

6 March 2020



The Drop Music Festival Pty Ltd
Office 17 20/1 Porter St
BYRON BAY NSW 2481

Dear Sir/Madam

Application Number: DA2019/1195

Address: Lot 10 DP 1177 , 0 Pittwater Road, MANLY NSW 2095
Lot 11 DP 1177 , 0 Pittwater Road, MANLY NSW 2095
Lot 12 DP 1177 , 0 Pittwater Road, MANLY NSW 2095
Lot 13 DP 1177 , 0 Pittwater Road, MANLY NSW 2095
Lot 14 DP 1177 , 0 Pittwater Road, MANLY NSW 2095
Lot 15 DP 1177 , 0 Pittwater Road, MANLY NSW 2095
Lot 16 DP 1177 , 0 Pittwater Road, MANLY NSW 2095
Lot 18 DP 1177 , 0 Pittwater Road, MANLY NSW 2095
Lot 8 DP 1177 , 0 Pittwater Road, MANLY NSW 2095
Lot 9 DP 1177 , 0 Pittwater Road, MANLY NSW 2095
Lot 19 DP 1177 , 0 Pittwater Road, MANLY NSW 2095
Lot 20 DP 1177 , 0 Pittwater Road, MANLY NSW 2095
Lot 1 DP 535058 , 0 Pittwater Road, MANLY NSW 2095
Lot 17 DP 1177 , 0 Pittwater Road, MANLY NSW 2095

Proposed Development: Outdoor concert (entertainment facility)

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



NOTICE OF DETERMINATION

Application Number:	DA2019/1195
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	The Drop Music Festival Pty Ltd
Land to be developed (Address):	Lot 10 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 11 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 12 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 13 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 14 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 15 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 16 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 18 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 8 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 9 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 19 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 20 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 1 DP 535058 , 0 Pittwater Road MANLY NSW 2095 Lot 17 DP 1177 , 0 Pittwater Road MANLY NSW 2095
Proposed Development:	Outdoor concert (entertainment facility)

DETERMINATION - APPROVED

Made on (Date)	6 March 2020
Consent to operate from (Date):	6 March 2020
Consent to lapse on (Date):	6 March 2025

Detail of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

Note:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) **Approved Plans**

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan (Revision 4)	05.02.2019	J Stones
Licensed Area Plan (Revision 4)	05.02.2019	J Stones
Emergency Evac. Plan (Revision 4)	05.02.2019	J Stones
Aeromedical Retrieval Plan (Revision 1)	06.01.2020	J Stones
SS-STDDDET-FOH-01 (Revision B)	14.8.2016	Stageset
SS-DROP18-01-1 (Revision A)	21.3.2018	Stageset
SS-DROP18-01-2 (Revision A)	21.3.2018	Stageset
SS-DROP18-01-3 (Revision A)	21.3.2018	Stageset
SS-DROP18-01-4 (Revision A)	21.3.2018	Stageset
SS-DROP18-01-5 (Revision A)	21.3.2018	Stageset

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Adverse Weather Plan (Version 2)	14.12.2019	Jeremy Stones
Safety Management Plan (Version 2)	27.02.2020	Jeremy Stones
Event Management Plan (Version 4)	27.02.2020	Jeremy Stones
Grass Protection Plan	23.9.2019	Jeremy Stones
Statement of Environmental Effects (Version 3)	27.02.2020	Jeremy Stones
Traffic Management Plan (Version 4)	28.02.2020	Assure Safety
Transport Management Plan	Undated	The Drop
Event Risk Assessment Plan (Version 2)	27.02.2020	Sheridan Consulting Group Pty Ltd
Emergency Response Plan (Version 3)	27.02.2020	Jeremy Stones
Health Management Plan (Version 3)	27.02.2020	Jeremy Stones
Medical Plan (Version 1.1)	26.02.2020	St John Ambulance Australia (NSW)
Operations Plan	September 2019	Dancewize NSW
Alcohol Plan of Management (Version 3)	13.2.2020	Justin Tynan
Security Deployment Plan	14.02.2020	ISEC
Noise Management Plan	27.02.2020	Noise Consulting and Management Pty Ltd
Flood Risk Management Plan (Revision D)	04.12.2019	NB Consulting
Waste Management Plan (Version 3)	27.02.2020	Clean Vibes

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

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

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

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	eServices Reference	Dated
NSW Police	Referral Response – NSW Police	24/02/2020 & 26/02/2020
Transport for NSW	Referral Response – Transport for NSW	27/02/2020
NSW Health	Referral Response – NSW Health	19/12/2019

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

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

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) 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.

4. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00am to 10.00pm

Demolition and removal of materials/buildings/structures works are restricted to:

- 7.00am to 8.00pm

- (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) Onsite toilet facilities for workers are to be provided for construction sites at a rate of 1 per 20 persons.

- (d) 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.
- (e) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (f) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (g) 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.

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

5. **Sale of food and drink**

All Temporary and Mobile Food premises are to comply with the Food Act 2003 and NSW food Authority Guidelines for Mobile and Temporary food stalls.

Reason: To maintain Food standards

6. **Building materials, sedimentation**

No building materials or other materials and waste are to be placed on or enter areas of bushland, wetland, saltmarsh, seagrass or riparian vegetation. Appropriate sediment fencing is to be installed.

Reason: Environmental Protection

7. **Community Notification**

The event organisers are required to notify all residents, businesses and relevant sporting clubs within a minimum 500 metre radius of the event (from the main stage). The notification is to include the following:

- Bump in dates and times
- Event date and times
- Bump out dates and times
- A contact number that is accessible the whole length of the event from bump in to bump out.

Reason: To ensure clear public communication and notification of the event.

8. **Flood Emergency Response Requirements**

- 1) All recommendations of the Flood Risk Management Report prepared by Northern Beaches Consulting Engineers Revision D prepared 4 December 2019 must be complied with for the duration of the proposed festival, including bump in, festival day and bump out.
- 2) An appropriately qualified engineer with experience in floodplain management must be engaged by the applicant to provide advice and interpret appropriate response action if the 'Flood Watch' alert threshold is reached for Bump In, Day of Event or Bump Out.
- 3) Sufficient copies of the approved Flood Risk Management Report prepared by Northern Beaches Consulting Engineers Revision D prepared 4 December 2019 must be made available on-site during Bump In, Day of Event and Bump Out.
- 4) The Flood Evacuation Coordinator and Flood Evacuation Assistant must be fulfilling their responsibilities outlined in the Flood Risk Management Report prepared by Northern Beaches Consulting Engineers Revision D prepared 4 December 2019 at all times.

Reason: To ensure that the requirements of the Flood Risk Management Report are adhered to and that flood risk to life is appropriately managed.

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

9. 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.

10. Structure Footings

Any structures that require footings are to utilise the weight plate and ballast footing solution as outlined in the 'Structures fixing solutions' plan, as shown on page 10 of the Site Survey Plan document.

Reason: To protect existing irrigation infrastructure from damage.

11. Flooding

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

Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 3.7m AHD unless adequately protected from floodwaters in accordance with industry standards.

Notification of Emergency Services

The applicant must demonstrate that they have notified the relevant NSW State Emergency Service personnel of the proposed event and have provided a copy of the approved Flood Risk Management Report prepared by Northern Beaches Consulting Engineers Revision D prepared 4 December 2019.

Flood Refuge Access Arrangements

In addition to written permission the applicant must demonstrate that they have appropriate access arrangements established for the identified flood refuge locations.

Roles and Responsibilities

Prior to the issue of the construction certificate the applicant must nominate the names and contact details for the Flood Evacuation Coordinator and Flood Evacuation Assistant.

the Construction Certificate.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. Tree protection

- (a) Existing trees which must be retained
 - (i) All trees located on the subject site
 - (ii) All trees located on adjoining land
- (b) Tree protection
 - (i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
 - (ii) All structures are to bridge tree roots greater than 25mm 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.
 - (iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
 - (v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

13. Bushland Protection Fencing

Prior to the commencement of any onsite building works, the boundary between the natural bushland zone and the festival construction area as shown on the submitted plans - is to be surveyed and marked clearly on the ground.

A temporary 1.8 metre steel mesh fence is to be erected between the natural bushland zone and the construction area for the duration of festival works. The fencing must be a minimum of 5m from the dripline (canopy) of existing trees along the northern, western and southern boundaries of the festival grounds.

Details demonstrating compliance, including photographic evidence, is to be submitted to the Principal Certifying Authority prior to commencement of works.

Reason: To ensure that the vegetation in the restricted development area is protected during and after construction.

14. Physical Barrier to be placed at Landward Edge of Riparian Zones

Prior to commencement, temporary fencing must be provided to the rear of the portable toilets along the waterway, a minimum distance of 5m from vegetation. The physical barrier shall be constructed of non-combustible materials and shall not be less than 1.8 metres in height in order to prevent entry into environmentally sensitive areas.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to commencement.

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

15. Bunding or relocation of portable toilet area adjacent to waterway

A bunded area must be provided to the downstream area of the portable toilets adjacent to the

waterway in order to prevent any waste entering the environment.

Alternatively, the portable toilets are to be located a minimum of 20m from any waterway/drainage line.

Reason: Protection of waterways from the impacts of pollution.

16. Working on Reserves Permit

Works (undertaken by principal contractors working without Council supervision) on land under Council's care control and management require a "Working on Reserves" permit prior to commencement. Applications can be obtained from Council's website or the Parks and Recreation business unit.

Reason: Public Safety and the protection of Council infrastructure.

17. Public Liability Insurance - Works on Public Land

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORKS

18. Disposal of waste from catering outlets

All catering outlets must dispose of their waste (including liquid) in accordance with approved waste management practices. Rinsing out of any items, sink drainage and the like must not be allowed to drain to the environment. In the event waste is being disposed of to the environment, the event organisers must order this to cease immediately and to contact Council for further investigation.

Reason: To ensure protection of waterways from the impacts of pollution.

19. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees.

20. Removal of All Temporary Structures/Material and Rubbish

At the conclusion of the event, during the bump out timeframe from Sunday 15th - Monday 16th March, all temporary fencing, structures and rubbish are to be removed from the site.

Reason: To preserve reserve amenity and maintain public safety.

21. Bump-in/out Operations

Truck movements associated with the Bump-In/Bump-Out are to be restricted to between 9:30am and 3:30pm.

Reason: To avoid truck movements during the peak network traffic periods (DACTREDW1)

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

22. Implementation of Flood Risk Management Report recommendations

The applicant must demonstrate that they have implemented the recommendations outlined in the Flood Risk Management Report prepared by Northern Beaches Consulting Engineers Revision D prepared 4 December 2019. This includes but is not limited to:

- Installation of on-site rainfall monitoring equipment
- Installation of appropriate flood warning signage

Reason: To ensure that the applicant has implemented the relevant recommendations from the Flood Risk Management Report prepared by Northern Beaches Consulting Engineers Revision D prepared 4 December 2019.

23. Structural Certification

Upon erection of the proposed stage, certification is required to be provided to Council from a qualified structural engineer prior to the use of the building.

Such certification should also indicate any restrictions on the acceptable loadings for the structure.

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

24. Registration of Food Business (temporary food premises – stalls)

The food businesses must be registered with Council as Temporary Food Premises 1 (one) month prior to the event and be issued with or hold already an approval permit for the sale of food (including drink).

Reason: To ensure Food premises/stalls are approved by Council to maintain food safety standards.

25. Food Standards

All Temporary and Mobile Food premises are to comply with the Food Act 2003 and NSW food Authority Guidelines for Mobile and Temporary food stalls.

Reason: To maintain Food standards

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

26. Cleaning and maintenance of toilets during the event

- A dedicated cleaner shall be allocated to ensure continual service, cleaning and maintenance of the event toilets to minimise, blockages and spills, and ensure adequate water supply, toilet paper and liquid soap at all times.
- Toilets are to be provided on the minimum basis of 1:60 patrons.
- Should a toilet block leak/fail a contingency plan shall be in place to ensure land and or water pollution is avoided and adequacy of toilet numbers is maintained.

Reason: To provide hygienic sanitary services and protect public health.

27. Toilet Facilities and Sanitation

The number of toilets facilities must be a minimum of:

- Males 16 water closets plus 50 urinals and females 60 water closets (minimum of 126 toilets)
- Separate toilets with hand wash facilities must be available for food handlers.
- There must be hand washing facilities with soap in close proximity to the toilets.
- There must be adequate sanitary disposal facilities.
- Toilets must be monitored, kept clean and provided with toilet paper.

28. Noise Management

1. Compliance with all recommendations contained within the Acoustic Assessment and Noise Management Plan by Noise Consulting & Management Pty Ltd ref 3518 27 February 2020 and the Statement of Environmental Effects (SEE) undated submitted with the DA.
2. All residential premises within 500m of the location be informed by letter box drop at least 48 hours in advance of the Event by the organiser advising of the event and hours, a contact phone number should be provided for enquiries/complaints.
3. A Council allocated officer is to be provided with a contact name phone number to the sound management staff/contractor on the day to ensure direct communication to deal with any complaints or issues that may arise during the event and after the event until 12 midnight.
4. A report containing the results of the noise monitoring, any complaints, the effectiveness of the noise control measures and recommendations on how to better manage/mitigate/avoid such impacts for future events is to be presented to Council within 30 days of the event.

Reason: To minimise the noise impact on residential receivers.

29. Lighting - glare

Lighting is to be used so as to minimise glare to neighbouring residential premises.

Reason: To maintain amenity of surrounding residential properties.

30. NSW Public Health Requirements

The recommendations of NSW PUBLIC HEALTH for Major Events shall be complied with as specified for the event.

Reason: To ensure Public Health is not compromised by the event and activities.

31. Dead or Injured Wildlife – Manly LEP Clause 6.5

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

Reason: To manage/mitigate potential impacts to native wildlife.

32. Access to site for lessees and licence's

Access to the site should be maintained for the lessees and licences of the buildings on the site at all times during operation, set up and take down of the music festival.

Reason: To ensure regular users of the buildings are not unduly inconvenienced by the festival.

33. Traffic Management

Traffic, parking and pedestrian safety is to be managed in accordance with the Traffic Management Plan submitted by Assure Safety Services, recommendations of the Local Traffic Committee, Councils Traffic Engineer(s) and directions from NSW Police.

Reason: To ensure safety and safe movement of vehicles and pedestrians.

34. Extinguishment of flood-lighting

Flood-lighting is to cease within 30mins of the work(s)/setup/setdown hours. On the event night (14 March) flood-lighting is to cease within 1 hour of the conclusion of the concert (11pm). Flood-lighting is to be provided from Keirle Park to Queenscliff Bridge (via the pedestrian pathway through Lagoon Reserve).

Reason: Pedestrian safety and amenity of surrounding residential properties.

35. Post Event Performance Report

A post event performance report is to be produced within two (2) weeks after the conclusion of the event and is to be submitted to Northern Beaches Council and NSW Police by 30 March 2020. A briefing by the applicant, security and event management is to be completed with the Northern Beaches Council and NSW Police within four (4) weeks after the event (13 April 2020).

Reason: To improve on future event(s) and address issues/concerns raised during the event.

36. Limitation on this Consent – One Event Only

This consent is for a one off event, being The Drop Festival to be held during the following dates:

- Bump-in (start to end of set-up) from 10 to 13 March 2020
- Event date - 14 March 2020
- Bump-out (finish, removal of all structures and departure) from 15 to 16 March 2020

Any future event will need to be the subject of a separate development application.

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

37. Maximum capacity

The maximum number of patrons permitted at the event is 5,000 persons.

Reason: To limit the patronage at the site in accordance with the documentation submitted with the development application.

38. Security fencing

2.4m high fencing is to be provided around the entire event to discourage unlawful entry to the site.

Reason: To enhance security on the site and neighbouring sites.

39. Waste Management Plan

Waste management is to be in accordance with the Northern Beaches Council Event Waste Management Guidelines and include the following:-

- Single use plastic or carton bottled water must not be sold or distributed at the event
- All drinks served from bars throughout the event site are served in reusable system plastic cups such as Globelet, Aluminium Cans or paper cups

- "Bio-plastic" or biodegradable plastic products must not be sold or distributed at the event such as cups, bowls, cutlery and straws

Reason: Waste management

40. Noise limits

Noise emitted by the live music performances is not to exceed 100dB (A) or 110 dB(C) at the sound and lighting desk or between 25 and 30 metres from stage.

Reason: To maintain amenity of surrounding residential properties.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

If you are dissatisfied with this decision Division 8.3 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Signed On behalf of the Consent Authority



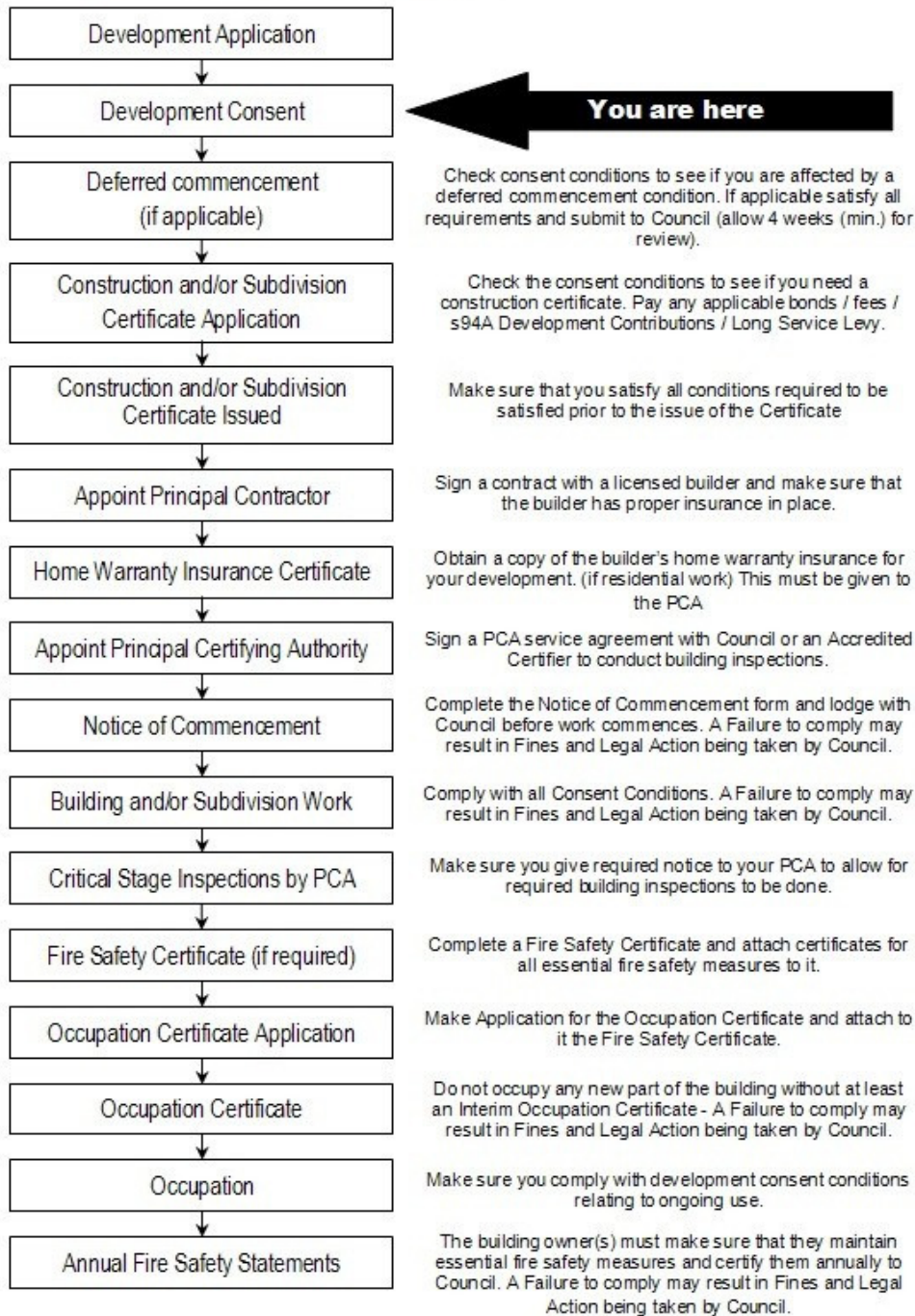
Name Rodney Piggott, Manager Development Assessments

Date 06/03/20

GENERAL ADVICE

Advisory Notes (General)

Where are you in the development process?



Note: The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team.

The attached Notice of Determination includes conditions of consent which must be complied with.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action.)

Building Certification

The Environmental Planning and Assessment Act 1979 provides that:

- Building work cannot occur unless a construction certificate has been issued;
- Occupation of building works cannot occur unless an occupation certificate has been issued
- Subdivision cannot be registered until a subdivision certificate has been issued
- Mandatory Inspection for building work must be completed

Please refer to process chart for more detail.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action.)

Certification Services

Construction Certificates / Occupation Certificates / Subdivision Certificates / Strata Certificates, can be issued by Council or an accredited private certifier (Note Council must be the Principal Certifying Authority (PCA) for subdivisions).

Council is well placed to provide Certification Services. Council can issue Construction Certificates and act as your Principle Certifying Authority at competitive rates. Please visit our web site www.northernbeaches.nsw.gov.au or speak to our Customer Service Officers if you have any further questions about our Certification Services or if you wish to use Council as your certifier.

Charges Associated with the Development Consent

All bonds, fees, Development Contributions or the Long Service Levy detailed within the Notice of Determination are required to be paid prior to the issuing of any Construction Certificate.

Bonds are released after:

1. 'Final Occupation Certificate' has been received by Council; and
2. Final inspection by a Council Officer where:
 - ☐ the development is complete
 - ☐ damage has not been caused to council assets during the works
 - ☐ conditions of development consent have been met.

The bond will be released to the person or business who paid the bond to Council (The name that appears on the original receipt)

Acceptable Form of Security Bonds

Council will accept bank guarantee (in a form acceptable to Council) in lieu of cash and is required prior to the issue of a construction certificate.

Modifications to the consent

If you seek to make any changes to the development (which may include internal / external configuration of the building, variation to facades, site layout or any changes to the proposed operation or use), the modifications may require the submission and approval of an application to modify the development consent prior to the issuing of a Construction Certificate and prior to the works being

carried out. The proposed changes should be discussed with the PCA.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action.)

Other Matters not detailed within the Notice of Determination

The Notice of Determination does not stipulate every requirement that must be completed to satisfy New South Wales and Commonwealth legislation.

You should check, as may be relevant, with other authorities including but not limited to:

- Workcover NSW for work safety and asbestos requirements
- Sydney Water – Quick Check Agent for the provision of water and sewer services
- Energy & Gas suppliers for utility services
- Department of Fair Trading for advice about builders and licensing
- Building Professionals Board for advice about private certifiers
- NSW Roads and Maritime Services for works on state roads only
- Human Rights and Equal Opportunity Commission for access issues
- NSW Land and Property Information for Land Title matters
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact :Telstra's Network Integrity Team on Phone Number 1800810443.

(1) if the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted

to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and

(2) The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

Model

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

Trade waste agreement

A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

Waste collection

Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the Protection of the Environment Operations Act 1997. Records must be kept of all waste disposal from the site.

Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the approved Waste Management Plan.

Aboriginal Heritage

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

On-Site Sewage Management System

This approval does not authorise the installation or operation of a new or modification of an existing on-site wastewater management system. An On-Site Sewage Management System must not be installed or operated unless an 'Approval to Install an On Site Sewage Management System' is obtained from Warringah Council.

Cost of Works

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

Tree preservation

Where tree work has not been approved by this Development Consent the developer is notified that a general Tree Preservation Order applies to all trees in the Northern Beaches Local Government Area. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, transplanting, injuring, or wilful destruction of such trees except without the prior written consent of Council.

Storage bins on footpath and roadway

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.

Protection of Public Places

(1) If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place.

(2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

(3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

(4) Any such hoarding, fence or awning is to be removed when the work has been completed.

(5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained.

Road Opening Permit

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

Special Permits

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time.

- Permit for on-street mobile plant

Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

- Hoarding Permit

Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

- Storage of building materials and building waste containers (skips) on Council's property

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.

- Kerbside restrictions, work zones

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.
Other permits may include out of construction hours permits.

Licensing requirements for removal of bonded asbestos

Anyone who removes, repairs or disturbs bonded asbestos must hold a bonded or a friable asbestos licence, or a demolition licence in accordance with Workcover requirements and the Occupational Health and Safety Act 2000.

Pool Access

Access to pools are required to be restricted by a child resistant barrier in accordance with the regulations prescribed in all relevant Acts, Regulations and Australian Standards including:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2012;
- (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

It is your responsibility as a land owner to ensure any fencing is maintained.

Dewatering

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Department of Water and Energy. The bore license must be obtained prior to commencement of dewatering works.

Requirement to Notify about New Contamination Evidence

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

Flood Evacuation Plan

If your site is on flood prone land you may wish to consider the preparation of a flood evacuation plan.

Generally a Flood Evacuation Plan would be prepared by suitably qualified Engineer (e.g. Hydraulic) with a number of years experience in flood management and who is eligible for Membership to the Australian Institute of Engineers.

Some matters that you may wish to consider (but not limited to) include:

- (i) a route of evacuation to higher ground and / or point of shelter
- (ii) depth of water for a Possible Maximum Flood event surrounding the building
- (iii) details of 'last chance' evacuation water levels / times for evacuation prior to floodwaters surrounding the building
- (iv) provide details of flood warning systems and protocols
- (v) details of how this information will be distributed and people educated for users of the site.

You may seek to discuss this with the State Emergency Service of NSW.

Utility Service Requirements

Where development requires the installation of, or the relocation of utility services being (but not limited to) gas, water, electricity and telecommunications, the installation of, or the relocation of utility services shall be conducted in accordance with the requirements of the relevant service provider / authority (unless stipulated by any other condition of the consent or will result in damage to threatened or endangered species defined under the Threatened Species Conservation Act 1995).

Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This does not prevent any requirement to comply with the Protection of the Environment Operations Act.

Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 - 1997 Control of the obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

Silt and Sediment Control

During any onsite demolition, excavation and construction works, the site should be maintained in accordance with "The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction".

In managing the site provision shall be made throughout the period of works to prevent transmission of soil to the public road, drainage system, any riparian lands or off site in any manner. Upon completion of the development, any measures to prevent the transition of soil off site to remain in place until the site is stabilised.

A failure to prevent the transmission of silt and sediment and / or causing, water pollution, air pollution, noise pollution or land pollution may result in a breach of the Protection of the Environment Operations Act and orders, penalties and prosecutions may occur.

Maintenance of Sediment and Erosion Control Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain.

Reason: To avoid erosion and sedimentation impacts that will result in an adverse change in watercourse or riparian land condition

Installation and Maintenance of Sediment and Erosion Control

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

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

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

Dividing Fences Act 1991

The construction and maintenance of side boundary fences is to be agreed upon by all adjoining property owners of the fence. Works are to be in accordance with the Dividing Fences Act 1991.

OTHER MATTERS

Child Care Centres

A license to operate a child care centre must be obtained from the NSW Department of Community Services prior to the commencement of the use of the child care centre.

Disability Access

This decision does not ensure compliance with the Commonwealth Disability Discrimination Act 1992. Applicants are strongly advised to investigate their requirements under that Act

Food Premises

Food premises are required to comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standards.

The proprietor of a food business must notify the NSW Food Authority of the details of the business. Notification may be done either online at www.foodnotify.nsw.gov.au or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

Wheel washing facility

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council's roads. The wheel wash facility shall be constructed prior to any truck movements occurring. Water from the wheel wash facility must not cause pollution. Any direction of Council with regard to cleaning trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

Monitoring State of Roadways

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

Storage of Dangerous Goods

Prior to the storage of any "dangerous goods" on the premises, a copy of a license obtained from the Chemical Safety Branch of Work Cover Authority must be submitted to Council.

Storage of Flammable and Combustible Liquids

Flammable and combustible liquids must be stored in accordance with Australian Standard 1940 The Storage and Handling of Flammable and Combustible Liquids.

Noise and Vibration

The premises, including operation of vehicles, shall be conducted so as to avoid offensive noise or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

Hairdressing/Beauty Treatment/ Skin penetration Requirements

The premises must comply with the following requirements before the commencement of business:

- i) A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap and paper towel.
- ii) The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
- iii) The premises must be provided with washing, drainage, ventilation and lighting that are adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.
- iv) The floor coverings must be smooth and impervious.

- v) All furniture, shelves and fittings must be constructed of, or covered with a material that is smooth, impervious to moisture and capable of being easily cleaned.
- vi) Adequate lockers must be provided for the storage of employees clothing and personal effects.
- vii) The premises must be provided with facilities that are adequate for the purpose of storing of hairdressing/beauty treatment/skin penetration appliance and utensils.
- viii) The premises must be provided with a sink sullied with hot and cold water for washing equipment.

Food Premises Construction Requirements

The food premises must comply with the following specific construction requirements:

Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);

- ix) Walls in food preparation and wash up areas must be finished with a smooth and impervious surface to a height of at least 2 metres.
- x) Hand wash basins must be provided with warm water delivered through a common spout with taps that are hands free operation;
- xi) Coving with a radius of 25mm must be provided between all floor and wall joints in food handling areas;
- xii) The open space between the top of the coolroom and the ceiling must be fully enclosed and kept insect and pest proof;
- xiii) The coolroom must be able to be opened from the inside with out a key and fitted with an alarm that can only be operated from within the coolroom;
- xiv) The doors to the toilet air lock and toilet compartment must be tight fitting and self closing;
- xv) The rear external door must be self closing or be provided with a fly screen that is self closing;
- xvi) Where cooking or extensive heating processes or such other processes as may be specified are carried out in food preparation areas, an approved mechanical ventilation system shall be installed and operated in accordance with AS 1668 part 1 & 2.

Legionella Control

Cooling towers, warm water systems, water cooling systems must be registered with the Council. Details of registration are to be provided to the Council prior to operation.

Pool/Spa Safety

Owners of properties with swimming pools and spa's must meet safety compliance and registration requirements. Provisions also apply when renting/selling properties. Details are available from the Division of Local Government.

Grease Trap

Contact Sydney Water to determine what trade waste provisions you are required to provide to your food premises. Should a grease trap be required by Sydney Water, it must be located in an area that is easily accessible for the removal of waste water and must not be installed in any kitchen, food preparation or food stage area. The design and location of the grease trap should also not impede on any commercial right of way or pedestrian access.

Bandicoot/Penguin

Long-nosed Bandicoots & Little Penguins – Best Practices for Residents Residents are encouraged to follow a number of *Best Practices* to assist with the protection and management of the endangered populations of Long-nosed Bandicoots and Little Penguins:

- Long-nosed Bandicoots, Little Penguins and other native animals should never be fed as it may cause them nutritional problems, hardship if supplementary feeding is stopped, and it may increase predation.
- Feral cats or foxes should never be fed or food left out where they can access it, such as rubbish bins without lids or pet food bowls, as these animals present a significant threat to Long-nosed Bandicoots, Little Penguins and other wildlife.
- The use of insecticides, fertilisers, poisons and/or baits should be avoided on the property.

Garden insects will be kept in low numbers if Long-nosed Bandicoots are present.

- When the North Head Long-nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- Dead Long-nosed Bandicoots or Little Penguins should be reported by phoning Manly Council on 9976 1500 or Department of Environment and Conservation on 9960 6266.
- Please drive carefully as vehicle related injuries and deaths of Long-nosed Bandicoots and Little Penguins have occurred in the area. Care should also be taken at night in the drive way when moving cars as bandicoots will seek shelter beneath vehicles.
- Cat/s and or dog/s that currently live on the property should be kept indoors at night to avoid disturbance/death of native animals. Ideally, when the current cat/s and/or dog/s that live on the property no longer reside on the property it is recommended that they not be replaced by new dogs or cats.
- Report all sightings of feral rabbits, feral or stray cats and/or foxes to N B Council.