

## Annexure B

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA2023/0868

**Development:** Demolition of x4 existing dwelling houses and construction of seniors housing development containing x10 units, x1 level of basement carparking and associated landscaping and civil works

**Site:** 37, 39, 41 and 43 Hay Street Collaroy (being Lots 43-46 Section 12 in Deposited Plan 10648)

**Schedule of Modifications:**

Date approved	Modification Application Number	Decision maker (Land and Environment Court or relevant council)	Proceedings Name and Number (if applicable)
[26 February 2025]	Mod2024/0445	Land and Environment Court	<i>Collaroy Living Pty Ltd v Northern Beaches Council</i>   Proceedings No. 2024/291256

**Date of determination:** 25 June 2024

**Date from which consent takes effect:** Date of satisfaction of deferred commencement condition.

## 1. Approved Plans and Supporting Documentation

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

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
<u>0638-MOD104</u>	<u>02</u>	<u>Site Plan</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD105</u>	<u>02</u>	<u>Basement Plan</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD106</u>	<u>02</u>	<u>Level 01 Plan</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD107</u>	<u>02</u>	<u>Level 02 Plan</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD108</u>	<u>02</u>	<u>Roof Plan</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD109</u>	<u>02</u>	<u>Basement Post Adaption Plan</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD110</u>	<u>02</u>	<u>Level 01 Post Adaption Plan</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD111</u>	<u>02</u>	<u>Level 02 Post Adaption Plan</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD112</u>	<u>02</u>	<u>Elevations 1</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD113</u>	<u>02</u>	<u>Elevations 2</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD114</u>	<u>02</u>	<u>Section AA &amp; BB</u>	<u>PopovBass</u>	<u>5 December 2024</u>

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
<u>0638-MOD115</u>	<u>02</u>	<u>Section CC &amp; DD</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD116</u>	<u>02</u>	<u>Section EE &amp; FF</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD117</u>	<u>02</u>	<u>Section GG</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD118</u>	<u>02</u>	<u>Entry Section &amp; Renders</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>0638-MOD127</u>	<u>02</u>	<u>Schedule of Colours and Materials</u>	<u>PopovBass</u>	<u>5 December 2024</u>
<u>L-01</u>	<u>A</u>	<u>Level 1 Landscape Plan</u>	<u>Site Design Studios</u>	<u>11 December 2024</u>
<u>L-02</u>	<u>A</u>	<u>Level 2 Landscape Plan</u>	<u>Site Design Studios</u>	<u>11 December 2024</u>
<u>L-03</u>	<u>A</u>	<u>Landscape Area Calculation Plan – Level 1</u>	<u>Site Design Studios</u>	<u>11 December 2024</u>
<u>L-04</u>	<u>A</u>	<u>Landscape Area Calculation Plan – Level 2</u>	<u>Site Design Studios</u>	<u>11 December 2024</u>
<u>L-05</u>	<u>A</u>	<u>Planting Schedule and Details</u>	<u>Site Design Studios</u>	<u>11 December 2024</u>
<u>L-06</u>	<u>A</u>	<u>Specification</u>	<u>Site Design Studios</u>	<u>11 December 2024</u>
D2	H	Basement Plan	NY Civil Engineering	16 July 2024
D3	H	Ground Floor Plan	NY Civil Engineering	16 July 2024

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
D4	H	Level 02 Plan	NY Civil Engineering	16 July 2024
D5	H	Roof Plan	NY Civil Engineering	16 July 2024
D6	H	WSUD/OSD Catchment Plan	NY Civil Engineering	16 July 2024
D7	H	OSD Details	NY Civil Engineering	16 July 2024
D8	H	Stormwater Details	NY Civil Engineering	16 July 2024
D9	H	ATLAN Hydrochannel Details	NY Civil Engineering	16 July 2024
D10	H	ATLAN Basin Detail	NY Civil Engineering	16 July 2024
D11	H	Driveway Section	NY Civil Engineering	16 July 2024
D12	H	Driveway Section	NY Civil Engineering	16 July 2024
D13	H	External Pipe Section	NY Civil Engineering	16 July 2024

<b>Approved Reports and Documentation</b>			
<b>Document Title</b>	<b>Version Number</b>	<b>Prepared By</b>	<b>Date of Document</b>
Access Report LP_22521	Rev. 5	Linday Perry Access	12 July 2024
Addendum Letter Support	-	Complete Arborcare	26 July 2024
<u>BASIX Certificate No. 1403626M_04</u>	=	<u>Frys Building Consultancy</u>	<u>16 December 2024</u>
BCA Compliance Assessment Report	J1115- BCA-3	Building Code Clarity	16 July 2024
NatHERS Certificate 9623620 ( <u>Unit 1</u> )	-	Frys Energywise	11 July 2024
<u>NatHERS Certificate 9623661-01 (Unit 2)</u>	=	<u>Frys Energywise</u>	<u>16 December 2024</u>

NatHERS Certificate 9623679-03 ( <u>Unit 3</u> )	-	Frys Energywise	11 July 2024
NatHERS Certificate 9623711-01 ( <u>Unit 4</u> )	-	Frys Energywise	11 July 2024
NatHERS Certificate 9623745-01 ( <u>Unit 5</u> )	-	Frys Energywise	11 July 2024
NatHERS Certificate 9623752-02 ( <u>Unit 6</u> )	=	<u>Frys Energywise</u>	<u>16 December 2024</u>
NatHERS Certificate 9623786-02 ( <u>Unit 7</u> )	=	<u>Frys Energywise</u>	<u>16 December 2024</u>
NatHERS Certificate 9623729-02 ( <u>Unit 8</u> )	=	<u>Frys Energywise</u>	<u>16 December 2024</u>
NatHERS Certificate 9623760-02 ( <u>Unit 9</u> )	=	<u>Frys Energywise</u>	<u>16 December 2024</u>
NatHERS Certificate 9623778-03 ( <u>Unit 10</u> )	=	<u>Frys Energywise</u>	<u>16 December 2024</u>
Preliminary Geotechnical Investigation and Slope Risk Assessment P2828_01	Rev. 1	Morrow Geotechnics	12 July 2024
Waste Management Plan	-	Daniel McNamara	26 July 2024

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

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

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

(Modified by Modification Application Mod2024/0445)

## 2. Prescribed Conditions

- (a) 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 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
  - (ii) 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.

- (b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the

work relates (not being the Council) has given the Council written notice of the following information:

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

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

- (c) 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.

Reason: Legislative requirement.

### 3. General Requirements

- (a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- 8.00am to 5.00pm Monday to Friday only.

Building Construction and delivery of materials hours are restricted to:

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

(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 a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. 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) The applicant shall bear the cost of all works that occur on Council's property.
- (f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )
- (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.

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response – Underground Cables	21 July 2023
	Ausgrid Referral Response – Overhead Cables	21 July 2023
	<u>Referral Response</u>	<u>27 September 2024</u>

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

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

(Modified by Modification Application Mod2024/0445)

#### 5. **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 seniors housing (independent living units), in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

**Seniors housing** means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5, or
- (c) a group of independent living units, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for—
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.

**Independent living unit** means a dwelling or part of a building, whether or not attached to another dwelling—

- (a) used to house seniors or people with a disability, and
- (b) containing private facilities for cooking, sleeping and bathing, and
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis, but does not include a hostel.

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.

## FEES / CHARGES / CONTRIBUTIONS

#### 6. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$123,182.07 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$12,318,207.00.

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

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

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

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

(Modified by Modification Application Mod2024/0445)

**7. Construction, Excavation and Associated Works Security Bond(s)**

The applicant is to lodge a bond with Council for the following:

Drainage Works

As security against any damage or failure to complete the construction of 375mm stormwater drainage line works in Anzac Avenue required as part of this consent a bond of \$60,000.

Crossing / Kerb & Gutter / Footpath Works

As security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works, and removal of any redundant driveways required as part of this consent a bond of \$20,000.

Security Bond

As security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site a bond of \$15,000.

Maintenance for Civil Works

A maintenance bond of \$20,000 for the construction of a 375mm Stormwater Line in Anzac Avenue. The maintenance bond will only be refunded upon completion of the six-month maintenance period if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council prior to issuing of practical completion.

Details confirming payment of the bond(s) are to be submitted to the Certifier 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**

**8. Compliance with Standards**

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

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

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

#### 9. **Sydney Water "Tap In"**

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

Please refer to the website [www.sydneywater.com.au](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.

#### 10. **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 Certifier 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.

#### 11. **Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck rates 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.

- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
  - Evidence of the legal right to use the access route or provide owners consent from the owners/strata/community association.
  - Demonstrate that direct access from a public space/road is not viable for each stage of works.
  - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
  - No materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
  - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
  - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
  - A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
    - Compare the post-construction report with the pre-construction report.
    - Clearly identify any recent damage or change to the private road/driveway/right of way and whether it is likely to be the result of the development works.
    - Should any damage have occurred, identify remediation actions taken.
    - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork, and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.

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

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

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

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

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

## 12. Car Parking Standards

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 and Australian Standard AS/NZS 2890.6:2022 - Parking facilities - Off-street parking for people with disabilities.

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

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

**13. Removal of Redundant Driveways**

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

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

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

**14. Car Parking**

The number of car parking spaces to be provided for the development shall comply with the table below.

CAR PARKING TYPE	NUMBER
Residents	16 including one accessible car parking space for each unit
Visitors	2

Details confirming the parking numbers shall be submitted to the satisfaction of the Certifier prior to the issue of a Construction Certificate.

Reason: To ensure consistency with this consent.

**15. Bicycle Parking**

(a) The minimum number of bicycle parking spaces to be provided for the development must comply with the table below.

BICYCLE PARKING TYPE	NUMBER	REQUIREMENTS
Residents	9	Spaces must be Security Level A

(b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3:2015 Bicycle parking. The details must be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

Reason: To ensure consistency with this consent.

**16. Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)

- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpile locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: Protection of the receiving environment.

#### **17. Detailed Design of Stormwater Treatment Measures**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the NY CIVIL ENGINEERING stormwater plans E230197 Rev G dated 9 April 2024 and Council's Water Management for Development Policy.

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

Reason: Protection of the receiving environment.

#### **18. External Finishes to Roofs**

The external finish to the roofs shall have a Solar Absorptance (SA) greater than 0.46 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a metallic steel or reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier 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.

#### **19. Deleted**

#### **20. Access Report**

The recommendations within the Access Report referenced in Condition 1 are to be taken into consideration as part of the assessment of the Construction Certificate.

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

Reason: To ensure adequate provision is made for access for building occupant safety.

#### **21. Requirements for Housing for Seniors People with a Disability**

The development is required to comply with all standards specified in Chapter 3 Diverse Housing, Part 5, Division 3 Cl. 85 (Schedule 4) within State Environmental Planning Policy (Housing) 2021, version dated 1 May 2023 to 17 August 2023.

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

Reason: To ensure safe and equitable access for seniors or people with a disability.

## 22. On-Site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by NY Civil Engineering, drawing numbers E230197 D3, D7, D9, D10, D13 (Rev G). Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

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

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

## 23. Vehicle Crossings Application

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 5.5 metres wide (Anzac Avenue) in accordance with Northern Beaches Council Standard Drawing Normal Low in accordance with Section 138 of the Roads Act 1993.

Note: driveways are to be in plain concrete only.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

## 24. Submission Roads Act Application for Civil Works in Anzac Avenue

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

The application is to include Civil Engineering plans for the design of the 375mm RCP stormwater line in Anzac Avenue which runs under the gutter from the site to the existing Council Stormwater Inlet Pit (corner of Anzac Avenue and Pittwater Road) which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer. The design must include the following information:

- 1) The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.
- 2) Generally in accordance with the stormwater drainage plans as prepared by NY Civil Engineering E230197 Rev G.

An approval is to be submitted to the Certifier prior to the issue of the Construction Certificate

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

**25. Deleted.**

**26. Pre-Commencement Dilapidation Report – Public**

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

The dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifier prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

**27. Waste and Recycling Requirements**

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

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

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

**28. On Slab Landscape Planters**

Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections. Planter soil depths shall be as shown on the approved Landscape Plans L-03 and L-04.

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

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

**29. Tree Protection Plan**

- (a) a Tree Protection Plan shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures to protect the following trees within the road reserve verge in Hay Street: Tree 5 (Bottlebrush), Tree 6 (Photinia), and Tree 9 (Illawarra Flame Tree).
- (b) the Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:
- i) location of all trees identified for retention, including extent of canopy,
  - ii) access routes throughout the site for construction activity, away from Trees 5, 6 and 9,
  - iii) location of tree protection fencing / barriers,
  - iv) root protection in the form of mulching or boards proposed within the tree protection zone,
  - v) trunk and branch protection within the tree protection zone,
  - vi) location of stockpile areas and materials storage, away from Trees 5, 6 and 9,
  - vii) other general tree protection measures.

Reason: Tree protection.

### **30. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

#### **30A. Speed Hump**

A speed hump is to be provided across the internal vehicular ramp to enforce a reduced vehicle speed for motorists exiting the site. The speed hump is to be located within the site, at a distance approximately 3 metres from the northern property boundary. The speed hump is to be reflected in the design drawings prior to the issue of a Construction Certificate.

#### **30B. Demolition**

All demolition required on 43 Hay Street, Collaroy is to be undertaken prior to the issue of a Construction Certificate.

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

### **31. Pre-Construction Dilapidation Reports**

Dilapidation reports, including photographic surveys of the following properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation):

- 987 Pittwater Road, Collaroy
- 989 Pittwater Road, Collaroy

- 991 Pittwater Road, Collaroy
- 993 Pittwater Road, Collaroy
- 35 Hay Street, Collaroy

The reports must detail the physical condition of the properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

The dilapidation reports are to be prepared by a suitably qualified person. Copies of the reports must be provided to Council, the Principal Certifier and the owners of the affected property prior to any works commencing.

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

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

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

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

### 32. Work Zones and Permits

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

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

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

### 33. Deleted

### 34. Tree Removal within the Property

This consent approves the removal of the following prescribed trees within the property:

- (a) Tree 1: Illawarra Plum (*Podocarpus elatus*)
- (b) Tree 2: Poinciana (*Delonix regia*)

A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

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

### 35. Waste Management During Development

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

### 36. **Survey Certificate**

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

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

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

### 37. **Removing, Handling and Disposing of Asbestos**

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

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

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

### 38. **Deleted.**

### 39. **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 TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

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

#### 40. Stormwater Drainage Works (Anzac Avenue)

The Stormwater drainage works in Anzac Avenue being the installation of the 375mm RCP Stormwater line are to be supervised by the design engineer. Notifications to affected residents are to be provided to the residents 21 days prior to the commencement of works. The contractor 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.

Council's Engineer is to inspect the pipeline prior to backfilling and 48 hours prior notice is required.

Reason: Public safety and compliance with Councils Engineering Standards.

#### 41. Traffic Control During Road Works

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

Reason: Public safety.

#### 42. Ongoing Management

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

Reason: To ensure public safety.

#### 43. Dewatering Management

Council's dewatering permit is required prior any construction dewatering is undertaken (rainwater or groundwater ingress). Approvals from WaterNSW may be required if large quantities of groundwater are to be removed.

Council proactively regulates construction sites for dewatering management.

Discharge of groundwater or tailwater must achieve the following water quality targets in addition to any conditions/ documentation of this consent, any requirements of the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landform's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

##### **Water Quality (<one hour of planned discharge)**

Oil and grease, not visible

pH, 6.5-8.5

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

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

All records of water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like.

Discharge to the kerb and gutter will not be accepted. If an alternative solution is required, you must contact Council's Catchment Team at [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au)

Reason: Protection of the receiving environment.

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

Council proactively regulates construction sites for sediment management.

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

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

**45. Substitution of Stormwater Treatment Measures**

The substitution of an "equivalent" device for the stormwater treatment measures approved under the Development Consent must be submitted to the Principal Certifier for approval prior to installation. The "equivalent" must demonstrate the same water management principles that the approved Development Consent system; wetland and bio-basin must not be substitute for other filtration systems.

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

**46. Waste/Recycling Requirements (Waste Plan Submitted)**

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

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

**47. Waste/Recycling Requirements (Materials)**

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

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

**48. Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages in accordance with the approved Tree Protection Plan and Australian Standard 4970-2009 Protection of Trees on Development Sites.

Reason: Street tree protection.

**49. Tree and Vegetation Protection**

(a) Existing trees and vegetation shall be retained and protected (unless otherwise approved for removal), including:

- i) All trees and vegetation located on adjoining properties,
- ii) All road reserve trees and vegetation.

(b) Tree protection shall be undertaken as follows:

- i) Tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) Removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) Structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) Excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) Should either or all of v) or vi) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) Any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) Tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) The tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

- (c) Tree protection shall specifically be undertaken in accordance with the recommendations in the approved Arboricultural Impact Assessment, including in particular: section 9. Recommendations; and the approved Tree Protection Plan for the nominated trees within the road reserve verge.

The Certifying Authority must ensure that:

- (d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the approved Arboricultural Impact Assessment and approved Tree Protection Plan.
- (e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

Reason: Tree and vegetation protection.

#### 50. **Geotechnical Requirements**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

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

#### 51. **Post-Construction Dilapidation Reports**

Post-construction dilapidation reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The reports must:

- Compare the post-construction reports with the pre-construction reports,
- Clearly identify any recent damage and whether it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

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

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

#### 52. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

**53. Unit Numbering**

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

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.

All signage throughout the complex must be clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details demonstrating compliance with this condition are to be submitted with the Occupation Certificate.

Reason: To ensure consistent numbering for emergency services access.

**54. Occupation of Seniors Housing or Housing for Persons with a Disability**

A positive covenant pursuant to Section 88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies. The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people with a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

Note: Under State Environmental Planning Policy (Housing) 2021, seniors are people aged 60 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and/or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

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

Reason: Statutory requirement.

**55. Stormwater Disposal (Internal Works)**

The stormwater drainage / onsite stormwater detention works shall be certified as compliant with Councils Water management for development policy and the approved construction certificate stormwater drainage plans by the design engineer. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

**56. Stormwater Drainage Works Certification (Anzac Avenue)**

The 375mm stormwater drainage shall be certified as compliant with the Section 138A Road Act Approval issued by Council by the design engineer. Details demonstrating compliance are to be submitted to the Principal Certifier and Council prior to the issue of an Occupation Certificate.

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

**57. Reinstatement of Kerb**

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

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

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

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), and Civil Engineers' compliance 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 Certifier prior to the issue of an Occupation Certificate.

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

**59. Post-Construction Dilapidation Report (Major Development)**

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

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

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

**60. Allocation of Parking Spaces**

All car parking spaces are to be assigned to individual units or for use by visitors. All residential units must be assigned a minimum of one accessible parking space. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure parking availability for residents in accordance with C3 Parking Facilities of the Warringah Development Control Plan 2011

**61. Parking Design**

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and Australian Standard AS/NZS 2890.6:2022 - Parking facilities - Off-street parking for people with disabilities and Australian Standard AS/NZS 2890.3:2015 - Parking facilities – Bicycle parking. The details must be submitted to and approved by the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure parking is compliant with applicable standards.

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

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

The certificate shall be submitted to the Principal Certifier prior to the release of an Occupation Certificate.

Reason: Protection of the receiving environment.

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

A positive covenant shall be created on the title of the land requiring the proprietor of the land

to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

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

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

and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands.

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

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

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

#### **64. Stormwater Treatment Measures Operation and Maintenance Plan**

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

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

1. Detail on the stormwater treatment measures:
  - a) Work as executed drawings
  - b) Intent of the stormwater treatment measures including modelled pollutant removal rates
  - c) Site detail showing catchment for each device
  - d) Vegetation species list associated with each type of vegetated stormwater treatment measure
  - e) Impervious area restrictions to maintain the water balance for the site
  - f) Funding arrangements for the maintenance of all stormwater treatment measures
  - g) Identification of maintenance and management responsibilities
  - h) Maintenance and emergency contact information
2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:
  - a) Activity description, and duration and frequency of visits Additionally for vegetated devices
  - b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
  - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
3. Maintenance schedule and procedure – ongoing
  - a) Activity description, and duration and frequency of visits
  - b) Routine maintenance requirements
  - c) Work Health and Safety requirements
  - d) Waste management and disposal
  - e) Traffic control (if required)
  - f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)

- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

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

Reason: Protection of the receiving environment.

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

Works as Executed Drawings for the stormwater treatment measures must be prepared.

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

Reason: Protection of the receiving environment.

**66. Maintenance of Stormwater Treatment Measures**

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

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

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

Reason: Protection of the receiving environment.

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

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

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction as to user 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 is to be submitted.

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

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

**68. Garbage and Recycling Facilities**

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

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

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

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

**69. Waste and Recycling Facilities Certificate of Compliance**

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

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

Reason: To ensure waste and recycling facilities are provided.

**70. Waste/Recycling Compliance Documentation**

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

**71. Positive Covenant for Council and Contractor Indemnity**

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

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

**72. Authorisation of Legal Documentation Required for Waste Services**

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

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

Reason: To create encumbrances on the land.

**73. Landscape Completion**

Landscape works are to be implemented in accordance with the approved Landscape Plans L-01 to L-06 inclusive, and including the following conditions:

- (a) Landscape works are to be contained within the legal property boundaries,
- (b) Tree, shrub and other planting shall be installed as indicated on the approved Landscape Plans, unless otherwise imposed by conditions,
- (c) All tree planting shall be a minimum pre-ordered planting size of 75 litres whilst the nominated *Livistona australis* palms shall be pre-ordered at minimum two metre trunk heights; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
- (d) Mass planting shall be installed at a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and all other planting at minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- (e) All proposed tree and palm planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- (f) At the driveway crossover vegetation along the frontage shall not impede pedestrian or driver visibility and within the 2.0 x 2.5m splay all vegetation shall not exceed one (1) metre in height at maturity.

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

Reason: Environmental amenity.

**74. Condition of Retained Vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

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

Reason: Tree and vegetation protection.

**75. Geotechnical Certification Prior to Occupation Certificate**

A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the

development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in Condition 1 of this consent.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

**76. Waste Management Confirmation**

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

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

**ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**77. Landscaping Adjoining Vehicular Access**

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

Reason: To maintain unobstructed sight distance for motorists.

**78. Maintenance of Stormwater Treatment Measures – Minor**

Stormwater treatment measures must be maintained at all times in accordance with 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.

**79. Landscape Maintenance**

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

The approved landscape area shall in perpetuity remain as planting under the development consent and shall not be replaced with any hard paved surfaces or structures.

Reason: Environmental amenity.

**80. Mechanical Plant Noise**

Any mechanical plant shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

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

#### **81. Geotechnical Recommendations**

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

Reason: To ensure geotechnical risk is mitigated appropriately.