

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA2022/0596

Development: Demolition of existing structures and construction of a mixed-use development comprising retail and “co-living” housing over part basement parking

Site: 29-37 Dobroyd Road Balgowlah Heights (SP 35989)

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

Date of determination: 06 July 2023

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 29-37 Dobroyd Road Balgowlah Heights (SP 35989).

The conditions of consent are as follows:

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 / Drawings

Architectural Drawings - Endorsed with stamp		
Drawing No.	Dated	Prepared By
CD-02e - Site Development	27.2.2023	Woodhouse & Danks
CD-03h - Ground Floor	27.2.2023	Woodhouse & Danks
CD-04g - Upper Floor Plan	27.2.2023	Woodhouse & Danks
CD-05f (g) - First Floor	27.2.2023	Woodhouse & Danks
CD-06g - Roof Plan	27.2.2023	Woodhouse & Danks
DA 16 - Bulk Excavation Plan	31.1.2022	Woodhouse & Danks
DA 17 - Demolition Plan	31.1.2022	Woodhouse & Danks
CD-20j - Elevation* Dobroyd Rd - North	27.2.2023	Woodhouse & Danks
CD-21j - West Elevation*	27.2.2023	Woodhouse & Danks
CD-22j - South Elevation*	27.2.2023	Woodhouse & Danks
CD-23j - East Elevation*	27.2.2023	Woodhouse & Danks
CD-24i - Elevation along Grid-A and along Dobroyd Rd (Perpendicular)	27.2.2023	Woodhouse & Danks
CD-25d - North Streetscape	27.2.2023	Woodhouse & Danks
CD-30g - Section A	27.2.2023	Woodhouse & Danks
CD-31g - Lobby Stair & Section B	27.2.2023	Woodhouse & Danks
CD-32g - Section C & Stair From Parking to Upper & First Floor	27.2.2023	Woodhouse & Danks
CD-33g - Section D	27.2.2023	Woodhouse & Danks
CD-34f - Section E & F	27.2.2023	Woodhouse & Danks
CD-35e - Entry Gallery & Commerce Lane section	27.2.2023	Woodhouse & Danks
CD-36a - Section G and H - Commerce to Dobroyd Rd Cross	16.2.2023	Woodhouse & Danks

CD-37 - Section J	27.2.2023	Woodhouse & Danks
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*External Materials and Finishes approved are subject to conditions of this consent.

Engineering Plans/ Drawings		
Drawing No.	Dated	Prepared By
1/B Stormwater Management Plan - Roof and Upper Level	12.5.2023	Taylor Consulting
2/B Stormwater Management Plan - Ground Floor	12.5.2023	Taylor Consulting
3/B Stormwater Management Details	12.5.2023	Taylor Consulting
Erosion and Sediment Control plan	31.1.2022	Woodhouse Danks

Supporting Reports / Supporting Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Basix Certificate 1266566M-02	17.5.2023	LC Consulting Engineers
BCA Report M711 Rev. 3	12.5.2023	GRS Building
Access Report R2021-108	16.5.2023	Sydney Access Consultants
Arboricultural Impact Assessment V4	11.5.2023	Margot Blues
Preliminary Landslip Risk Assessment & Preliminary Geotechnical Investigation Rev 01	11.5.2023	GreyWacke
DA Acoustic Report 23180 Issue C	15.5.2023	Joel West
Co-Living Housing - Management Plan**	March 2022	Woodhouse Danks
Preliminary Site Investigation Report Revision 2	12 June 2023	Environmental Consulting Services

**Management Plan to be updated to correspond with approved Architectural drawings (e.g. room references and the like).

- b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- d) The development is to be undertaken generally in accordance with the following:

Landscape Plans / Drawings		
Drawing No.	Dated	Prepared By

L01/B Proposed Landscape Plan Ground Level	22.3.2023	ATC Landscape Architects
L02/B Proposed Landscape Plan Upper Ground Level	22.3.2023	ATC Landscape Architects
L03/B Proposed Landscape Plan Level One	22.3.2023	ATC Landscape Architects
L/04 Landscape Details	22.3.2023	ATC Landscape Architects
L/05 Landscape Specification	22.3.2023	ATC Landscape Architects
Waste Management Plan		
Drawing / Document No./Title.	Dated	Prepared By
Waste Management Plan	1.2.2022	Woodhouse Danks

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	17.6.2022

(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. Approved Land Use

Nothing in this consent shall authorise the use of residential units as detailed on the approved plans for any land use of the site beyond the definition of "co-living housing" for the Upper Floor to First Floor levels.

- "Co-living housing" is defined as:

"means a building or place that—

(a) *has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and*

(b) *provides occupants with a principal place of residence for at least 3 months, and (c) has shared facilities, such as a communal living room,*

bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment."

(development is defined by the *Manly Local Environment Plan 2011* (as amended)

Dictionary)

- The retail / shop component on the Ground Floor is not permitted for "cafe or food cooking".

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.

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:

- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

5. General Requirements

- a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless

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

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

- l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

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

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$20,982.59 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$2,098,258.80.

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

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

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

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

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 or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

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

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

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

The applicant is to lodge a bond of \$5,000 as security against any damage to Council's stormwater drainage infrastructure as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

9. Construction, Excavation and Associated Works Security Bond (Crossing / Kerb)

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

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

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

10. Privacy Screening

The privacy screen at the North West side of the upper floor shall be 1600mm above finished floor level.

Reason: To protect privacy of adjoining land owners.

11. Public Domain Plan

A Public Domain Plan shall be concurrently submitted as part of the Civil Works under the Roads Act provisions of Section 138 to Council for development works within the road reserve,

with sufficient detail design information including the following:

- i) alignment levels showing existing and proposed levels for altered kerbs and gutters,
- ii) existing and proposed pavement levels; to match existing levels along adjoining properties and top of kerb levels, meeting accessibility requirements,
- iii) details of any utility alignment and level changes,
- iv) details of the proposed pavement finish to replace the existing paved area in the Dobroyd Rd road reserve, from boundary to kerb (and to extent of new pavement to the west) which is to match and tie into the new unit paving of the adjacent development,
- v) the additional 5 square metres of landscaped area resulting from the new entry path realignment shall be planted with species to match existing in that garden area, plants installed at 4 plants per metre square for groundcovers or grasses, and shall be mulched.

Any work carried out upon public land shall have all the necessary prior approvals and permits from Council in place prior to commencement for such works.

Reason: Compliance with Council standards for works on public land.

12. On Slab Landscape Works

Details shall be submitted to the Principal Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Principal Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping as proposed:

- i) 300mm for groundcovers or native grasses,
- ii) 600mm for shrubs,
- iii) 1000mm for trees.

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

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

13. Car Parking Standards

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004.

In particular:

- the design of the access ramp, including inside and outside radii, width and super-elevation must be verified
- the location of columns adjacent to parking bays within the basement carpark must be consistent with AS2890.1 Fig 5.2 noting that the columns must be offset no less than 750mm from the parking aisle

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

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

14. Construction Traffic Management Plan

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

Truck movements must be agreed with Council's Traffic Engineer prior to submission of the CTMP.

The CTMP must address following:

- a) The proposed phases of construction works on the site, and the expected duration of each construction phase
- b) 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
- c) Make provision for all construction materials to be stored on site, at all times
- d) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- e) 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
- f) 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
- g) Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- h) 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) Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety
- j) 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
- k) 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
 - l) 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
 - m) 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
 - n) 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
 - o) 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
 - p) Proposed protection for Council and adjoining properties
 - q) 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.

15. Pedestrian sight distance at property boundary

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided on both sides of the vehicular access to the property. In this respect the plans must be amended with the sight line triangle on the southern side of the driveway replotted from a point 2.5m inside the property boundary where it meets the southern edge of the driveway ramp.

Details demonstrating compliance are to be submitted to Council for approval and confirmation provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To maintain pedestrian safety.

16. Amendments to the Approved Architectural Drawings

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

- a) Operable privacy screens are to be fitted within the balcony area for Rooms number '7', '8', and '9' to screen overlooking and maintain privacy toward No.26 Nolan Place. Screens are to be retractable (external roller screen "block-out or translucent" blind material style) and fitted to the underside of the roof eaves (outside) across the width of the south facing Unit windows to enable natural light and visual privacy to be adjusted and maintain amenity as required by the occupants of the top floor living units.
- b) The western exterior (boundary wall) of the "exit from Basement" stair structure facing the neighbouring private open space (RL67.3) within No.31 Dobroyd Road is faced with sandstone cladding to match the lower ground level sandstone cladding pattern used for the ground area exterior of No.31 Dobroyd Road.
- c) Unit 1 (being an accessible Unit) is to include an additional 1.0sqm of bench space in the general kitchenette area for food preparation / versatility.
- d) Fitted / folding lid tops are to be provided for all laundry tub spaces in all Co-living Units to allow added versatility as a benchtop / utility space.

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

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

17. Building Code of Australia Requirements and Fire Safety Measures

The Building Code of Australia (BCA) works as recommended in the *Building Code of Australia*

Audit Report prepared by GRS Building Reports P/L, dated 12.5.2023, Ref No. M711, Rev.3 are to be integrated as part of the assessment of the Construction Certificate (CC) and CC drawings.

- The fit out of the basement toilet room shall include appropriate signage and facilities for 'unisex' use, disabled persons access (including internal handrails) and infant change table (wall mounted fold-away). The toilet room is to be accessible for staff and customers of the shop during shop operating hours.

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

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

18. Building Code of Australia Access

The Building Code of Australia works and access measures to the building as detailed and recommended in the *Access Report* prepared by Sydney Access Consultants, dated 16.5.2023, Report Ref No. R2021_108 are to be considered as part of the assessment of the Construction Certificate Measures.

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

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

19. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with *Northern Beaches Council's Water Management for Development Policy*, and generally in accordance with the revised stormwater mock up concept drainage and architectural plans prepared by *Taylor Consulting*, drawing Storm-1/B, Storm-2/B, Storm-3/B, dated 12.5.2023.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- a) Adjustment to the on-site stormwater detention (OSD) tank shape with suitable external access to ensure a minimum 0.6m deep soil cover for landscaping (excluding access hatch). The internal tank volume is required to be a minimum 8600L. Invert level retained.
- b) Maximum discharge from the site is to be 9 l/s for all storms up to and including the 1% AEP.

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

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

20. Submission Roads Act Application for Civil Works in the Public Road

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

The application is to include Civil Engineering plans for the design of the kerb and gutter, driveway crossing, footpath and ancillary landscaping works fronting the site which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer. The design must include the following information:

- a) Kerb and gutter along the entire frontage of the site.
- b) Footpath between the back of the new kerb to the boundary along Commerce Lane.
- c) Driveway crossing 4 metres wide designed in accordance with Council's Normal profile and AS/NZS2890.1:2004.
- d) New entry path paving and landscaping design along the Dobroyd Road frontage.

- e) Stormwater pipe connection from the site into the existing Council pit in Commerce Lane.

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

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

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

21. Shoring of Council's Road Reserve (Temporary road anchors)

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining properties with engineering drawings, detailing the proposed shoring works for their consideration and approval.

Written approval from Council under 'Section 138' of the *Roads Act 1993* is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

22. Residential bin room access

The carpark security door (roller grille) must be relocated further inside the building driveway ramp to allow the Council's waste bin collection staff free and direct access to the residential bin room. The external bin room door must open outwards, be able to be latched in the open position and unobstructed by any locks or security devices.

Details are to be shown on the Construction Certificate plans to the satisfaction of the Certifying Authority and must be in compliance with *the Northern Beaches Waste Management Guidelines*.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided for Council's service requirements.

23. Roof structures and skylights

The following light and amenity inclusions are to be provided with Construction Certificate.

- (a) Solar panels are to be fitted to be on less than a 3 degree angle for the roof area.
- (b) The acoustic / visual screening "louvre panels" around the roof top plant enclosure to be of matching colour used for "WF2" as per conditions of this consent.
- (c) Low profile "Solar tube" skylights (maximum 600mm diameter) are to be installed in suitable overhead positions (wall service duct) to improve natural internal light to Units 1, 2, 3, 7, 8 and 9.

Details to be provided on the plans to the satisfaction of the Certifying Authority prior to the issue of the construction certificate.

Reason: Amenity

24. Asbestos

Prior to demolition a review of the site is to be carried out by a suitably qualified person to determine if asbestos is present in the building fabric and how it will be managed. A copy of the review shall be supplied to Northern Beaches Council and the Certifying Authority before demolition proceeds.

Where asbestos is found in any structure to be demolished it shall be only removed by appropriately licensed persons in approved methods and disposal to an authorised facility.

The Certifying Authority is to be supplied with a copy of the weighbridge docket and details of the removal contractor.

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

25. External Colour and Material Matching

Exterior Colour and Material matching is to be undertaken for the following primary facade elements of the building:

- a) The sandstone "ST" cladding shown for all elevations is to match the pattern and materiality as constructed for the lower level for No.31 Dobroyd Road.
- b) Upper level facade colour shown as "Antique White USA" is to be adjusted to match the colour and texture of the upper storey cladding used for No.31 Dobroyd Road.
- c) The main roof span gutter / metal trim is to match the colour and material appearance used for the main roof edge trim for No.31 Dobroyd Road.
- d) The pressed metal trim "WF2", including balustrades and fascias, is to be colour and surface-shape matched to suit the similar metal trim used on the balcony balustrade for No.31 Dobroyd Road.

Details demonstrating compliance are to be submitted including samples, and confirmed for use during building work, to the satisfaction of the Executive Manager Development Assessments Northern Beaches Council prior to the issue of the Construction Certificate.

Reason: To achieve Desired Future Character compliance with Manly DCP and SEPP (Housing) 2021 in addressing Urban Design outcomes for the public streetscape.

26. Compliance with Standards

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

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

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

27. Sydney Water "Tap In"

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

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

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

28. Amendments to Boarding House Management Plan

The *Boarding House Management Plan* shall be amended to require that the resident manager provide training and advice to all new boarding house tenants with regard to:

- the presence of the "carpark full" sign and that when it is displayed vehicles are not to be driven into the carpark.
- the meaning and operation of the traffic light control of the carpark.

Reason: education of tenants regarding safety within the carpark.

29. Parking sensors and carpark full sign

That amended plans be provided for Council's approval to demonstrate that carpark sensors will be introduced in every parking space linked to an electronic "carpark full" sign that will display when all spaces are occupied.

Reason: ramp safety and minimise congestion within carpark.

30. Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are

to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

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

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

31. Construction Environmental Management Plan

Prior to the issue of any Construction Certificate a Contamination Environmental Management Plan is to be prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of the Certifier. The plan shall detail:

- a) How all the requirements and / or recommendations contained within the Preliminary Contamination Report are to be implemented;
- b) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;
- c) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (24 hours a day), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Northern Beaches Council and the Certifier.
- d) A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:
 - (a) During construction in order to monitor water and soil quality the following is to be implemented:
 - i) Water testing is to be completed in accordance with Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring
 - ii) Soil Testing in order to detect contaminants is occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.
 - (b) The requirements of (i) and (ii) above are to be implemented from the commencement of works as follows:
 - i) Fortnightly during excavation works
 - ii) Monthly during building works
- e) To ensure water quality is maintained runoff must be drained to an adequately bunded central collection sump and treated, to meet NSW Department of Environment and Climate Change (formerly Environment Protection Authority) discharge criteria.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transported for treatment/disposal to an appropriate waste treatment/processing facility.

- f) All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility.

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

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

- i) Protection of the Environment Operations Act 1997; and
- ii) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- g) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Workcover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.

The following standards applied at the time of determination:

- i) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- h) Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:
- 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material to the subject premises.
 - Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall be suitable for the use on the land.
 - Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Certifier (prepared in accordance with the Department of Environment & Climate Change's guidelines).

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

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

32. Work Zones and Permits

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

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

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

33. Demolition Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by an suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

The DTMP must:-

- a) Make provision for all construction materials to be stored on site, at all times.
- b) The DTMP is to be adhered to at all times during the project.
- c) Specify construction truck routes and truck rates.
- d) Nominated truck routes are to be distributed over the surrounding road network where possible.
- e) Provide for the movement of trucks to and from the site, and deliveries to the site.
- f) 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.
- g) Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- h) 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.
- j) 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.
- k) Specify spoil management process and facilities to be used on site.
- l) Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition.
- m) 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.

34. Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property / Properties:

- No.31 Dobroyd Road
- No.27 Dobroyd Road
- No.28 Nolan Place
- No.26 Nolan Place
- Any other adjoining private or public property assets that may be subject to dilapidation risk during works.

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works.

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

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

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

35. 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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

36. Tree and Vegetation Protection

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

- i) all trees and vegetation within the site not approved for removal, 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,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must:
 - i) be in place before work commences on the site, and
 - ii) be maintained in good condition during the construction period, and
 - iii) remain in place for the duration of the construction works.

- c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, and in particular the following sections: i) section 4.1.4, 4.1.5, and 4.1.6.

The Principal Certifier must ensure that:

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

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

Reason: Tree and vegetation protection.

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 an Arborist with minimum AQF Level 5 in arboriculture 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 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 to be maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

39. 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 RMS 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.

40. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved *Construction Traffic Management Plan* (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation.

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

41. 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.

42. Removing, Handling and Disposing of Asbestos

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

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

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

43. Geotechnical Requirements

All recommendations (if any) included in the Detailed Geotechnical Site Assessment (to be completed as per the *Preliminary Landslip Risk Assessment & Preliminary Geotechnical Investigation* (cited in condition 1) of this consent, are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

44. Survey Certificate

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

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

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

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

45. Civil Works Supervision

The Applicant shall ensure all civil works approved in the Section 138 approval are supervised by an appropriately qualified and practicing Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

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

46. Notification of Inspections (infrastructure works to be handed over to Council)

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to pouring of kerb and gutter
- (c) Subgrade level / basecourse level / subbase
- (d) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification.

Reason: To ensure new Council infrastructure is constructed in accordance with Auspec 1 Council's design and specification standards.

47. Requirement to notify about contamination evidence

Any information revealed during demolition works or excavation that has the potential to alter previous conclusions about site contamination or hazardous materials (such as Asbestos) shall be immediately notified to the Council and the Principal Certifying Authority and a plan put in place to manage any such materials.

Reason: To protect human health and the environment.

48. Waste/Recycling Requirements (Waste Plan Submitted)

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

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

49. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling:

- timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

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

50. Compliance with the Contamination Environmental Management Plan

The requirements of the Contamination Management Plan required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of an Occupation Certificate.

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

51. Off-site Disposal of Contaminated Soil - Chain of Custody

Excavated soil materials from the site are to be classified in accordance with NSW EPA (2014) Waste Classification Guidelines and disposed of in an approved and licenced waste facility.

'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the site.

Details demonstrating compliance are to be submitted to the Principal Certifier and Council within seven (7) days of transport.

Reason: For protection of environment.

52. 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 Principal Certifier.

Reason: To protect human health and the environment.

53. Hazardous Building Materials Survey

A hazardous building materials survey is to be conducted by a suitably qualified and experienced person. The survey is to include a survey of hazardous building materials including but not limited to asbestos, lead, SMF and PCBs. Following the survey a Hazardous Building Materials Register is to be prepared for the premises providing recommendations for the safe management/removal of hazardous building material. Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

Reason: To protect human health and the environment. CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

54. Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan (drawing L/01, L/02, L/03 by *A Total Concept* dated 22/03/23), and inclusive of the following conditions:

- a) substitute the 5 x *Juniperus conferta* to the front (northern) side of the dwelling with 5 x *Hibbertia scandens*,
- b) all tree planting shall be a minimum pre-ordered planting size of 75 litres (L); meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1 metre (m) x 1m x 600 millimetres (mm) depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established,
- c) tree, shrub and groundcover planting shall be installed as indicated on the approved

Landscape Plan(s),

- d) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

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

Reason: Environmental amenity.

55. Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal 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 and vegetation protection.

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

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Certificate plans.

Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to Council and Council's acceptance issued to the Principal Certifier prior to the issue of the Occupation Certificate.

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

57. Signage and Line marking – External

A plan demonstrating the proposed signage and/or line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Local Traffic Committee prior to the issue of any Occupation Certificate. The plans shall incorporate:

- a) No Stopping restrictions along the full Commerce Lane frontage of 29-31 Dobroyd Rd.
- b) No Stopping restrictions on the east side of Commerce Lane between Dobroyd Road and a point 2m south of the driveway to No. 27 Dobroyd Road.

Note: The applicant is advised that the plan will require approval by the local Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process

Reason: To ensure property access and appropriate parking.

58. Signage and Line marking – Implementation

The applicant is to install all signage and line marking, as per the Roads Act and Traffic Committee approval.

These works are to be completed at no cost to Council prior to the issue of any Occupation Certificate.

Reason: To ensure compliance with the Roads Act 1997.

59. Disabled Parking Spaces

Where disabled parking spaces are provided, they must be in accordance with AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

60. External Bicycle parking

A bicycle parking rail shall be installed on the Dobroyd Road frontage of the development within close proximity to the shop on a hard paved area to Council's satisfaction.

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

Reason: To provide for active travel to and from the property.

61. Convex Mirror at Ramps

Two (2) convex mirrors are to be installed and maintained at the point where the access ramp meets the property boundary to provide visibility to approaching traffic for drivers exiting the carpark.

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

Reason: To minimise vehicular conflicts at ramps.

62. Mechanical & Electronic Servicing of carpark devices

The applicant is to include a Section 88E instrument on the title permitting Council to provide direction as to the repair/maintenance of any mechanical and electronic devices within the carpark specifically:

- convex mirrors adjacent to the carpark access ramp.

- the car parking bay sensors.
- carpark full signs.

In the instance where the building manager does not comply with the direction of Council, or fails to address repair/maintenance requirements in a timely manner, Council reserves the right to undertake the repairs and all fees associated will be borne by the building manager.

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

Reason: To ensure the mechanical and electronic devices are maintained in a serviceable state at all times.

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

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

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the *NSW Land Registry Services*. *Northern Beaches Council* shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted.

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

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

64. Environmental/Contamination Reports Certification prior to (OC) Occupation Certificate.

Where contamination has been identified on site and as part of any preliminary or further site investigations that have occurred where contaminating / hazardous material is uncovered during site preparation works and excavation:

- Written certification from a suitably qualified person(s) shall submit to the Principal Certifier and Northern Beaches Council, stating that all the works/ methods/ procedures/ control measures/ recommendations approved or required for remediation have been appropriately completed.

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

Reason: To ensure compliance with standards and protect the environment.

65. Environmental Reports Certification

Written certification from a suitably qualified person(s) shall submit to the Principal Certifier and Northern Beaches Council, stating that all the works/ methods/ procedures/ control measures/recommendations, cited in Condition 1, that have, as required for construction (CC) design specifications, formed part the Construction Certificate documentation in the following reports:

- a) Basix prepared by LC Consulting Engineers.
- b) BCA Assessment Report by GRS Building Reports P/L
- c) Access Report prepared by Sydney Access Consultants
- d) DA Acoustic Report prepared by West & Associates. Pty Ltd.
- e) Stormwater Report by Taylor Consulting Engineers

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

Reason: To ensure compliance with standards and performance to achieve appropriate design outcomes prior to occupancy.

66. Co-Living Management Plan

Prior to the issuing of any final occupation certificate, certification is to be provided from the operator that the requirements of the "Co-Living Management Plan" have been updated to correspond with the requirements and conditions of this consent as applicable and any operational fit-out and fixtures have been implemented and are compliant.

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

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

67. Noise Review prior to issue of an Occupation Certificate (OC)

Prior to the issue of an Occupation Certificate an acoustic review shall be carried out verifying the findings and recommendations as well as compliance with the assessment by *West & Associates Pty Ltd Building Services* and Acoustic Engineers dated 15.5.2023 and any further works or actions or restrictions required to avoid a noise nuisance to any neighbouring residential receiver.

Areas to be reviewed shall include (but not be limited to):

- Mechanical plant and equipment.
- Mechanical Ventilation and air-conditioning.
- Carpark roller door use and carpark noise.
- Elevated external balcony/terrace areas.

Reason: To minimise any potential noise nuisance to residential receivers

68. Garbage and Recycling Facilities

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

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

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

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

69. Parking sensors & carpark full sign

To prevent conflict with the carpark and avoid vehicles having to reverse up/ down the ramp, parking sensors must be installed for each parking space and linked to an electronic "carpark full" sign which must be installed at the driveway ramp entry point designed to prevent drivers from entering the ramp when the carparking level is full.

The sign must;

- be clearly visible to traffic entering the carpark,
- is to clearly indicate to an approaching driver, by way of an unambiguous display or wording, that traffic should not enter the ramp,

Details of the system, including the system operation, components and placement within the development, must be specified by a practising Traffic Engineer. This engineer is to submit a compliance certificate to the Principal Certifying Authority that the system has been installed and operating as designed, in accordance with the requirements of this condition, prior to the issue of the Occupation Certificate issued for the development.

Reason: To ensure no vehicle conflicts within the basement carpark.

70. Waste and Recycling Facilities Certificate of Compliance

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

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

Reason: To ensure waste and recycling facilities are provided.

71. Waste/Recycling Compliance Documentation

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

Reason: To ensure waste is minimised and recycled.

72. Positive Covenant for Council and Contractor Indemnity

A positive covenant shall be created on the title of the land prior to the issue of an Interim/Final Occupation Certificate requiring the proprietor of the land to provide access to the waste storage facilities.

The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services.

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

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

73. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (*NSW Land Registry Services form 13PC*) must be submitted to Council for authorisation prior to the issue of the Occupation Certificate.

A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

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

Reason: To create encumbrances on the land.

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

74. 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(s) and any conditions of consent.

A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

The approved landscaped area shall in perpetuity remain as planting under the development consent.

Reason: To maintain local environmental amenity.

75. Sight lines within carparks

The required sight lines to pedestrians and other vehicles in and around the carpark and entrance(s) are not to be obstructed by landscaping or signage.

Reason: To maintain unobstructed sight distance for motorists.

76. Spa Pools

No spa pools (temporary or fixed in place) are permitted for the Co-living development.

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

77. Roof top

No satellite / communication antenna / dishes / motorised vents are to fitted to the roof top area.

Reason: To minimise visual impact

78. Co-Living Management Plan

The requirements of the Management Plan required and approved by this consent, as per approved plans and conditions, are to be maintained in perpetuity.

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

79. Commercial Waste and Recycling Storage

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans.

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

80. Shop Operating Hours

The retail shop operating hours are limited to 8:00am to 5:00pm Monday to Saturdays and 8:00am to 12:00 midday on Sundays. No retail / trading use on public holidays.

Reason: To retail use does not adversely impact residential activity / use.

81. Occupancy of Co-living housing Units

The building is to contain a maximum of 18 persons, being no more than 2 persons per designated double bedroom and 1 person per single room (as indicated on the approved plans). The following provisions apply:

- a) In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy.
- b) The rear common open space (accessible from Commerce Lane), and First Floor outdoor common open space terrace are to include an appropriately located door sign / notice advising tenants to minimise noise activity when using these common open space areas.
- c) The length of residential tenant occupancy (minimum stay) for the Co-living Units shall be in accordance with the Management Plan. "Short term" or "casual" accommodation terms are not permitted (Note: Generally this is regarded as less than 90 days).

Reason: To ensure the amenity of occupants and consistency with SEPP (Housing) 2021.