



**Land and Environment
Court**
of New South Wales

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DX 264, Sydney

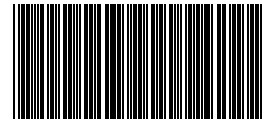
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D0001H5XNU

5 October 2021

NOTICE OF ORDERS MADE

Case number 2021/00101945
Case title Supertramp Pty Limited v Northern Beaches Council

On 5 October 2021 the following orders (and/or directions) were made:

The orders of the Court are:

(1) Modification Application No. Mod2021/0226 for the reconfiguration of the basement car parking to accommodate 38 car parking spaces including 1 carshare car parking space, at 11 May Road and 613-615 Pittwater Road, Dee Why, is approved, subject to the consolidated conditions of consent at Annexure A.

For the Registrar

Annexure A**DETERMINATION OF APPLICATION FOR MODIFICATION OF
DEVELOPMENT CONSENT**

Modification Application No:	Mod2021/0226
Development Consent Modified:	2018/1166
Development:	Modification the development approved by Development Consent 2018/116 through the reconfiguration of the car parking to accommodate 38 car parking spaces including 1 carshare car parking space.
Site:	Lot 8 DP 22384, 615 Pittwater Road DEE WHY NSW 2099 Lot A DP 400997, 613 Pittwater Road DEE WHY NSW 2099 Lot 2 DP 22384, 11 May Road DEE WHY NSW 2099

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 30 September 2021

Date from which consent takes effect: 30 September 2021

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as:
 - Lot 8 DP 22384, 615 Pittwater Road DEE WHY NSW 2099
 - Lot A DP 400997, 613 Pittwater Road DEE WHY NSW 2099
 - Lot 2 DP 22384, 11 May Road DEE WHY NSW 2099

The conditions of consent are as follows:

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amend Condition No.2 - Approved Plans and supporting Documentation to read as follows:

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
SA-01 - SITE PLAN - Rev no. H	21.6.21	Leech Harmon Architects
DA-02 - CARPARK PLAN BLOCK A - Rev No. H	21.6.21	Leech Harmon Architects
DA-03 - LOWER FLOOR PLANS A,B - Rev No. H	8.6.21	Leech Harmon Architects
DA-04 - FLOOR PLANS A,B - Rev No. G	9.12.20	Leech Harmon Architects
DA-05 - FLOOR PLANS B - Rev No. H	21.6.21	Leech Harmon Architects
DA-06 - FLOOR PLAN B,C - Rev No. J	21.6.21	Leech Harmon Architects
DA-07 - FLOOR PLAN C,D, & E - Rev No. H	8.6.21	Leech Harmon Architects
DA-08 - FLOOR PLAN C, D AND E - Rev No. G	9.12.20	Leech Harmon Architects
DA-09 - FLOOR PLAN UPPER BLOCK D - Rev. G	9.12.20	Leech Harmon Architects
DA- 11 - SOUTH ELEVATION/SECTION - Rev No. E	21.6.21	Leech Harmon Architects
DA-12 - NORTH ELEVATION - Rev No. E	21.6.21	Leech Harmon Architects
DA-13 - BLOCK A,E ELEVATION/SECTION - Rev No. E	21.6.21	Leech Harmon Architects
DA-14 - BLOCK 'E' ELEVATION SHEET 2 - Rev No. F	21.6.21	Leech Harmon Architects
DA-15 - MAY ROAD DRIVEWAY SECTION - Rev No. E	21.6.21	Leech Harmon Architects
DA-16 - PITTWATER ROAD DRIVEWAY SECTION - Rev NO. E	21.6.21	Leech Harmon Architects
DA-17 – BLOCK 'E' ELEVATION SHEET 2 – Rev No. F	21.6.21	Leech Harmon Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Boarding House Plan of Management and House Rules for 'The Y' 613-615 Plttwarer Rd & 11 May Rd, Dee Why	July 2021 (1)	No details
Geotechnical Assessment for Section 4.55 modification to approved works at 615 to 613 Pittwater Road and 11 MAy Road, Dee Why, NSW	19th March 2021	Crozier Geotechnical Consultants

- c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.
- d) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

B. Add Condition Prior to the issue of the Occupation Certificate, Condition 49. Car Share to read as follows:

Provision shall be made for one (1) car share space in the carpark upper in the space nominated on Floor Plan B,C prepared by Leech Harmon Architects (Rev J) dated 21 June 2021. Evidence of an agreement with a car share company to provide a car for the space allocated for the car share space is to be submitted to the Council prior to the issue of any occupation certificate.

The car share arrangements are to be operative upon issue of the occupation certificate and are to be maintained for the life of the development.

C. Add Condition that must be complied with at all times, Condition 50. Car Share to read as follows:

An allocated car share vehicle shall be available for the exclusive use of the residents/ tenants of the boarding house development during the life of the development. The renewal of any agreement with a car share company shall be submitted to Council during the life of the boarding house.

D. Add Condition that must be complied with at all times, Condition 51. Residential Parking Permit to read as follows:

The subject Boarding Housing Development is not eligible for resident parking permits. Accordingly, any residents and/or tenants of the subject site will not be eligible for resident parking permits. This condition is to be provided on the property Title.

Reason: To ensure the tenants are aware that they are not entitled to a permit regardless if they are within a Resident Parking Scheme (RPS).

APPENDIX B – CONSOLIDATED CONDITIONS**DEFERRED COMMENCEMENT CONDITIONS****1. Public Domain Upgrades – Plan Submission**

Due to the narrow width of Moorilla Road, and the intensification of the land use, the applicant will be required to widen Moorilla Road along the length of the frontage to provide a 6.0m wide road. This will be required to be undertaken along with the public domain upgrades including the footpath, kerb and gutter along this section.

Plans are to be prepared by a suitably qualified person and submitted to and approved by Council prior to the issue of a Construction Certificate.

Note: The applicant is to ensure the following dimensions are provided for the public domain upgrades:

- a minimum 1.5m wide footpath,
- a grass verge of a minimum 0.6m between the footpath and the boundary
- upgrade to the protection infrastructure opposite the site on Moorilla Road.

Should the above dimensions require additional road reserve, the applicant shall be required to dedicate the necessary land to achieve the dimensions. This may result in a redesign of Block A to accommodate the boundary relocation.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) 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.

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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
SA-01 — Site Plan SA-01 (Rev E)	11 December 2019	Leech Harmon Architects
SA-01 - SITE PLAN - Rev no. H	21.6.21	Leech Harmon Architects
DA-02 — Carpark Plan Block A (Rev D)	31 July 2019	Leech Harmon Architects
DA-02 - CARPARK PLAN BLOCK A - Rev No. H	21.6.21	Leech Harmon Architects
DA-03 — Lower Floor Plans A, B (Rev E)	11 December 2019	Leech Harmon Architects
DA-03 - LOWER FLOOR PLANS A,B - Rev No. H	8.6.21	Leech Harmon Architects
DA-04 — Floor Plans A, B, Carpark C (Rev D)	31 July 2019	Leech Harmon Architects
DA-04 - FLOOR PLANS A,B - Rev No. G	9.12.20	Leech Harmon Architects
DA-05 — Floor Plans B, Carpark (Rev E)	11 December 2019	Leech Harmon Architects
DA-05 - FLOOR PLANS B - Rev No. H	21.6.21	Leech Harmon Architects
DA-06 — Floor Plans B, C (Rev E)	11 December 2019	Leech Harmon Architects
DA-06 - FLOOR PLAN B,C - Rev No. J	21.6.21	Leech Harmon Architects

DA-07 – Floor Plans C, D & E (Rev E)	11 December 2019	Leech Harmon Architects
DA-07 - FLOOR PLAN C,D, & E - Rev No. H	8.6.21	Leech Harmon Architects
DA-08 – Floor Plan C, D & E (Rev E)	11 December 2019	Leech Harmon Architects
DA-08 - FLOOR PLAN C, D AND E - Rev No. G	9.12.20	Leech Harmon Architects
DA-09 – Floor Plan Upper Block D (Rev E)	11 December 2019	Leech Harmon Architects
DA-09 - FLOOR PLAN UPPER BLOCK D – Rev No. G	9.12.20	Leech Harmon Architects
DA-11 – South Elevation/Section (Rev D)	11 December 2019	Leech Harmon Architects
DA- 11 - SOUTH ELEVATION/SECTION - Rev No. E	21.6.21	Leech Harmon Architects
DA-12 – North Elevation (Rev D)	11 December 2019	Leech Harmon Architects
DA-12 - NORTH ELEVATION - Rev No. E	21.6.21	Leech Harmon Architects
DA-13 – Block A, E Elevation/Section (Rev D)	11 December 2019	Leech Harmon Architects
DA-13 - BLOCK A,E ELEVATION/SECTION – Rev No. E	21.6.21	Leech Harmon Architects
DA-14 – Block 'E' Elevation Sheet 2 (Rev E)	11 December 2019	Leech Harmon Architects
DA-14 - BLOCK 'E' ELEVATION SHEET 2 – Rev No. F	21.6.21	Leech Harmon Architects

DA-15 – May Road Driveway Section (Rev D)	11 December 2019	Leech Harmon Architects
DA-15 - MAY ROAD DRIVEWAY SECTION – Rev No. E	21.6.21	Leech Harmon Architects
DA-16 – Pittwater Road Driveway Section (Rev D)	11 December 2019	Leech Harmon Architects
DA-16 - PITTWATER ROAD DRIVEWAY SECTION - Rev No. E	21.6.21	Leech Harmon Architects
DA-17 – Block ‘E’ Elevation Sheet 2 (Rev E)	11 December 2019	Leech Harmon Architects
DA-17 – BLOCK ‘E’ ELEVATION SHEET 2 – Rev No. F	21.6.21	Leech Harmon Architects
DA-18 – 3 May Road Long Section	3 December 2019	Leech Harmon Architects
Basement Air Con. Markup (Rev D)	31 July 2019	Leech Harmon Architects
Finishes Schedule	5 July 2018	Leech Harmon Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Report on Geotechnical Site Investigation	June 2018	Crozier Geotechnical Site Investigation
Geotechnical Assessment for Section 4.55 modification to approved works at 615 to 613 Pittwater Road and 11 May Road, Dee Why, NSW	19 th March 2021	Crozier Geotechnical Consultants
Acoustic Report	25 June 2018	Acoustic and Air

Plan of Management	December 2019	—
Boarding House Plan of Management and House Rules for 'The Y'	July 2021 (1)	No details
613-615 Pittwater Rd & 11 May Rd, Dee Why		

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
L01 – Landscape (Rev F)	December 2019	Landskill Pty Ltd

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Statement	-	Leech Harmon Architects

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.

(Condition amended in LEC Proceedings No. LEC No: 2021/00101945)

3. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Roads and Maritime Services	Response RMS Referral	13 August 2018

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

4. Prescribed Conditions

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

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

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

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

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

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

whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place. Reason: Legislative Requirement (DACPLB09)

5. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the

Long Services Payments Corporation. Payment is not required where the value of the works is less than

\$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and

machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

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

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$11,517,188.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$109,413.29
Section 94A Planning and Administration	0.05%	\$ 5,758.59
Total	1%	\$115,171.88

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

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

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

7. Security Bond

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

a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

The applicant is to lodge a Bond with Council of \$150,000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works 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.

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

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 Taylor Consulting, drawing number SHEET-1, dated 6/06/18, SHEET-2, dated 4/07/18, SHEET-3, dated 7/06/18. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to 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 disposal and stormwater management arising from development.

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

10. Amendments to the approved plans

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

- a) The bin room located within the May Road frontage is to be relocated to no more than 6.5 metres walking distance from the property boundary with the street.
- b) The bin room located within the May Road frontage is to have service access that is separate to the vehicular driveway.
- c) The bin room within Pittwater Road frontage is to be also relocated to no more than 6.5 metres walking distance from the property boundary with the street.

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

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

11. On-Site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Warringah Water Management Policy PL850, and generally in accordance with the concept drainage plans prepared by Taylor Consulting, drawing number SHEET-1, dated 6/06/18, SHEET-2, dated 4/07/18, SHEET-3, dated 7/06/18. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to 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 disposal and stormwater management arising from development.

12. 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 the design of civil works which shall be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer.

The design must include the following information:

- i. Provision of any road widening within Moorilla Road, adjacent Pittwater Road. Current footpath widths are to be maintained.
- ii. Provision of 1.5m wide footpath within May Road and Moorilla Road.
- iii. Provision of a stormwater drainage pit within Moorilla Road, to be a minimum 1 metre clear of the driveway.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

13. Shoring of Adjoining Property

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings.

Council approval is required if temporary ground anchors are to be used within Council land. A Temporary Ground Anchors (Road Reserve) Application is to be submitted with Council for assessment and approval subject to Council's Fees and Charges. Details demonstrating

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

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

14. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for stormwater disposal will be permitted for drainage of hard surfaces areas such as driveways and basement pavement areas only, and must be designed in accordance with AS/NZS 3500. The Applicant is to provide engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site.

15. 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. (DACPLC02)

16. External Finishes to Roof

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

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

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

17. Off-street Parking Facilities

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles (DACTRCPC1)

18. Construction Traffic Management Plan.

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

The CTMP must address following:-

- The proposed phases of construction works on the site, and the expected duration of each construction phase;
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- Make provision for all construction materials to be stored on site, at all times;
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.

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

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

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

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

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

Reason: 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.

19. Waste and Recycling Requirements

Details demonstrating compliance with Warringah Development Control Plan – Part C9 Waste Management, including the required Warringah Waste Management Plan, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with Warringah Development Control Plan – Part C9 Waste Management, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided. (DACWTC01)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. 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.

21. 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.

22. Tree protection

(a) Existing trees which must be retained

- i. All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii. Trees located on adjoining land

(b) Tree protection

- i. No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii. All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii. All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
 - 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.

- 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. (DACLAD01)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

23. 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.

24. Vehicle Crossings Application

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

Reason: To facilitate suitable vehicular access to private property.

25. 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.

26. 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.

27. Compliance with the Boarding House Plan of Management

The requirements of the Boarding House Plan of Management required by this consent is to be fully implemented in perpetuity from the issue of any interim / final occupation certificate.

Reason: To ensure the premises a maintained in an appropriate manner in perpetuity. (DACHPEDW2)

28. Vehicle Crossings

The Applicant is to construct one vehicle crossing in May Road 5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and one vehicle crossing in Moorilla Road 6 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 NL and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued. A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

29. Staff and Contractor Parking.

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

Reason: To ensure minimum impact of construction activity on local parking amenity (DACTREDW1)

30. Implementation of Construction Traffic Management Plan.

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

Reason: to ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent rather than any secondary approval. (DACTREDW2)

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

31. 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/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2>.

The post-construction / demolition 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 Drainage security bonds.

Reason: Protection of Council's infrastructure.

32. Positive Covenant and Restriction as to User for On-site Stormwater Detention Structures

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

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater detention 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 as to user for on-site storm water detention is to be submitted.

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

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

33. Boarding House Plan of Management

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the operator that the requirements of the Boarding House Plan of Management have been implemented and are compliant.

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

Reason: To ensure the premises a maintained in an appropriate manner in perpetuity. (DACHPFPOC7)

34. Required Planting

Trees shall be planted in accordance with the following schedule:

Species	Location	Pot Size
As indicated on the approved Landscape Plan	As indicated on the Landscapethe plan	As indicated on the Landscape Plan

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. (DACLAF01)

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

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 plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data (details overdrawn on a copy of

the approved civil plans) for Council Assets' in an approved format shall be submitted to Council for approval prior to the release of any security deposits.

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

36. Consolidation of Lots

Lot 2 in DP 22384 (11 May Road), Lot 8 in DP 22384 (615 Pittwater Road), and Lot A in DP 400997 (613 Pittwater Road) must be consolidated as one (1) allotment and registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land & Property Information Service (NSW Department of Lands). 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 development is not constructed over property boundaries

37. Unit Numbering for Multi-Unit Developments (Residential, Commercial and Industrial)

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines

(https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-01.pdf).

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

(<https://www.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/unit-numbering-multi-unit-developments-residential-commercial-and-industrial-form/unit-numbering-multi-unit-developments-residential-commercial-and-industrial-form.pdf>).

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

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

Details are to be submitted with any Interim/Final Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi-Unit Development Table.

Reason: To ensure consistent numbering for emergency services access. (DACPLF05)

38. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site

www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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 compliance with the statutory requirements of Sydney Water. (DACPLF08)

39. Fire Safety Matters

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

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

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

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

40. Footpath Construction.

The footpath, in accordance to Council's standard specifications, shall be constructed along the property frontage to Council's satisfaction. Details demonstrating compliance are to be

submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To provide pedestrian access to and from the property. DACTRFPOC1)

41. Mechanical Servicing.

The applicant is to include a Section 88E instrument on the title permitting Council to provide direction as to the repair/maintenance of any mechanical devices. In the instance where the building manager does not comply with the direction of Council, or fails to address repair/maintenance requirements in a timely manner, Council reserves the right to undertake the repairs and all fees associated will be borne by the building manager.

Reason: To ensure the mechanical services are maintained in a serviceable state at all times. (DACTRFPOC2)

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

42. Boarding House - Plan of Management

The requirements of the Boarding House Plan of Management contained within the Statement of Environmental Effects prepared by Mark Shanahan planning Pty Ltd, dated July 2018 is to be fully implemented in perpetuity from the issue of any interim / final occupation certificate.

Reason: To ensure the premises is maintained in an appropriate manner in perpetuity. (DACHPGOG5)

43. Boarding House

The ongoing operation of the boarding house premise must comply with the relevant sections of the following legislation:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Public Health Regulation 2012
- Boarding Houses Act 2012

Reason: To ensure compliance with legislation and to protect public health and safety. (DACHPGOG6)

44. 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

45. Occupancy of Boarding House

The building is to contain a maximum of one hundred and forty (140) persons, being no more than two (2) persons per designated bedroom. In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy.

Reason: To ensure the amenity of occupants. (DACPLG23)

46. Commercial Waste and Recycling Storage

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

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

47. Signage and Line marking Plan - External

A signage and line marking plan is to be prepared by a suitably qualified person to address the following:

1. Restriction of parking in Moorilla Street, parallel to Pittwater Road, to allow for a service vehicle to access/exit the street in a forward direction.
2. Servicing of the site along May Road near the frontage of the site.

This plan is to be submitted to and approved by the Northern Beaches Local Traffic Committee prior to the issue of any Occupation Certificate.

48. Signage and Line Marking - Implementation

All signage and line marking, as per the Signage and Line Marking Plan approved by the LTC, shall be installed by the applicant at no cost to Council, prior to the issue of any Occupation Certificate.

Reason: To ensure all parking controls are in place prior to servicing of the site (DACTRGOG)

49. Car Share

Provision shall be made for one (1) car share space in the carpark upper in the space nominated on Floor Plan B,C prepared by Leech Harmon Architects (Rev J) dated 21 June 2021. Evidence of an agreement with a car share company to provide a car for the space allocated for the car share space is to be submitted to the Council prior to the issue of any occupation certificate.

The car share arrangements are to be operative upon issue of the occupation certificate and are to be maintained for the life of the development.

(Condition added in LEC Proceedings No. LEC No: 2021/00101945)

50. Car Share

An allocated car share vehicle shall be available for the exclusive use of the residents/ tenants of the boarding house development during the life of the development. The renewal of any agreement with a car share company shall be submitted to Council during the life of the boarding house.

(Condition added in LEC Proceedings No. LEC No: 2021/00101945)

51. Residential Parking Permit

The subject Boarding Housing Development is not eligible for resident parking permits. Accordingly, any residents and/or tenants of the subject site will not be eligible for resident parking permits. This condition is to be provided on the property Title.

Reason: To ensure the tenants are aware that they are not entitled to a permit regardless if they are within a Resident Parking Scheme (RPS).

(Condition added in LEC Proceedings No. LEC No: 2021/00101945)