

9 June 2023



Department of Education
C/- Dfp Planning Pty Ltd 11 Dartford Road
THORNLEIGH NSW 2120

Dear Sir/Madam

Application Number: DA2022/1649
Address: Lot 12 DP 1119562 , 10 Namona Street, NORTH NARRABEEN NSW 2101
Lot 3 DP 1018621 , 6 Namona Street, NORTH NARRABEEN NSW 2101
Proposed Development: Alterations and additions to an educational establishment

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,



Peter Robinson
Executive Manager Development Assessment

NOTICE OF DETERMINATION

Application Number:	DA2022/1649
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Department of Education
Land to be developed (Address):	Lot 12 DP 1119562 , 10 Namona Street NORTH NARRABEEN NSW 2101 Lot 3 DP 1018621 , 6 Namona Street NORTH NARRABEEN NSW 2101
Proposed Development:	Alterations and additions to an educational establishment

DETERMINATION - APPROVED

Consent Authority	Sydney Planning Panel - North
Made on (Date)	05/06/2023
Consent to operate from (Date):	09/06/2023
Consent to lapse on (Date):	09/06/2028

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 with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
6 Namona Street (NNPS)		
DA-P-0521 New Site Plan - School - Ground Floor	Rev. B, 23 August 2022	DesignInc
DA-P-0522 New Site Plan - School - Level 01	Rev. B, 23 August 2022	DesignInc
DA-P-0523 New Site Plan - School - Roof	Rev. B, 23 August 2022	DesignInc
DA-P-1040 New Hall & Admin - Ground Floor	Rev. A, 18 August 2022	DesignInc
DA-P-1041 New Hall & Admin - Level 1	Rev. B, 23 August 2022	DesignInc
DA-P-1042 New Hall & Admin - Roof Plan	Rev. B, 23 August 2022	DesignInc
DA-P-3001 New Admin & hall - Site Elevations	Rev. A, 18 August 2022	DesignInc
DA-P-3002 New GLS Hub - Site Elevations	Rev. A, 18 August 2022	DesignInc
DA-P-3040 New Admin & Hall - GA Elevations	Rev. A, 18 August 2022	DesignInc
DA-P-3041 New Hall & Admin - GA Elevations	Rev. B, 23 August 2022	DesignInc
DA-P-3042 New Hall & Admin - GA Sections	Rev. A, 18 August 2022	DesignInc
DA-P-0220 Materials Board - New Admin & Hall	Rev. A, 18 August 2022	DesignInc

10 Namona Street (NSHS)		
AR-H-0512 Demolition Site Plan - Ground Floor	Rev. A, 15 September 2022	DesignInc
AR-H-0513 Demolition Site Plan - Level 1	Rev. A, 15 September 2022	DesignInc
AR-H-0521 Proposed Site Plan - Ground Floor	Rev. A, 15 September 2022	DesignInc
AR-H-0522 Proposed Site Plan - Level 1 Plan	Rev. A, 15 September 2022	DesignInc
AR-H-0523 Proposed Site Plan - Roof Plan	Rev. A, 15 September 2022	DesignInc
AR-H-0553 Demolition Plan - Ground Floor_Block A South	Rev. A, 15 September 2022	DesignInc
AR-H-554 Demolition Site Plan_Block A South_Level 1	Rev. A, 15 September 2022	DesignInc
AR-H-555 Demolition Plan_Block A South_Roof Plan	Rev. A, 15 September 2022	DesignInc
AR-H-1010 Proposed Plan_Block A South_Ground Floor	Rev. A, 15 September 2022	DesignInc
AR-H-1011 Proposed Plan_Block A South_Level 1	Rev. A, 15 September 2022	DesignInc
AR-H-1012 Proposed Plan_Block A South_Roof Plan	Rev. A, 15 September 2022	DesignInc
AR-H-3000 Elevations - Street Elevations	Rev. 2, 9 September 2022	DesignInc
AR-H-3007 Demolition Elevation - Block A3	Rev. A, 15 September 2022	DesignInc
AR-H-3008 Demolition Elevation - Block A3	Rev. A, 15 September 2022	DesignInc
AR-H-3010 Proposed Elevations - Block A - South & East	Rev. A, 15 September 2022	DesignInc
AR-H-3011 Proposed Elevations - Block A - East, North & West	Rev. A, 15 September 2022	DesignInc
AR-H-3012 Proposed Elevations - Block A_Gym_North Elevations	Rev. A, 15 September 2022	DesignInc
AR-H-3041 Sections - Block A	Rev. A, 15 September 2022	DesignInc
AR-H-3041 Sections - Block A	Rev. A, 15 September 2022	DesignInc
AR-H-3001 Materials Board_Block A_New Extension	Undated	DesignInc

Engineering Plans		
Drawing No.	Dated	Prepared By
6 Namona Street (NNPS)		
6683-CV-0002 Notes Sheet	Rev. 02, 14 September 2022	Enstruct
6683-CV-4001 Stormwater Drainage Plan Sheet 1	Rev. 04, 14 September 2022	Enstruct
6683-CV-4001 Stormwater Drainage Plan Sheet 2	Rev. 01, 14 September 2022	Enstruct
6683-CV-4301 Stormwater Drainage Plan Detail Sheet	Rev. 02, 14 September 2022	Enstruct
10 Namona Street (NSHS)		
6683-CV-0002 Notes Sheet	Rev. 02, 25 August 2022	Enstruct
6683-CV-4001 Stormwater Works Drainage Plan	Rev. 02, 25 August 2022	Enstruct
6683-CV-4301 Stormwater Drainage Detail Sheet 1	Rev. 01, 19 August 2022	Enstruct

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation	Rev. 0, 5 March	Douglas Partners

	2020	
Geotechnical Investigation	Rev. 1, 5 September 2022	Douglas Partners
Preliminary Site Investigation (Contamination)	Rev. 0, 6 March 2020	Douglas Partners
Detailed Site Investigation (Contamination)	Rev. 0, 17 August 2022	Douglas Partners
Hazardous Building Materials (HBM) Assessment - Narrabeen North Public School	Rev. 0, 5 March 2020	Douglas Partners
Hazardous Building Materials (HBM) Assessment - Narrabeen Sports High School	Rev. 0, 19 March 2020	Douglas Partners
Acid Sulfate Soil Management Plan	Rev. 0, 17 August 2022	Douglas Partners
Remediation Action Plan	Rev. 0, 26 August 2022	Douglas Partners
Preliminary Construction Management Plan	Rev. 2, 14 September 2022	Johnstaff Projects Pty Ltd
Construction Traffic Management Plan - Narrabeen North Public School	Rev. 12, 16 February 2023	Ason Group
Construction Traffic Management Plan - Narrabeen Sports High School	Rev. 02, 15 September 2022	Ason Group
Noise and Vibration Impact Assessment	Rev. Final 1.0, 14 September 2022	Acoustic Studio
Arboricultural Impact Assessment - Narrabeen North Public School	12 September 2022	Independent Arboricultural Services
Arboricultural Impact Assessment - Narrabeen Sports High School	12 September 2022	Independent Arboricultural Services
Aboriginal Cultural Heritage Assessment Report	Ver. 6.0, 14 September 2022	Kayandel Archaeological Services
Heritage Impact Statement	Rev. 03, 15 September 2022	City Plan Heritage P/L
Narrabeen Educational Precinct - Ecological Assessment	Ver. 4, 16 September 2022	ADE Consulting Group
Narrabeen Educational Precinct - Flood Risk and Impact Assessment	Ver. 01, 16 September 2022	BMT
Narrabeen Educational Precinct - Addendum #1 to Flood Risk and Impact Assessment	23 February 2023	BMT
Access Capability Statement - Proposed Upgrades to North Narrabeen Public School	31 August 2022	Philip Chun Building Compliance
Access Capability Statement - Proposed	31 August 2022	Philip Chun Building

Narrabeen Education Precinct		Compliance
Preliminary School Travel Plan - Narrabeen North Public School	Rev. IV, 19 September 2022	Ason Group
Preliminary School Travel Plan - Narrabeen Sports High School	Rev. 02, 15 September 2022	Ason Group

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
6 Namona Street (NNPS)		
LA-DA-P-0100 Site Plan	Rev. A, 2 August 2022	DesignInc
LA-DA-P-0120 Tree Removal	Rev. A, 2 August 2022	DesignInc
LA-DA-P-1000 Overall Plan	Rev. A, 2 August 2022	DesignInc
LA-DA-P-1001 General Arrangement 01	Rev. A, 2 August 2022	DesignInc
LA-DA-P-1002 General Arrangement 02	Rev. A, 2 August 2022	DesignInc
LA-DA-P-1101 Fencing Plan 01	Rev. A, 2 August 2022	DesignInc
LA-DA-P-2001 Planting Plan 01	Rev. A, 2 August 2022	DesignInc
LA-DA-P-2002 Planting Plan 02	Rev. A, 2 August 2022	DesignInc
LA-DA-P-3001 Sections 01	Rev. A, 2 August 2022	DesignInc
LA-DA-P-3002 Sections 02	Rev. A, 2 August 2022	DesignInc
LA-DA-P-4001 Typical Details 01	Rev. A, 2 August 2022	DesignInc
LA-DA-P-5001 Schedules / Palette	Rev. A, 2 August 2022	DesignInc
10 Namona Street (NSHS)		
LA-DA-H-0100 Site Plan	Rev. A, 19 August 2022	DesignInc
LA-DA-H-0120 Tree Removal	Rev. A, 19 August 2022	DesignInc
LA-DA-H-1033 General Arrangement 03	Rev. A, 19 August 2022	DesignInc

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan - Narrabeen North Public School	Ver. 1, 10 August 2022	MRA Consulting Group
Waste Management Plan - Narrabeen Sports High School	Ver. 1, 10 August 2022	MRA Consulting Group

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 all recommendations and

requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	4 November 2022
Heritage Council of NSW	Heritage Council of NSW Referral Response	6 April 2023
Aboriginal Heritage Office	Referral - Aboriginal Heritage Office	24 October 2022

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

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

3. Prescribed Conditions (Crown Land Only)

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA) and where relevant, alternative solutions as approved by Crown Certifier."

Reason: Legislative Requirement.

4. General Requirements (Crown Land Only)

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- i 8.00 am to 5.00 pm Monday to Friday only.
- 8.00 am to 1.00 pm inclusive on Saturday

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

(b) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(c) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20

persons.

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

(e) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(f) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(g) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(h) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent or DA2022/1259 including for the erection of any fences, hoardings or other temporary works.

(i) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

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

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

Note: Systems can be registered at www.northernbeaches.nsw.gov.au

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

5. **Compliance with Standards (Crown Land Only)**

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

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

6. **Sewer / Water Quickcheck (Crown Land Only)**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- i Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- i Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- i Or telephone 13 20 92.

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

FEES / CHARGES / CONTRIBUTIONS

7. **Security Bond**

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

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

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

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

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

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

A bond of \$30000 as security against damage to Council's roads and footpaths fronting the site caused by the transport and disposal of materials and equipment to and from the site.

Details confirming payment of the bond are to be submitted to the Certifier prior to the issue of the Construction Certificate or Relevant Crown Certificate.

Reason: Protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE RELEVANT CROWN CERTIFICATE

9. **Flooding**

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

Flood Effects Caused by Development – A2

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 3.03m AHD. Flood storage compensation is to be provided as outlined in the Addendum. External doors to the ground floor amenities (toilets and change rooms) are to be open style security gates, and external doors into the Outdoor Store, P&C Store and Bulk Store are to have a gap below the door which is at least 750mm high and which is permitted to contain an open style grated panel.

Building Components and Structural Soundness – B1

All new development below the Flood Planning Level of 3.53m AHD shall be designed and constructed from flood compatible materials.

Building Components and Structural Soundness – B2

All new development must be designed to ensure structural integrity up to the Probable Maximum Flood level of 4.87m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

Building Components and Structural Soundness – B3

Electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 3.53m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events. The lift motors are to be located above the Flood Planning Level. Any high value items such as computers and electric tools are to be stored above the Flood Planning Level.

Floor Levels – C2

New floor levels within the development shall be set at or above the levels shown on the approved plans. As outlined in the Addendum to the Flood Risk and Impact Assessment Report, the management strategy for the use of the first aid room is to be detailed in the Safety in Design Report for NSHS and this is to be included in the School's Flood Emergency Response Plan.

Fencing – F1

Any new fencing shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level. Openings should be a minimum of 75mm x 75mm.

Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level of 3.53m AHD unless adequately protected from floodwaters in accordance with industry standards.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate or Relevant Crown 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.

10. **Preparation of a Tree Removal Protocol**

The Project Ecologist is to prepare a Tree Removal Protocol which includes the provision of (at a minimum):

- i a pre-clearance survey
- i direct supervision of tree removal
- i protocol for rescue of fauna and relocation of log hollow sections onsite to provide fauna habitat

The Tree Removal Protocol must also include procedures for stop work and formal impact assessment in the event that threatened fauna species are found during the pre-clearance survey.

The Tree Removal Protocol is to be submitted to the Certifier prior to issue of Construction Certificate or Relevant Crown Certificate.

Reason: To protect native wildlife.

11. **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:

- i Site Boundaries and contours
- i Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- i Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- i Existing and proposed drainage patterns with stormwater discharge points
- i Locations and methods of all erosion and sediment controls that must include sediment fences, 10tabilized site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- i North point and scale.

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

Reason: Protection of the receiving environment.

12. **Water Quality Management**

The applicant must install a filtration device (such as a sediment control pit or absorption trench) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment.

13. **Construction Environment Management Plan**

A Construction Environmental Management Plan (CEMP) must be prepared in accordance with

the environmental risks and mitigation methods identified in the Ecology Report and must be kept in the site office.

An induction plan for site personnel must be prepared that addresses the CEMP.

The CEMP and site induction plan must be submitted to the Certifier for approval prior to the issue of the Construction Certificate or Relevant Crown Certificate.

Reason: To protect native vegetation, wildlife, habitats and receiving waterways.

14. **Detailed Design of Stormwater Treatment Measures - Major**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the Civil Engineering Report (enstruct December 2022) and Council's Water Management for Development Policy.

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

Reason: Protection of the receiving environment.

15. **Heritage Consultant**

A suitably qualified and experienced heritage consultant must be appointed for this project. The nominated heritage consultant must be available at all times and provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Details of the appointment of this heritage consultant are to be submitted to Council's Heritage Officer, prior to the issue of a Construction Certificate or Relevant Crown Certificate.

Details demonstrating compliance with this condition are to be provided to the Crown Certifier.

Reason: To ensure that all matters relating to significant fabric and spaces are guided by heritage conservation best practice

16. **Binishells Temporary Protection Plan**

A temporary protection plan for both Binishells (Building A and B) must be prepared by a suitably qualified and experienced consultant to guide demolition, relocation and construction works within the vicinity of the shells. The plan must detail the protection measures and strategy to protect the shells and be prepared prior to the issuing of the Construction Certificate or Relevant Crown Certificate.

Details demonstrating compliance with this condition are to be provided to the Crown Certifier.

Reason: To ensure a plan is prepared to guide the protection of the heritage items

17. **Construction Traffic Management Plan**

A revised Construction Traffic Management Plan (CTMP) and report shall be prepared by a TfNSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate or Relevant Crown Certificate.

Due to heavy traffic congestion throughout the school surrounds, truck movements will be restricted during the major school peak times being 8.00-9.30am and 2.30-4.00pm. Truck movements must be agreed with Council's Traffic prior to submission of the CTMP.

The CTMP must address following:

- i The proposed phases of construction works on the site, and the expected duration of each construction phase
- i 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
- i Make provision for all construction materials to be stored on site, at all times
- i The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- i The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- i 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
- i Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- i Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- i The proposed development involves works within the Narrabeen Education Precinct, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- i Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety
- i 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
- i 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
- i 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
- i 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
- i 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
- i 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

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

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

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

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

18. **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.

Prior to issue of the Construction Certificate or Relevant Crown Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

19. **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 or Relevant Crown 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 or Relevant Crown Certificate.

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

20. **Access and Facilities for Persons with Disabilities**

Access and facilities to and within the building are to be provided for Persons with a Disability in accordance with the Building Code of Australia and AS1428. In this regard the Access Capability Statements for DA dated 31/8/2022, are to be included as part of the Construction Certificate or Relevant Crown Certificate assessment. Details are to be provided to the Crown Certifier prior to the issue of the Construction Certificate or Relevant Crown Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

21. **Photographic Archival Record**

A full photographic archival recording is to be made of the Binishells (including interiors and exteriors), surrounding structures and buildings as well as their setting (including any major landscape elements). This archival record is to also record, in-situ, all identified items of moveable heritage within the Binishells, prior to their removal for storage or relocation. This record is to be prepared generally in accordance with the guidelines issued by NSW Heritage and must be submitted to Council's Heritage Officer for approval, prior to the issue of a Construction Certificate or Relevant Crown Certificate.

The photographic record should be made using digital technology and should include:

- i Location of property, date of survey and author of survey;
- i A site plan at a scale of 1:200 showing all structures and major landscape elements;
- i Floor plans of any buildings at a scale of 1:100;
- i Photographs which fully document the site (including items of moveable heritage), crossreferenced in accordance with recognised archival recording practice to catalogue sheets.

Details demonstrating compliance with this condition are to be provided to the Crown Certifier.

Reason: To provide an archival photographic record of this heritage item and any moveable heritage onsite, prior to the commencement of any works.

22. **Covered Outdoor Learning Area Battens**

The battens proposed to be affixed to the roof of the Covered Outdoor Learning Area are to be reduced in length by 500mm.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate or Relevant Crown Certificate.

Reason: To ensure that views of the heritage item are not impacted

23. **Further Acid Sulfate Assessment**

For any excavation works exceeding 2.5 metres in depth, a further Assessment and Management Plan review of Acid Sulfate Soils shall be carried out prior to the issue of a Construction Certificate or Relevant Crown Certificate.

Additional assessment is to include:

- A. Investigations to at least 0.5 m below the final depth of soil disturbance (i.e., pile depth, service trench excavation);
- B. A minimum of four boreholes are to be drilled in the footprint of the proposed buildings. Additional locations may be required (e.g., along service trench alignment(s) outside the building footprints) if determined to be required by the environmental consultant;
- C. Collection of samples at regular intervals (i.e., approximately 0.5-1 m intervals);
- D. Screening of samples for indication on the potential presence of ASS;
- E. Laboratory analysis (e.g., SCr) of selected samples based on the screening results and to provide delineation through the subsurface profile (both vertically and laterally); and
- F. Assessment report which determines the presence / absence of ASS within the range to be disturbed by the works and if ASS management of disturbed soils is required.

Any findings from the additional testing is to be incorporated into an updated acid sulfate management plan.

Reason: To manage acid sulfate soils and protect the environment

24. **Pre-commencement Dilapidation Report**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc), including the Warriewood Valley Sportsground car park driveway (7 Jacksons Road, North Narrabeen). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The pre-construction / demolition dilapidation report must be submitted to Council and the Certifier prior to the issue of the any Relevant Crown Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

25. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment.

a) The Project Arborist shall be in attendance and supervise all works and tree protection requirements as nominated in the Arboricultural Impact Assessment for NNPS and NSHS. Additionally, the Project Arborist shall be in attendance and supervise any landscaping works within the TPZ of all existing trees to be retained.

b) Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

c) All tree protection measures specified 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.

The Project Arborist shall provide certification to the Crown Certifier that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

d) Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

26. Tree Removal Within the Property

This consent approves the removal of the following tree(s) within the property (as recommended and identified by tree number in the Arboricultural Impact Assessment):

i) Narrabeen North Public School

tree 55 - *Eucalyptus botryoides*,

ii) Narrabeen Sports High School

tree 65 and 66 - *Eucalyptus robusta*, tree 67 - *Lophostemon confertus*,

iii) 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.

27. **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.

28. **Road Occupancy Licence**

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on Pittwater Road or at a signalised intersection or pedestrian crossing.

Reason: Requirement of TMC for any works that impact on traffic flow.

29. **Demolition Traffic Management Plan**

As the proposed development works within the Narrabeen Education Precinct, a Demolition Traffic Management Plan (DTMP) shall be prepared by a suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

Due to heavy traffic congestion and pedestrian activity throughout the school surrounds, truck movements will be restricted during the major school peak times being 8.00-9.30am and 2.30-4.00pm.

The DTMP must:-

- i Make provision for all construction materials to be stored on site, at all times.
- i The DTMP is to be adhered to at all times during the project.
- i Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- i Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- i The proposed development works are within the Narrabeen Education Precinct, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- i Include a Traffic Control Plan prepared by an TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- i Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- i Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.

- i Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP 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. These communications must be documented and submitted to Council prior to work commencing on site.
- i Specify spoil management process and facilities to be used on site.
- i Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP 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 Demolition Traffic Management Plan is submitted.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

30. **Public Liability Insurance - Works on Public Land**

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

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

31. **Construction Noise Management Plan**

A construction Noise Management Plan also referred to as a Construction Environmental Management Plant (CEMP) is to be prepared in conjunction with stake holders and comply with recommendations contained within Noise and Vibration Impact Assessment by Acoustic Studio 14 September 2022. A copy of the completed plan is to be sent to Council for its records.

Reason: To minimise construction noise impacts to students, residential and business receivers

32. **Working and Access on Reserves Permit**

Works (undertaken by principal contractors working without Council supervision) on land owned or managed by Council, if necessary, require a “Working and Access on Reserves Permit” prior to commencement. Applications can be obtained from Council’s website or the Parks and Recreation business unit. This condition does not limit Council power to amend, approve or refuse Permit Application if it is not satisfied with what is proposed.

Details demonstrating Permit approval are to be submitted to the Crown Certifier prior to the commencement of works.

Reason: Public safety and the protection of Council infrastructure.

33. **Construction Management Plan**

Prior to commencement of works on site, appropriate environmental site management measures must be in place and incorporate the following throughout demolition and construction:

- a) access to and from the site during construction and demolition,
- b) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting,
- c) methods of loading and unloading machinery and building materials,
- d) location of storage materials, excavation and waste materials,
- e) methods to prevent material being tracked off the site onto surrounding roadways,
- f) erosion, sediment and dust control measures, and
- g) protection of existing trees and vegetation including the tree protection zone, in accordance with AS 4970-2009 Protection of Trees on Development Sites.

During works, the site management measures listed above must remain in place and be maintained until the completion of works.

Construction materials must not be stored on Land owned or managed by Council unless approval is provided by Council. Safe pedestrian access free of trip hazards must be maintained at all times on or adjacent to any public access routes connected to Land owned or managed by Council.

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

34. **Protection of trees on Land owned or managed by Council**

Unless identified by the development consent, existing trees on Council Land shall be protected in accordance with AS4970- 2009 Protection of trees on development sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Reason: Tree protection and management.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITIONS AND BUILDING WORK

35. **Site Contamination – Acid Sulfate Soils**

A. Works to be carried out, as required in the assessment advice by Douglas Partners Project 86973.04 Acid Sulfate Soil Management Plan and any subsequent additional assessment or findings required under the terms of this consent.

B. All stockpiles of potentially contaminated soil must be stored in a secure area in a way that is not likely to cause pollution or be a public health risk.

C. All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines.

D. Copies of all test results and disposal dockets must be retained by the property owner for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination:

- i) Protection of the Environment Operations Act 1997;
- ii) Environment Protection Authority, Waste Classification Guidelines (2014);
- iii) Water Quality Australia, National Acid Sulfate Soils Guidance (2018); and
- iv) Acid Sulfate Soil Advisory Committee, Acid Sulfate Soil Manual (1998).

Reason: To protect environment and public health.

36. **Tree and Vegetation Protection**

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site, excluding exempt trees and vegetation under the

- relevant planning instruments of legislation,
ii) all trees and vegetation located on adjoining properties,
iii) 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 Principal Certifier or Crown Certifier,
- 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) 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, and should additional pruning be required an application to Council's Tree Services shall be submitted for approval or otherwise.

The Crown Certifier must ensure that:

- c) 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.

37. **Condition of Trees**

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from the Project Arborist during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,

- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Project 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.

38. **Road Reserve**

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

Reason: Public safety.

39. **Impacts to Protected Native Wildlife**

Trees approved for removal are to be inspected for native wildlife by the Project Ecologist prior to their removal. If native wildlife is found within habitat to be removed, the wildlife is to be safely relocated by the Project Ecologist or a licensed wildlife rehabilitator.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Crown Certifier.

Reason: To protect native wildlife.

40. **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) 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.

41. **Site inductions for Construction Environment Management Plan**

The site Environmental Officer (or appropriate equivalent) must induct all staff prior to starting work, with an induction record maintained and available onsite at all times.

Personnel conducting the site induction must:

- (a) Be familiar with any environmental protection conditions under the development approval and/or the Construction Environment Management Plan
- (b) Be familiar with the names and contact details of relevant people and authorities in the event of any environmental or site management emergency.
- (c) Be familiar with the presence of environmentally significant areas within and surrounding the site.
- (d) Be able to identify threatened species of fauna if they enter the site, especially Red-crowned Toadlet.
- (e) Be familiar with animal welfare issues and procedures should human-wildlife interactions take place during the construction phase.

Reason: To ensure all personnel understand what must be done to protect native vegetation, wildlife, habitats and receiving waterways on the site.

42. **Implementation of Demolition Traffic Management Plan**

All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP 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 DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

43. **Staff and Contractor Parking**

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to park offstreet for the duration of the works. All necessary facilities are to be provided to accommodate this requirement including temporary parking areas, temporary vehicle access points, fencing, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local parking amenity.

44. **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.

45. **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.

46. **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:

- i Work Health and Safety Act;
- i Work Health and Safety Regulation;
- i Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- i Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)];
- i Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- i 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.

47. **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.

48. **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 Crown Certifier.

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

49. **No Access Through Land Owned or Managed by Council**

Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

50. **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 Crown Certifier.

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

51. **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.

52. **Discovery of relics**

While site work is being carried out, if a person reasonably suspects archaeological deposits or a relic is discovered, the work in the area of the discovery must cease immediately and the Heritage Council must be notified. Site work may recommence at time confirmed in writing by the Heritage Council.

Reason: To ensure the protection of objects of potential significance during works

53. **Implementation of the Binishell Temporary Protection Plan**

The Binishell Temporary Protection Plan referred to elsewhere in the conditions must be implemented during works on site.

Details demonstrating compliance with this condition are to be provided to the Crown Certifier.

Reason: Protection of the heritage items during works

54. **Requirement to Notify about New Contamination Evidence**

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

Reason: To protect human health and the environment.

55. **Classification of waste**

Prior to the exportation of waste (fill and/or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Reason: Appropriate disposal of waste and protection of environment.

56. **Dust Control Measures**

Dust control measures, including best practice and in accordance with NSW Workplace Health and Safety Regulations and the Protection of the Environment Operations Act 1997, shall be implemented to minimise dust to neighbouring residents and businesses and ensure any airborne substance is kept within the boundaries of the site.

Measures may include but not be limited to:

- Water sprays
- Bunker storage
- Limiting size of stockpiles and covering stock piles
- Vertical barriers e.g. fencing with fine mesh attached

- Exhaust and capture

Reason: To minimise dust to neighbouring residents and businesses and avoid air pollution.

57. **Contamination management**

Any recommendations within;

- Contaminated Land Reports including the Preliminary Site (Contamination) Investigation with Limited Sampling by Douglas Partners referenced as Project 86973.01 and dated March 2022,
 - Detailed Site Investigation (Contamination) Report by Douglas Partners referenced as Project 86973.04 and dated August 2022,
 - Remedial Action Plan by Douglas Partners referenced as Project 86973.04 and dated August 2022 and,
- Must be followed during works.

Reason: Protection of the environment, Resilience and Hazards SEPP compliance.

58. **Construction Noise Management Plan**

The construction Noise Management Plan also referred to as a Construction Environmental Management Plant (CEMP) is to be adhered to at all times during construction works. A copy of the plan is to be maintained on site during all works.

Reason: To minimise construction noise impacts to students, residential and business receivers

59. **Off-site Disposal of Contaminated Soil - Chain of Custody**

'Chain of Custody' documentation including receipts shall be kept for the exportation of waste (fill and/or soil material) from the site.

Details demonstrating compliance are to be submitted to the Crown Certifier within seven (7) days of transport and made available to Council upon request.

Reason: Appropriate disposal of waste and protection of environment.

60. **Existing Bus Stops**

There shall be no impact upon existing bus stops or No Stopping areas on Namona Street for the duration of the works without approval. Bus stops along the frontages of the schools must remain in their current location and kept clear of construction related vehicles unless permitted under a Stand Plant or Works Zone approval. Approval of Keolis Downer and Council is required to relocate or amend any Bus Stops.

Reason: To ensure bus services are not impacted at any stage during the project.

61. **No access through Land owned or managed by Council**

Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

62. **Protection of Council's Public Assets**

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as

furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Existing trees shall be protected in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Reason: To protect and/or restore any damaged public asset.

63. Removal of all temporary structures, materials and construction rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences/bunds are to be removed from the site.

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

Reason: To protect reserve amenity and public safety.

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

64. Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan (drawings LA-DA-P2001, LA-DA-P-2002, LA-DA-P-5001 by Design Inc dated 19/08/22) and inclusive of the following conditions:

i) substitute the *Ficus microcarpa hillii* with a suitable native or indigenous alternative.

Prior to the issue of any Relevant Crown Occupation Verification Certificate details from a landscape architect or landscape designer shall be submitted to the Crown Certifier certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

65. Condition of Retained Vegetation - Project Arborist

Prior to the issue of an Relevant Crown Occupation Verification Certificate, a report prepared by the Project Arborist shall be submitted to the Crown Certifier, assessing the health and impact on all existing trees required to be retained, including the following information:

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

Reason: Tree protection.

66. Certification of the Structural Stability of the Building (B2)

A suitably qualified structural engineer is to certify the structural integrity of the new development up to the Probable Maximum Flood level of 4.87m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

Details demonstrating compliance are to be submitted to the Crown Certifier for approval.

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.

67. Certification of Services (B3)

A suitably qualified electrician or contractor is to certify that electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 3.53m AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Crown Certifier for approval.

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.

68. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Crown Certifier prior to the issue of a Relevant Crown Occupation Verification Certificate.

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

69. Tree Removal Protocol to be Certified as Completed

The Project Ecologist is to provide written and photographic evidence of implementation and completion of the Tree Removal Protocol to the Crown Certifier prior to issue of Relevant Crown Occupation Verification Certificate.

Reason: To protect native wildlife.

70. Protection of Habitat Features – Certified by Ecologist

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

Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Crown Certifier prior to issue of any Relevant Crown Occupation Verification Certificate.

Reason: To protect wildlife habitat.

71. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

72. 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 or relevant crown certificate approved plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Crown Certifier prior to the release of an Relevant Crown Occupation Verification Certificate.

Reason: Protection of the receiving environment.

73. **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 submitted to Council 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 visitsAdditionally 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 Crown Certifier prior to the release of the Relevant Crown Occupation Verification Certificate.

Reason: Protection of the receiving environment.

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

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

accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Crown Certifier prior to the release of the Relevant Crown Occupation Verification Certificate.

Reason: Protection of the receiving environment.

75. Geotechnical Certification

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Crown Certifier prior to issue of the Relevant Crown Occupation Verification Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

76. Waste Management Confirmation

Prior to the issue of an Relevant Crown Occupation Verification Certificate, evidence / documentation must be submitted to the Crown 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.

77. Validation for Remediation

At the completion of any required remediation works a validation report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Crown Certifier.

The Validation Report must be in accordance with the requirements of the following:

- Resilience and Hazards SEPP;
- Contaminated Land Management Act 1997;
- Relevant NSW EPA guidelines including the NSW EPA Guidelines for Consultants reporting on contaminated Land: Contaminated land guidelines 2020.

The report shall document the following:

The extent of validation sampling, and the results of the validation testing; and
That the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan and any additional requirements identified in the data gap analysis..

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

Reason: Protection of the environment, Resilience and Hazards SEPP.

78. Verification of Acid Sulfate Management

Prior to issue of Relevant Crown Occupation Verification Certificate, the Crown Certifier shall certify that all works and actions, as required in the assessment advice by Douglas Partners Project 86973.04 Acid Sulfate Soil Management Plan and subsequent additional assessment/s, required under the terms of this consent have been carried out in a compliant manner and in accordance with the conditions of consent.

Reason: To protect the Environment and comply with Legislation

79. **Noise Emission**

Prior to the Relevant Crown Occupation Verification Certificate being issued a suitably qualified person shall certify that noise emissions from mechanical plant and equipment are effectively controlled to meet the relevant criteria at the nearest receiver boundaries as stated in the Noise and Vibration Impact Assessment by Acoustic Studio 14 September 2022.

Reason: To maintain the amenity for residential receivers.

80. **Fire Safety Matters**

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

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

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

Reason: Statutory requirement of the Environmental Planning and Assessment Regulation 2021.

81. **Condition of trees on Land owned or managed by Council**

Prior to the issue of any Relevant Crown Occupation Verification Certificate, a qualified Arborist is to certify that:

- a) All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 Protection of trees on development sites, and AS 4373-2007 Pruning of amenity trees.

Reason: Tree and public asset management.

82. **Post construction dilapidation report on Land owned and managed by Council**

Rectification works to Council's assets shall be contained in a Post Construction Dilapidation report submitted to Council prior to the issue of the Relevant Crown Occupation Verification Certificate.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: Protection of Council's assets.

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

83. **Landscape Maintenance**

If any 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 generally in accordance with the approved Landscape Plan and any conditions of consent.

All weeds are to be managed in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

84. **Flood Management**

Storage of Goods (G1)

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 3.53m AHD unless adequately protected from floodwaters in accordance with industry standards.

Flood Effects Caused by Development (A2)

There shall be no filling of the land below the 1% AEP flood level of 3.05m AHD, or obstruction of flow paths through the property. This includes the blocking of areas required by DA consent to be left open.

Flood Emergency Response (E1, E2)

Appropriate access to the second storey for sheltering in place during a flood event is to be maintained at all times from all internal areas within the new development. Sufficient clean water for all potential occupants; a portable radio with spare batteries; a torch with spare batteries; and a first aid kit must be kept available at all times on the second storey.

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.

85. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

86. **Maintenance of Stormwater Treatment Measures**

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.

87. **Maintenance of Stormwater Treatment Measures - Major**

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.

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of

plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

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 record by the Department of Education and made available at 7 days' notice.

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.

88. **Parking Enclosure**

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

89. **Landscaping and signage adjoining vehicular access**

The applicant must ensure that the planting or signage 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.

90. **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.

91. **Out-of-School Hours Care Facility**

The out-of-school hours care facility shall operate in accordance with the Pittwater Local Environmental Plan definition for school-based child care:

school-based child care means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

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.

92. **Education Precinct Operational Noise**

The ongoing use of the Education Precinct shall be in compliance with the recommendations of the Acoustic Assessment by Acoustic Studio 14 September 2022.

Reason: To minimise noise to neighbouring residential and business receivers

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 must be lodged on the NSW Planning portal 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 Peter Robinson
 Executive Manager Development Assessment

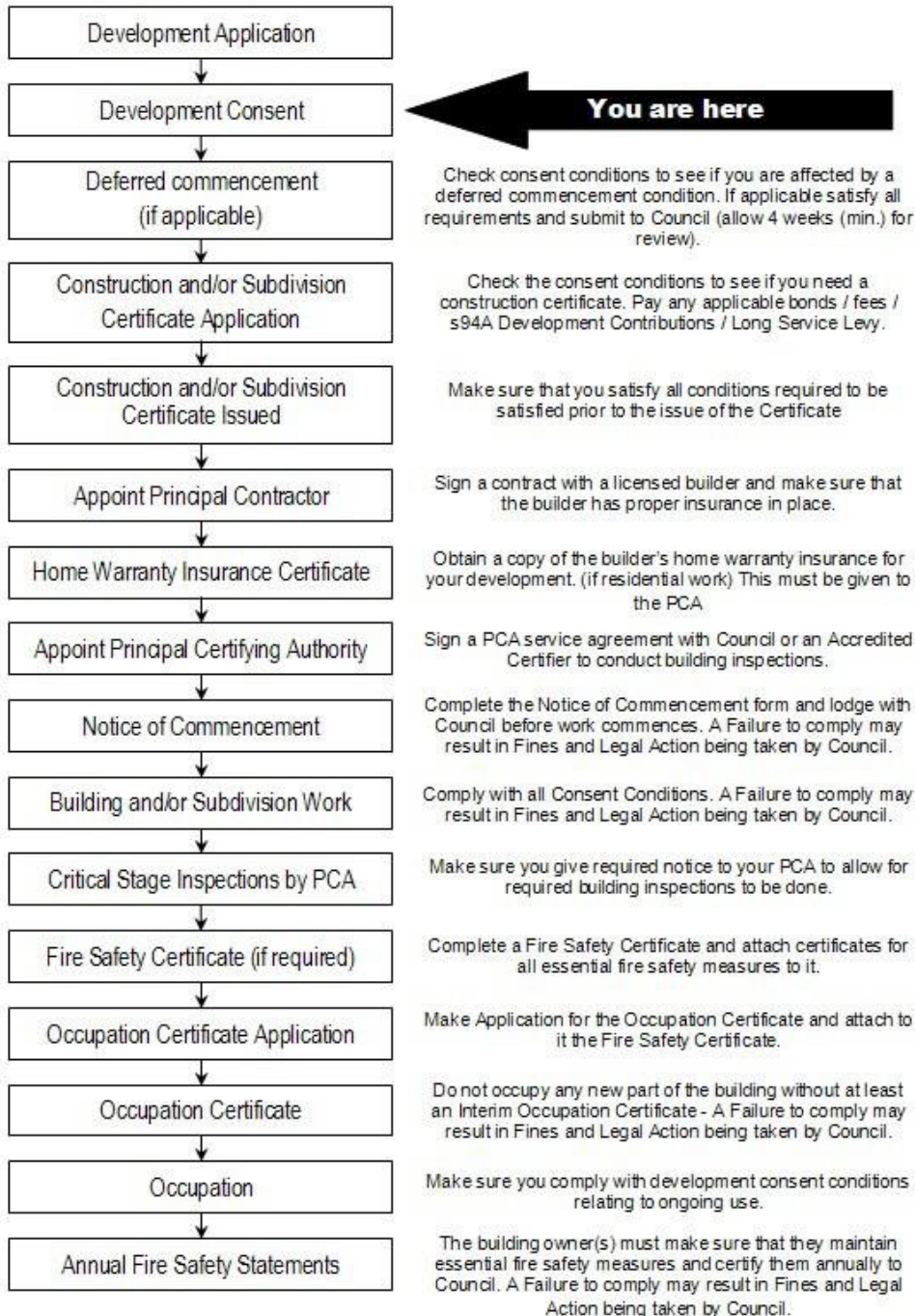
Date 09/06/2023

NOTE: Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 05/06/2023.

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.