and 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 and Parkes and Reserves Team, prior to issue of any Construction Certificate.

The CTMP must address following:-

- The proposed phases of construction works on the site, and the expected duration of each construction phase;
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- Make provision for all construction materials to be stored on site, at all times;
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. The location of any cranes to be installed on site;
- Make provision for parking onsite. All Staff and Contractors are to park in accordance with the approved CTMP.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.

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

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

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

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. Confirming appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner’s property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The CTMP 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. (DACTRCPC1)

## **15. 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 free-draining and conveyed to the existing stormwater system.

The post-development impervious area shall not exceed the pre-development impervious area.

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.

## **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. 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 stormwater assets within the vicinity of the development site or that may be impacted upon during construction 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/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

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 Construction Certificate.

Reason: Protection of Council's infrastructure.

## **18. 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 the carpark, pavement, kerb and 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.

## **19. Compliance with Standards**

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

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

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

## **20. Sydney Water “Tap In”**

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

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

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

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

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

## **21. Coastal Design Considerations**

The areas of the building that extend seaward of the acceptable risk line for conventional foundations are to be cantilevered in accordance with section 6 of the coastal engineering report (Prepared by Horton Coastal Engineering and dated 12 November 2019) submitted with the application for DA2020/0021.

Details demonstrating the actions required to ensure compliance with this requirement are to be prepared by a suitably qualified coastal engineer and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate prior to issue of the construction certificate.

Reason: To ensure the structural stability of the building

## **22. Coastal Inundation**

To reduce the risk of damage from coastal inundation to the building, the following measures are to be applied in accordance with section 8 of the coastal engineering report (Prepared by Horton Coastal Engineering and dated 12 November 2019) submitted with the application for DA2020/0021:

- floor finishes and wall materials that are able to withstand inundation, such as concrete and tiles, should be used up to 1m above the finished floor level;
- storage spaces are designed so that items that could be damaged by inundation, or become polluting due to inundation, are stored at least 1m above the floor, or able to be relocated further landward prior to a major forecast coastal storm; and
- electrical fittings and outlets that could be damaged by inundation should be located at least 1m above the finished floor level, or waterproofed below this level.

Details demonstrating the actions required to ensure compliance with this requirement are to be prepared by a suitably qualified coastal engineer and submitted to the Principal Certifying

Authority prior to the issue of the Construction Certificate prior to issue of the construction certificate.

Reason: To ensure adequate protection from coastal inundation.

## **23. Construction Management Plan**

A Construction Management Plan shall be prepared which includes the following:

- (a) The proposed method of access to and egress from the site for demolition, excavation and construction vehicles, including access routes through the Council owned or managed land 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 without Owners Consent being granted;
- (b) The proposed method of loading and unloading, demolition, 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;
- (c) The location and operation of any on site crane; and details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Parks and Recreation business unit must be notified of start date of works as soon as possible and within a reasonable time prior to the start of works.

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 in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

## **24. Provision of temporary facilities**

Temporary toilet and changing facilities are to be provided for beach users from the commencement of construction until the completion of the new Surf lifesaving club.

Reason: To ensure continued provision of community facilities.

## **25. Dilapidation Report**

Completion of a dilapidation report on the reserve areas surrounding the development site.

Reason: To ensure that reserve amenity is maintained.

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

## **26. Acid Sulphate Soils Management Plan**

Prior to excavation works more than two metres below natural ground level, or if the natural water table will be impacted, an Acid Sulfate Soils Management Plan is to be prepared by a suitably qualified geotechnical firm or engineer in accordance with the *Acid Sulfate Soils Manual* (ASSMAC, 1998) and submitted to the Council for review.

Reason: Prevent environmental harm.

## **27. Tree trunk, branch and root protection**

- (a) Existing trees which must be retained
  - i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
  - ii) Trees located on adjoining land
- (b) Tree protection
  - i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.
  - ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by the Project Arborist on site.
  - iii) All tree protection to be in accordance with the recommendations of the Arboricultural Impact Assessment Report dated December 2019 prepared by Allied Tree Consultancy and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
  - iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
  - v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

## **28. Project Arborist**

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, inspection hold points, removals and works adjacent to protected trees as outlined in the Arboricultural Impact Assessment Report dated December 2019 prepared by Allied Tree Consultancy and AS4970-2009 Protection of trees on development sites.
- iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation required to be retained on the site.

## **29. Safety by Design Considerations**

The courtyard area of the design has poor sight lines when viewed from the carpark area. When the facility is not in use, i.e. out of hours, this area has the potential to become a location for untoward activities.

Consideration should be given to either CCTV for this area and/or lockable gates that prevent access to this area during out of hour's times.

Reason: To ensure that the facility design considers public safety.

## **30. Provision of kitchenette area**

To ensure compliance with clause 41 of the Work Health and Safety Regulation 2017 a kitchenette is required to be included in the design prior to commencement. This will provide the required drinking water, washing and eating facilities for lifeguard staff, as stipulated in the legislation.

Reason: To ensure the proposed facility complies with the Work Health and Safety Regulation 2017.

### **31. 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 land under Council's care, control and management, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **32. Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, the Metropolitan Local Aboriginal Land Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection. (DACAHE01)

### **33. Compliance with Acid Sulphate Soils Management Plan**

For excavation works more than two metres below natural ground level, or if the natural water table will be impacted, an Acid Sulfate Soils Management Plan is to be complied with.

Reason: Prevent environmental harm.

### **34. Road Reserve**

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

Reason: Public Safety.

### **35. Compliance with the Waste Management Plan**

The actions and requirements described in the Waste Management Plan (submitted with the development application) are to be fully implemented from commencement of any excavation, demolition, development and operational works in perpetuity.

Any works must comply with the Waste Management Guidelines (For development in the area of WLEP 2011 and WLEP 2000).

Reason: Protection of the environment.

### **36. Survey Certificate**

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

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

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

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

### **37. Installation and Maintenance of Sediment Control**

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

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

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

### **38. 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. (DACWTE02)

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

### **39. Active Transport - End of trip facilities**

Prior to the issue of an occupation certificate, ten (10) suitably located bicycle hoops are to be placed in a convenient, and accessible location. These are to be located to allow all day access in a well-lit location.

Reason: To ensure a mix of transport options are available (DACTRFPOC1)

### **40. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. It shall be certified that the post-development impervious area does not exceed the pre-development impervious area.

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

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

**41. Post-Construction Stormwater Assets Dilapidation Report (Council stormwater assets)**

The Applicant shall submit a post-construction 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 in order to determine if the asset has been damaged by the works. Council's Guidelines are available at

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction dilapidation report must be submitted to Council for review. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Stormwater security bonds.

Reason: Protection of Council's infrastructure.

**42. Post-Construction Dilapidation Report**

The applicant must bear the cost of all restoration works to Council's infrastructure (including the carpark, pavement, kerb and gutter, footpaths, etc) damaged during the course of this development.

A Post Construction / Demolition Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure. Any damage to Council's infrastructure is to be rectified prior to the release of any security bonds.

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

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

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

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

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

**44. Mechanical Ventilation certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

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

Reason: To ensure that the mechanical ventilation system complies with the design requirements.

#### **45. Landscape certification**

A qualified Landscape Consultant is to submit a Certificate of Practical Completion to the Principal Certifying Authority prior to the issue of the Occupation Certificate, stating the work has been carried out in accordance with the approved Landscape Drawing and a maintenance program has been established.

Reason: This is to ensure the landscaping is planted in accordance with the drawing and maintained appropriately.

#### **46. Condition of retained vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- a) Compliance with the recommendations of the Arboricultural Impact Assessment Report dated December 2019 prepared by Allied Tree Consultancy.
- 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: To ensure compliance with the requirement to retain and protect significant planting on development sites.

#### **47. 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.

#### **48. Waste Management Confirmation**

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

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

### **ONGOING CONDITIONS TO BE COMPLIED WITH AT ALL TIMES**

#### **49. Landscape maintenance**

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) 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.

Reason: To maintain local environmental amenity.