

## Annexure A

**Chrioseph Pty Ltd v Northern Beaches Council**

## Conditions of Consent

**DEFERRED COMMENCEMENT CONDITIONS****1. Sewer Access**

Approval shall be obtained from Sydney Water to permit connection of the premises to the Sewer, as the site is currently listed as unsewered and approval of on-site disposal of Waste Water on site is considered unlikely.

Reason: To ensure that all waste water can be disposed of to Sydney Water's Sewage System.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

**DEVELOPMENT CONSENT OPERATIONAL CONDITIONS****2. 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>
DA050 Revision J	21 August 2020	Morrison Design Partnership Pty Ltd
DA101 Revision L	7 September 2020	Morrison Design Partnership Pty Ltd
DA102 Revision K	7 September 2020	Morrison Design Partnership Pty Ltd
DA103 Revision K	7 September 2020	Morrison Design Partnership Pty Ltd
DA104 Revision K	7 September 2020	Morrison Design Partnership Pty Ltd
DA105 Revision D	18 November 2019	Morrison Design Partnership Pty Ltd
DA200 Revision F	7 September 2020	Morrison Design Partnership Pty Ltd
DA201 Revision F	7 September 2020	Morrison Design Partnership Pty Ltd
DA300 Revision E	7 September 2020	Morrison Design Partnership Pty Ltd
DA-1630-02 Issue F	15 November 2019	Sturt Noble Associates
DA-1630-03 Issue F	15 November 2019	Sturt Noble Associates
DA-1630-04 Issue F	15 November 2019	Sturt Noble Associates
DA-1630-05 Issue F	15 November 2019	Sturt Noble Associates
DA-1630-06 Issue C	3 September 2018	Sturt Noble Associates

DA-1630-06 Materiality Issue A	9 June 2017	Sturt Noble Associates
-----------------------------------	-------------	------------------------

<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>
Biodiversity Development Assessment Report	November 2019	Cumberland Ecology
Geotechnical Investigation	3 September 2018	JK Geotechnics
Statement of Compliance Access for People with a Disability	29 August 2018	Accessible Building Solutions
Bushfire Protection Assessment, Ref: 18MORR02	9 September 2020	Travers Bushfire and Ecology (John Travers)
Joint statement prepared by John Travers and Lew Short	17 September 2020	John Travers (acting for the Applicant) and Lew Short (for the Council)

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:

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	25 September 2018	Vee Chin

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.

### 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) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.

- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all

relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

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

## 5. RMS Conditions

All conditions stipulated in the RMS correspondence (reference: SYD17/01004/09 (A22630902) dated 6 June 2018 shall be complied with and the necessary conditions addressed prior to the relevant stages of the works. Applicable certificates shall not be released until such time as the RMS conditions have been satisfied.

The conditions are as follows:

1. Roads and Maritime has previously resumed and dedicated a strip of land as road along the Forest Way frontage of the subject property, as shown by grey colour on the attached Aerial – "X"

Therefore all buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Forest Way boundary.

However, the proponent should be advised that the Deceleration Lane and any associated works should be dedicated as public road. The property boundary should be suitably adjusted.

2. Any redundant driveway(s) on the Forest Way boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Forest Way shall be in accordance with roads and maritime requirements. Details of these requirements should be obtained from roads and maritime services, manager developer works, State Wide Delivery, Parramatta (telephone 9598 7798).

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 approved road design plans by Roads and Maritime.

3. All vehicles are to enter and exit the site in a forward direction.
4. All vehicles are to be wholly contained on site before being required to stop.
5. Sight distances from the proposed vehicular crossing to vehicles on Warringah Road are to be in accordance with the Austroads 'Guide to Traffic Engineering Practice, Part 5: Intersections at Grade, Section 6.2 – Sight Distance' and AS 2890. Vegetation and landscaping / fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
6. The proposed deceleration lane and access into the site shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTRROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads

and Maritime assessment of the detailed civil design plans.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

7. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

Details and any enquiries should be forwarded to Mr Suppiah Thillai at Suppiah.Thillai@rms.nsw.gov.au or Phone at 8849 2114

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

8. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system in Forest Way are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details and any enquiries should be forwarded to Mr Suppiah Thillai at Suppiah.Thillai@rms.nsw.gov.au or Phone at 8849 2114.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114.

9. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Forest Way.
10. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Forest Way during construction activities.

Reason: To ensure RMS conditions are satisfied prior to the relevant certificates being released.

## 6. Approved Land Use

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a **residential care facility** with an ancillary cafe.

**residential care facility** means accommodation for older people that includes—

- (a) meals and cleaning services, and
  - (b) personal care or nursing care, or both, and
  - (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,
- but does not include a dwelling, hospital or psychiatric facility.

(development is defined by the Warringah Local Environment Plan 2000 Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the

above definition will require the submission to Council of a new development application.

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

## 7. Compliance with Bushfire Consultants Recommendations

All bushfire related measures are to be implemented at the appropriate stage of development in accordance with the approved Bushfire Protection Assessment Report as revised by Travers Bushfire and Ecology dated September 2020 and specifically:

1. At the commencement of building works and in perpetuity the APZ, as depicted in Schedule 1 – Bushfire Protection Measures prepared by Travers bushfire & ecology ref: 18MORR02, dated 7/9/20, shall be managed as an inner protection area (IPA) as outlined within section 4.2.7 and Appendix 5 of Planning for Bush Fire Protection 2006
2. The provision of water, electricity and gas shall comply with Section 4.1.3 and 4.2.7 of PBP 2006.
3. The proposed access road on the southern aspect shall be constructed to 5.5m in width.
4. The proposed turning areas for emergency vehicles located on the northern and eastern elevations of the building shall be suitably designed to enable an MRV – Category 1 Tanker to turn around.
5. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with Development Planning - A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014 and Australian Standard AS3745 2010 Planning for Emergencies in Facilities.
6. The proposed building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006. The ground floor deck on the eastern façade is to comply with BAL 19.
7. A minimum 2.2m high radiant heat shield made of non-combustible materials shall be constructed along the northern property boundary for a distance of 60m. All posts and rails shall be constructed of non-combustible materials. The bottom of the fence is to be in direct contact with the finished ground level or plinth.
8. Landscaping of the site shall comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.
9. Low bollard lighting will be provided on the southern side of the access road on the southern aspect ramp for fire fighter safety.

Reason: To confirm compliance with Planning for Bushfire Protection 2019.

## FEES / CHARGES / CONTRIBUTIONS

### 8. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$277,248.10 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$27,724,810.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

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

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

## **9. Security Bond**

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

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

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

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

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

## **10. Construction, Excavation and Associated Works Bond (Crossing / Kerb)**

The applicant is to lodge a Bond of \$30,000 as security against any damage or failure to complete the construction of any vehicular crossings, any footpath works and removal of any redundant driveways required as part of this consent. Details demonstrating 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**



## 11. On slab landscape planting and associated works

- a) Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing to all internal walls and slab, and drainage of the concrete slab over which soil and planting is being provided.
- b) Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil volume, soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.
- c) The following soil depths are required in order to be counted as landscaping:
  - 300mm for lawn
  - 600mm for shrubs
  - 1metre for trees

Reason: To ensure appropriate and secure waterproofing and drainage is installed to direct water flow into the drainage system, and away from habitable areas.

## 12. Detailed Design of Stormwater Quality System

A certificate from a Civil Engineer, stating that the stormwater quality management system has been designed in accordance with the Stormwater Management Report and Plan prepared by Acor Consultants dated September 2018 & Council's Water Management Policy.

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

Reason: Protection of the receiving environment

## 13. Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) and implemented onsite prior to commencement. The SWMP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004) and Council's Water Management Policy. The SWMP must include the following as a minimum:

- Site boundaries and contours;
- Vehicle access points, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Location of all drains, pits, downpipes and waterways on and nearby the site;
- Planned stages of excavation, site disturbance and building;
- Stormwater management and discharge points;
- Integration with onsite detention/infiltration;
- Sediment control basin locations and volume (if proposed);
- Proposed erosion and sediment controls and their locations;
- Location of washdown and stockpile areas including covering materials and methods;
- Vegetation management including removal and revegetation;
- A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- Inspection and maintenance program;
- North point and scale.

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

prior to commencement of any other works at the Site.

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

Reason: To promote the long-term sustainability of ecosystem functions.

#### **14. Boundary Identification Survey**

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

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

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

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

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

The Applicant is to submit an application for approval for Infrastructure works on Councils roadway. Engineering plans for the new development works within the road reserve within 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 civil works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1.

The civil works shall include, but not be limited to, the following:

- Provision of a 4 metre wide verge from the back of kerb to property boundary,
- Provision of footpath 1.5m wide for the entire frontage of the site to the bus stop located to the south,
- Provision of layback and vehicular crossing 6m wide,
- Removal of any retaining walls

The Applicant shall ensure that a verge of 4 metres wide from the back of kerb to property boundary is detailed on the construction plans. All structures, including retaining walls, stairs etc., shall be located wholly within the development site, and any internal works adjusted to facilitate the dedication.

Written approval for any construction works obtained from the RMS shall be submitted with the Roads Act Application.

The plans shall be prepared by a qualified civil engineer. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval from Council 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.

#### **16. On-site Stormwater Detention**

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 Warringah Water Management Policy PL850, and generally in accordance with the concept drainage plans prepared by Acor Consultants, project number SY160709, drawing number C1.01, C1.05, C1.06, C1.07, C3.01, C4.01, dated 10/09/18 with the design modifications as detailed in the Letter of Intent prepared by Acor Consultants, reference number SY160709, dated 31/10/19. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

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 storm water and storm water management arising from the development.

#### **17. 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.

#### **18. Registered Water Bore**

Councils records indicate a registered water bore on the site (western side). Prior to commencement the principle certifier is to record evidence of compliance with any requirements of the NSW Department of Industry(Water) in regard to the registered water bore.

Reason: To comply with legislation and ensure (bore) water contamination does not occur.

#### **19. Asbestos**

- Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Work Cover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Work Cover NSW. A permit will not be granted without a current Work Cover licence.
- All removal, repair or disturbance of or to asbestos material must comply with the following:
  - The Work Health and Safety Act 2011
  - The Work Health and Safety Regulation 2011, and.
  - How to Safely Remove Asbestos Code of Practice –published by WorkCover NSW.

The owner or occupier of the premises must consult an appropriately qualified professional registered with the Australian Institute of Occupational Hygienists to undertake an assessment of the site to determine the potential for contamination. The owner or occupier must develop a

management plan and be issued with a Clearance Certificate before the commencement of any work.

Reason: To ensure the health of site workers and the public.

## 20. Tree Protection Plan

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

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

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

(b) The Tree Protection Plan is to be submitted to the Principal Certifying Authority for approval prior to issue of a Construction Certificate.

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

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

## 21. Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

- Deletion of any Priority or environmental weeds identified in the Northern Beaches Council Local Priority Weed Management Plan and any Grevillea species
- Replacement with locally native species from Table B.1 Species planting list within the Biodiversity Management Plan (Cumberland Ecology 26 November 2019)

The amended Landscape Plan is to be certified by a qualified landscape architect prior to issue of the Construction Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

## 22. Engage a Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works, and for a 5-year period post construction, to ensure all bushland biodiversity protection measures are carried out according to the conditions of consent and the following approved reports and plans:

- Biodiversity Development Assessment Report (Cumberland Ecology 19 November 2019)
- Biodiversity Management Plan (Cumberland Ecology 26 November 2019)

The Project Ecologist must be an accredited assessor under the NSW Biodiversity Conservation Act 2016.

The project ecologist is to provide an engagement letter, which is to be submitted to and certified by the Principal Certifying Authority Prior to issue of Construction Certificate.

The Project Ecologist must also provide details and certify engagement of a bush regeneration

company to complete on-ground works.

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

### 23. Notification of determination to which the Biodiversity Offset Scheme applies

The applicant or Project Ecologist, on behalf of the applicant, is to provide the Department of Planning, Infrastructure and Environment (DPIE) with a notification of determination within 40 days from the date of consent. The notification of determination is to be made by completing the Notification of Determination form found at (refer to attachment at appendix of consent or to Web link [www.environment.nsw.gov.au/resources/biodiversity/biodiversity-offsets-scheme-notification-of-determination-190522.docx](http://www.environment.nsw.gov.au/resources/biodiversity/biodiversity-offsets-scheme-notification-of-determination-190522.docx)) and submission via email to [bam.support@environment.nsw.gov.au](mailto:bam.support@environment.nsw.gov.au).

Council and the Principal Certifying Authority must be copied into the notification email to confirm compliance. The reference number must also be submitted to Council.

Reason: to ensure the NSW Department of Planning, Industry and Environment are notified of determinations where the Biodiversity Offsets Scheme is entered into and Council are notified for compliance.

### 24. Like for like credit retirement conditions - Ecosystem credit retirement conditions

Prior to issue of the relevant construction certificate the class and number of ecosystem credits in Table 1 must be retired to offset the impacts of the development as identified in the submitted Biodiversity Development Assessment Report (Cumberland Ecology 19 November 2019).

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

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

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

Impacted Plant Community Type	TEC	Number of ecosystem credits	Containing HBT	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
882-Hairpin Banksia - Slender Tea-tree heath on coastal sandstone plateaux, Sydney Basin Bioregion	Not a TEC	11	Yes	Pittwater, Cumberland, Sydney, Cataract, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Sydney Coastal Heaths This includes PCT's: 772, 881, 882, 1134, 1143, 1641, 1822, 1823, 1824, 1826 And in any of below trading groups: Sydney Coastal Heaths - < 50% cleared group (including Tier 7 or higher).

1250-Sydney Peppermint - Smooth-barked Apple - Red Bloodwood shrubby open forest on slopes of moist sandstone gullies, eastern Sydney Basin Bioregion	Not a TEC	2	Yes	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Sydney Coastal Dry Sclerophyll Forests This includes PCT's: 1083, 1138, 1156, 1181, 1183, 1250, 1253, 1619, 1620, 1621, 1623, 1624, 1625, 1627, 1632, 1636, 1638, 1642, 1643, 1681, 1776, 1777, 1778, 1780, 1782, 1783, 1785, 1786, 1787 And in any of below trading groups: Sydney Coastal Dry Sclerophyll Forests - < 50% cleared group (including Tier 7 or higher).
1783-Red Bloodwood - Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast	Not a TEC	2	Yes	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Sydney Coastal Dry Sclerophyll Forests This includes PCT's: 1083, 1138, 1156, 1181, 1183, 1250, 1253, 1619, 1620, 1621, 1623, 1624, 1625, 1627, 1632, 1636, 1638, 1642, 1643, 1681, 1776, 1777, 1778, 1780, 1782, 1783, 1785, 1786, 1787 And in any of below trading groups: Sydney Coastal Dry Sclerophyll Forests - < 50% cleared group (including Tier 7 or higher).

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

## 25. Variation rule credit retirement conditions - Ecosystem credit retirement conditions

Prior to issue of the relevant construction certificate the class and number of species credits in Table 2 must be retired to offset the impacts of development as identified in the submitted Biodiversity Development Assessment Report (Cumberland Ecology 19 November 2019).

Evidence of the retirement of credits in satisfaction of Table 2 requirements is to be provided to the Manager Bushland and Biodiversity of Northern Beaches Council prior to release of construction certification.

**Table 2 Ecosystem credits required to be retired – variation rules**

Impacted Plant Community Type	Number of ecosystem credits	Containing HBT	IBRA sub-region and / or region	Plant community type(s) that can be used to offset the impacts from development - variation
-------------------------------	-----------------------------	----------------	---------------------------------	---

882-Hairpin Banksia - Slender Tea-tree heath on coastal sandstone plateaux, Sydney Basin Bioregion	11	Yes (including artificial)	IBRA Region: Sydney Basin, or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Heathlands Tier 7 or higher
1250-Sydney Peppermint - Smooth-barked Apple - Red Bloodwood shrubby open forest on slopes of moist sandstone gullies, eastern Sydney Basin Bioregion	2	Yes (including artificial)	IBRA Region: Sydney Basin, or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Dry Sclerophyll Forests (Shrubby subformation) Tier 7 or higher
1783-Red Bloodwood - Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast	2	Yes (including artificial)	IBRA Region: Sydney Basin, or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Dry Sclerophyll Forests (Shrubby subformation) Tier 7 or higher

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

## 26. Like for like credit retirement conditions - Species credit retirement conditions

Prior to issue of the relevant construction certificate the class and number of species credits in Table 3 must be retired to offset the impacts of development as identified in the submitted Biodiversity Development Assessment Report (Cumberland Ecology 19 November 2019).

The requirement to retire credits outlined in Table 3 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 3 requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council prior to release of construction certification.

**Table 3 Species credits required to be retired – like for like**

Impacted species credit species	Number of species credits	IBRA region
<i>Cercartetus nanus</i> / Eastern Pygmy-possum	18	Sydney Basin

<i>Pseudophryne australis</i> / Red-crowned Toadlet	13	Sydney Basin
---	----	--------------

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

## 27. Variation rule credit retirement conditions - Species credit retirement conditions

Prior to issue of the relevant construction certificate the class and number of species credits in Table 4 must be retired to offset the impacts of development as identified in the submitted Biodiversity Development Assessment Report (Cumberland Ecology 19 November 2019).

Evidence of the retirement of credits in satisfaction of Table 4 requirements is to be provided to the Manager Bushland and Biodiversity of Northern Beaches Council prior to release of construction certification.

**Table 4 Species credits required to be retired – variation rules**

Impacted species credit species	Number of species credits	IBRA sub-region	Approved variation species credit species that can be used to offset the impacts from development
<i>Cercartetus nanus</i> / Eastern Pygmy-possum	18	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo.	Vulnerable arboreal marsupial species
<i>Pseudophryne australis</i> / Red-crowned Toadlet	13	or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Vulnerable amphibian species

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

## 28. 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.

## 29. 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.

**30. Submission of Engineering Plans (standard from development engineers).**

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of:

- The deceleration lane in accordance with RMS requirements.
- The upgrade of the footpath for the entire frontage of the site and further south the bus stop just south of the site.

These are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works and or Council's Minor Works Policy. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval.

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

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

**29. 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.

**30. Removal of AWTS**

The existing AWTS ( All waste treatment system) is to be pumped out (by an authorised contractor) before demolition/removal .

Reason: To protect the environment and health.

**31. Tree trunk, root and branch protection**

(a) Existing trees which must be retained:

- i) All trees not indicated for removal on the Site & Bushfire Management Plan, Dwg No. DA052 Revision H dated 2019.11.18 prepared by Morrison Design Partnership, 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 approved Tree Protection Plan 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 relevant planning instruments 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.

### **32. Project Arborist**

A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.

The Project Arborist is to oversee all tree protection measures, inspection hold points, removals and works adjacent to protected trees as outlined in the approved Tree Protection Plan and AS4970-2009 Protection of trees on development sites.

The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation proposed for retention on the site.

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

All pre-construction biodiversity-related measures specified in the approved Biodiversity Development Assessment Report (Cumberland Ecology 19 November 2019), Biodiversity Management Plan (Cumberland Ecology 26 November 2019) and these conditions of consent are to be implemented at the appropriate stage of the development. Compliance with pre-construction measures are to be certified by the Project Ecologist prior to issue of the Construction Certificate.

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

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

### **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. Survey Certificate**

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

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

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

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

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

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

### **36. Civil Works Supervision**

The Applicant shall ensure all civil works approved in the Section 138 approval are supervised by an appropriately qualified and practising Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

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

### **37. Imported Fill**

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Department of Environment & Climate Change's guidelines the validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the fill being imported to the site.

Reason: To ensure that imported fill is of an acceptable standard.

### **38. Protection of rock and sites of significance**

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

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

Reason: Preservation of significant environmental features.

### **39. Compliance with Ecologist's Recommendations – During Construction**

All biodiversity-related measures are to be implemented during construction in accordance with the approved Biodiversity Development Assessment Report (Cumberland Ecology 19 November 2019), Biodiversity Management Plan (Cumberland Ecology 26 November 2019) and these conditions of consent.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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

### **40. Dead or Injured Wildlife**

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

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

#### **41. Implementation of Landscape Plan**

Landscaping is to be implemented in accordance with the approved Landscape Plans as amended by these conditions of consent. The new landscaping is to be certified in accordance with approved Landscape Plans and these conditions of consent by a qualified landscape architect, arborist or ecologist and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

#### **42. Material Storage**

No construction materials or demolition waste are to be stored along the southern boundary during any works.

Reason: To protect the amenity of the adjoining property.

#### **43. Aboriginal Heritage**

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

Reason: To preserve Aboriginal heritage.

#### **44. Installation and Maintenance of Sediment and Erosion Control**

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

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

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

#### **45. Waste/Recycling Requirements (Waste Plan Submitted)**

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

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

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

**46. Landscape completion certification**

a) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.

b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been established and maintained in accordance with the approved landscape plan.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.

**47. 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 to Arborist recommendations for tree protection and 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: To ensure compliance with the requirement to retain and protect significant planting on development sites, and protect the existing amenity that trees and/or bushland vegetation provide.

**48. Stormwater Disposal**

The Applicant shall submit a certificate from a suitably qualified person that the stormwater drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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

**49. Certification for the Installation of Stormwater Quality System**

A certificate from a Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate, stating that the stormwater quality management system has been installed in accordance with the Stormwater Management Report and Plan prepared by Acor Consultants dated Sand the September 2018 and Council's Water Management Policy.

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

Reason: Protection of the receiving environment.

**50. Positive Covenant for Stormwater Quality System**

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

The terms of the positive covenant 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. The Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

#### **51. Registration of Encumbrances for Stormwater Quality System**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for stormwater quality system as to user is to be submitted.

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

Reason: To identify encumbrances on land.

#### **52. Restriction as to User for Stormwater Quality System**

A restriction as to user shall be created on the title over the stormwater quality system, restricting any alteration to system. 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 NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

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

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

#### **53. Stormwater Quality Operation and Maintenance Plan**

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

The Plan must be attached to the Positive Covenant and contain the following:

- a) Inspection and maintenance schedule of all stormwater treatment measures
- b) Maintenance requirements for establishment period
- c) Routine maintenance requirements
- d) Funding arrangements for the maintenance of all stormwater treatment measures
- e) Identification of maintenance and management responsibilities
- f) Vegetation species list associated with each type of vegetated stormwater treatment measure
- g) Waste management and disposal
- h) Traffic control (if required)
- i) Maintenance and emergency contact information

- j) 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)
- k) Work Health and Safety requirements
- l) 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.

#### **54. Works as Executed Drawings - Stormwater Quality System**

Works as Executed Drawings for the stormwater quality system 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.

#### **55. Installation of Rainwater Tanks**

Rainwater tanks shall comply with the following:

- a) Be fitted with a first-flush device that causes initial rainwater run-off to bypass the tank and must drain to a landscaped area. The first flush device will not be permitted to connect to the stormwater system
- b) Have a sign affixed to the tank stating the contents is rainwater
- c) Be constructed or installed in a manner that prevents mosquitoes breeding, such as the use of mesh to protect inlets and overflows
- d) Have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners
- e) Pumping equipment must be housed in a soundproof enclosure
- f) Where the rainwater tank is interconnected to a reticulated water supply, it must be installed in accordance with Plumbing Code of Australia, particularly backflow/cross connection prevention requirements

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To conserve potable water.

#### **56. Installation of Water Efficient Fittings**

The following Water Efficiency Labelling and Standards (WELS) Scheme rated fittings must be installed:

- a) 4 star dual-flush toilets
- b) 3 star showerheads
- c) 4 star taps (for all taps other than bath outlets and garden taps)
- d) 3 star urinals
- e) 3.5 star washing machines
- f) 4 star dishwashers

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate demonstrating compliance with this condition.

Reason: To conserve potable water.

**57. Registration of Encumbrances for On-site Stormwater Detention**

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

Reason: To identify encumbrances on land.

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

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

**59. Council Dedications**

The Applicant shall dedicate a verge 4 metres wide from the back of kerb to property boundary to Northern Beaches Council. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are lodged with the NSW Land Registry office. The subdivision certificate and a certificate of title are to be submitted to Council within one month after registration of the subdivision plan.

Reason: Statutory requirement of the Conveyancing Act 1919.

**60. Required Planting**

Trees shall be planted in accordance with the following schedule:

Minimum No. of Trees Required.	Species	Location	Minimum Pot Size
--------------------------------	---------	----------	------------------



All trees	As indicated on the approved Landscape Plans	As indicated on the approved Landscape Plans	As indicated on the approved Landscape plans
-----------	--	--	--

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

Reason: To maintain environmental amenity.

#### **61. Certification of Road Reserve Works and Works as Executed Data**

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent and the approved Section 138 approved plans. Works as Executed data (details overdrawn on a copy of the approved civil plans) certified by a registered surveyor shall be submitted to Council.

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

#### **62. Compliance with Ecologist's Recommendations – Post Construction**

All biodiversity-related measures are to be implemented at the appropriate stage of development in accordance with the approved Biodiversity Development Assessment Report (Cumberland Ecology 19 November 2019), Biodiversity Management Plan (Cumberland Ecology 26 November 2019) and these conditions of consent.

Satisfactory establishment/initiation of post-construction measures is to be certified by the Project Ecologist prior to issue of any Occupation Certificate.

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

#### **63. Fencing for Wildlife Passage**

Prior to the issue of any Occupation Certificate, the project ecologist is to provide certification to the Principal Certifying Authority that the installed fencing (with the exception of swimming pool fencing) is passable to native wildlife as specified in this consent subject to any bushfire requirements.

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

#### **64. Certification of Landscape Plan**

Landscaping is to be implemented in accordance with the approved Landscape Plans as amended by these conditions of consent. The new landscaping is to be certified as complete and in accordance with approved Landscape Plans and these conditions of consent by a qualified landscape architect, arborist or ecologist prior to issue of any Occupation Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

#### **65. Fire Safety Matters**

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

displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

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

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

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

#### **66. Construction of Public Domain Upgrades**

All road infrastructure, including footpaths and deceleration lanes, are to be implemented to the satisfaction of the relevant authority prior to the release of any Occupation Certificate. These must be constructed in accordance with the plans as approved by Council and the RMS.

Reason: To ensure delivery of the road infrastructure to Council and RMS satisfaction for the purpose of handover of the facilities and ongoing maintenance.

#### **67. Basement Servicing - Internal Signals**

The applicant shall install electronic signals within the basement which are to be operative when service vehicles are accessing the basement for waste collection and/or removalist services. The applicant must engage a qualified practitioner to prepare suitable documentation demonstrating the operation of the signals and the means for Council or Removalists to activate the system. The documentation must be submitted to and approved by Council prior to the issue of any occupation certificate.

Reason: To ensure Council and any service vehicles have the means to access the basement under the control of the signals, prior to the site becoming operational.

#### **68. 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.

#### **69. Bushfire Report Certification**

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

(a) Bushfire Protection Assessment, Ref: 18MORR02, dated 9 September 2020 and prepared by John Travers of Travers Bushfire and Ecology.

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

Reason: To ensure the development is compliant with the provisions of planning for bushfire protection.

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

**70. Undesirable Trees**

Leighton Green Cypress Cupressocyparis leylandii or any of its cultivars, must not be planted on the site for the life of the development. 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.

**71. Environmental and priority weed control**

Condition: All weeds are to be removed and controlled in accordance with the Biosecurity Act 2015.

Reason: Preservation of environmental amenity.

**72. Maintenance of Stormwater Quality System**

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

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.

**73. Private waste collection arrangements**

Applicant will need to utilise a private waste service provider to remove any waste generated on site.

Reason: Ensure the appropriate removal of waste off site.

**74. 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 Plans.

Reason: To maintain local environmental amenity.

**75. Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site in accordance with the Biodiversity Management Plan prepared by Cumberland Ecology dated 26 November 2015. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds)

Reason: Weed management.

**76. Compliance with Biodiversity Management Plan – 5 years post construction**

All biodiversity-related measures are to be implemented for 5 years post construction as specified in the approved Biodiversity Development Assessment Report (Cumberland Ecology 19 November 2019), Biodiversity Management Plan (Cumberland Ecology 26 November 2019) and these conditions of consent.

This must be undertaken under the direction of the Project Ecologist, including monitoring. Monitoring reports demonstrating compliance with KPIs, including photographic evidence, are to be prepared by the Project Ecologist and submitted to Council in accordance with the BMP, i.e. every 6-months for 5 years post-construction, with the final report provided at the end of Year 5.

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

**77. Retention of Natural Features**

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

Reason: To ensure the retention of natural features.

**78. No Planting Environmental Weeds**

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

Reason: Weed management.

**79. Control of Domestic Animals**

Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or Asset Protection Zone, unrestrained, on the site or on surrounding properties or reserves.

Reason: Wildlife protection

**80. Hours of Operation**

The hours of operation of the cafe are to be restricted to:

- 8am to 5:00pm

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.

**80. Allocation of Parking Spaces**

45 Car parking spaces shall be provided, made accessible and maintained at all times.

The tandem car parking spaces are only to use used by staff.

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

**81. Café Use**

The café is only to operate as an ancillary component to the residential care facility.

Reason: To prevent the café from causing unreasonable impacts to the adjoining properties.

**82. Deliveries and waste collection**

All deliveries and waste collection, must not occur between the hours of 9pm and 8am on any day.

Reason: To ensure the acoustic amenity of surrounding properties.