



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

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DX 264, Sydney

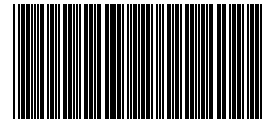
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Your Ref:



D0001P4ZKU

28 March 2023

NOTICE OF ORDERS MADE

Case number	2022/00076028
Case title	NORTHERN BEACHES ESSENTIAL SERVICES ACCOMMODATION PTY LTD v NORTHERN BEACHES COUNCIL

On 28 March 2023 the following orders (and/or directions) were made:

The Court orders:

- (1) The appeal is upheld.
- (2) Development application No. DA2021/1039 seeking development consent for demolition of existing structures and construction of boarding house development comprising two (2) buildings containing 55 boarding rooms, basement parking and ancillary development at 16 Wyatt Avenue, Belrose legally described as Lot 2566 in Deposited Plan 752038 is determined by granting consent to the application subject to the conditions in Annexure A.

For the Registrar

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA2021/1039

Development: Demolition of existing structures and construction of boarding house development comprising two (2) buildings containing 55 boarding rooms, basement parking and ancillary development.

Site: 16 Wyatt Avenue, Belrose (Lot 2566 in DP 752038)

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

Date of determination: 28 March 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 16 Wyatt Avenue, Belrose.

The conditions of consent are as follows:

DEFERRED COMMENCEMENT CONDITIONS

1. Right of Carriageway

1a. The consent is not to operate until the following condition is satisfied:

- (a) An easement under section 88B of the *Conveyancing Act* 1919 is registered providing a right of carriageway burdening Lot 2597 DP 752038 (14 Wyatt Avenue, Belrose) and benefitting Lot 2566 DP 752038 (16 Wyatt Avenue) for the purpose of vehicular access as depicted in A0.02 – Site Plan (Rev DA06) prepared by Platform Architects dated 16 June 2022.

1b. Evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, as indicated above, must be submitted to Council within 12 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the *Environmental Planning and Assessment Act* 1979.

1c. The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent condition, as indicated above, have been satisfied.

1d. Upon Council giving written notification to the Applicant that the deferred commencement condition has been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. 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
Site Plan – A0.02 Rev. DA06	16 June 2022	Platform Architects
Upper Building Basement Plan – A1.01 Rev. DA06	16 June 2022	Platform Architects
Upper Building Lower Ground Floor Plan – A1.02 Rev. DA06	16 June 2022	Platform Architects
Upper Building Ground Floor Plan – A1.03 Rev. DA06	16 June 2022	Platform Architects
Upper Building Ground Floor Plan Sheet 1 – A1.03A Rev. DA06	16 June 2022	Platform Architects
Upper Building Ground Floor Plan Sheet 2 – A1.03B Rev. DA06	16 June 2022	Platform Architects
Upper Building First Floor Plan - A1.04 Rev.0 DA06	16 June 2022	Platform Architects

Upper Building Roof Plan - A1.05 Rev. DA06	16 June 2022	Platform Architects
Lower Building Basement Plan – A1.06 Rev.0 DA06	16 June 2022	Platform Architects
Lower Building Basement Plan – Sheet 1 – A1.06A Rev. DA06	16 June 2022	Platform Architects
Lower Building Basement Plan – Sheet 2 – A1.06B Rev. DA06	16 June 2022	Platform Architects
Lower Building Ground Floor Plan – A1.07 Rev. DA06	16 June 2022	Platform Architects
Lower Building Ground Floor Plan – Sheet 1 – A1.07A Rev. DA06	16 June 2022	Platform Architects
Lower Building Ground Floor Plan – Sheet 2 – A1.07B Rev. DA06	16 June 2022	Platform Architects
Lower Building First Floor Plan – A1.08 Rev. DA06	16 June 2022	Platform Architects
Lower Building First Floor Plan – Sheet 1 – A1.08A Rev. DA06	16 June 2022	Platform Architects
Lower Building First Floor Plan – Sheet 2 – A1.08B Rev. DA06	16 June 2022	Platform Architects
Lower Building Roof Plan – A1.09 Rev. DA06	16 June 2022	Platform Architects
Lower Building Roof Plan – Sheet 1 – A1.09A Rev. DA06	16 June 2022	Platform Architects
Lower Building Roof Plan – Sheet 2 – A1.09B Rev. DA06	16 June 2022	Platform Architects
North East Elevations Upper and Lower Building – A2.01 Rev. DA06	16 June 2022	Platform Architects
South West Elevations Upper and Lower Building – A2.02 Rev. DA06	16 June 2022	Platform Architects
East West Elevations Lower Building – A2.03 Rev. DA06	16 June 2022	Platform Architects
South East Elevation / North West Elevation – A2.04 Rev.DA06	16 June 2022	Platform Architects
South East Elevation / North West Elevation – A2.05 Rev.DA06	16 June 2022	Platform Architects
South West Elevation Lower Bldg Waste and Turning Area – A2.06 Rev. DA06	16 June 2022	Platform Architects
Section A Upper Building – A3.01 Rev. DA06	16 June 2022	Platform Architects
Section B Lower Building – A3.02 Rev. DA06	16 June 2022	Platform Architects
Sections & Upper Building – A3.03 Rev. DA06	16 June 2022	Platform Architects
Sections & V Upper Building – A3.04 Rev. DA06	16 June 2022	Platform Architects
Sections V & V Lower Building – A3.05 Rev. DA06	16 June 2022	Platform Architects
Section V Lower Building – A3.06 Rev. DA06	16 June 2022	Platform Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
Cover Sheet, Drawing List and Legends – C1.01 Rev. D	27 June 2022	ACOR Consultants
Notes Sheet – C1.02 Rev. D	27 June 2022	ACOR Consultants
Details Sheet 1 – C1.05 Rev. D	27 June 2022	ACOR Consultants
Details Sheet 2 – C1.06 Rev. D	27 June 2022	ACOR Consultants
Details Sheet 3 – C1.07 Rev. D	27 June 2022	ACOR Consultants
Details Sheet 4 – C1.08 Rev. B	27 June 2022	ACOR Consultants
Stormwater Management Plan Sheet 1 – C3.01 Rev. D	27 June 2022	ACOR Consultants
Stormwater Management Plan Sheet 2 – C3.02 Rev. C	27 June 2022	ACOR Consultants
Driveway Longitudinal Section – C4.01 Rev. C	27 June 2022	ACOR Consultants
Driveway Cross Sections Sheet 1 – C4.10 Rev. C	27 June 2022	ACOR Consultants
Driveway Cross Sections Sheet 2 – C4.11 Rev. C	27 June 2022	ACOR Consultants
Driveway Cross Sections Sheet 3 – C4.12 Rev. C	27 June 2022	ACOR Consultants
Driveway Cross Sections Sheet 4 – C4.13 Rev. A	27 June 2022	ACOR Consultants
Driveway Cross Sections Sheet 5 – C4.14 Rev. A	27 June 2022	ACOR Consultants
Driveway Cross Sections Sheet 6 – C4.15 Rev. A	27 June 2022	ACOR Consultants
Soil Erosion and Sediment Control Plan – C5.01 Rev. D	27 June 2022	ACOR Consultants
Driveway Cross Sections and Vertical Clearances – C7.01 Rev. C	27 June 2022	ACOR Consultants
Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Accessibility Performance Solution Report	27 June 2022	Accessibility Solutions
Bushfire Hazard Assessment (ref:4176BF)	10 June 2021	Harris Environmental Consulting
1% AEP Flood Study (ref:NSW210450)	3 December 2022	ACOR Consultants
Carpark, Ramp and Driveway Certification of a Proposed Boarding House Development Version 2d (N216473A)	June 2022	Motion Traffic Engineers
Geotechnical Investigation (ref:J3303)	24 May 2021	White Geotechnical Group
NCC 2019 Amendment 1 Section J Deemed-to-Satisfy (DTS) Assessment Issue A (ref.21-2061)	9 July 2022	Efficient Living
Noise impact Assessment Issue 5	7 June 2022	Pulse White Noise Acoustics
Noise Impact Assessment Memorandum	7 June 2022	Pulse White Noise Acoustics

Plan of Management Rev. C	15 May 2022	Northern Beaches Essential Services Accommodation
Site Contamination Assessment (P2108187JR021V01)	6 July 2022	Martens
Traffic and Parking Impact Assessment (N216473A)	June 2022	Motion Traffic Engineers
Traffic Management priority system for the Boarding Houses at 14 & 16 Wyatt Ave Belrose	Undated	Holman Engineering Pty Ltd
Watercourse and Riparian Assessment: 14 and 16 Wyatt Avenue, Belrose, NSW	9 March 2018	Macquarie University

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
Site Plan – C1 Rev. G	24 June 2022	Contour Landscape Architecture
Planting Plan (1) – C2 Rev. G	24 June 2022	Contour Landscape Architecture
Planting Plan (2) – C3 Rev. G	24 June 2022	Contour Landscape Architecture
Planting Schedule – C4 Rev. G	24 June 2022	Contour Landscape Architecture
Landscape Details – C5 Rev. G	24 June 2022	Contour Landscape Architecture
Landscape Specification – 6 Rev. G	24 June 2022	Contour Landscape Architecture

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	December 2021	Platform Architects

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

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

3. Approved Land Use

Part A

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a Boarding House.

A Boarding House is defined as:

(a) means any premises that—

(i) are wholly or partly let as a lodging for the purposes of providing the occupants with a principal place of residence, and

(ii) are used and occupied by at least 4 long term unrelated residents, and

(iii) include a communal living space used for eating and recreation, and

(iv) are not licensed to sell liquor, and

(b) does not include premises that have been subdivided or in which there is separate ownership of parts of the premises.

(development is defined by the Warringah Local Environment Plan 2000.

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.

Part B

In order that each of the boarding rooms and the manager's residence are not capable of being used as self-contained dwellings, each of the boarding rooms and the manager's residence must not contain, or at any time have installed, any cooking or meal preparation facilities. This includes plug-in electrical appliances. All meals must be prepared in the communal kitchens provided separately within the premises.

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:

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

Demolition and excavation works are restricted to:

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

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

6. Wastewater System Approval to Operate

The owner and/or operator of the on-site wastewater management system must have a current Local Government Act Section 68 'approval to operate' at all times.

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

7. 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	Undated
Sydney Water	Sydney Water Referral Response	24 August 2021
NSW RFS	NSW RFS Referral Response	25 August 2021

(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.

FEES / CHARGES / CONTRIBUTIONS

8. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$77,000 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 2022. The monetary contribution is based on a development cost of \$7,700,000.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2022 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

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

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

The applicant is to lodge a bond with Council of \$25,000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works 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.

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

The applicant is to lodge a Bond of \$15,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent.

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.

11. Engineering Services Acoustic Assessment

Prior to the issue of any Construction Certificate, a detailed acoustic assessment is to be undertaken to ensure all cumulative noise from engineering services and mechanical services comply with the requirements as listed in Section 3.2 of the Acoustic Assessment Report dated 11 November 2021 prepared by Pulse White Noise Acoustics Pty Ltd. The acoustic assessment report is to be provided to the Principal Certifying Authority prior to Construction Certificate.

Reason: To protect noise amenity of the area

12. Communal Area Acoustic Treatments

Prior to the issue of any Construction Certificate details demonstrating compliance with the following contained within *Section 4.3.2 Communal Area Acoustic Treatments*, within the Acoustic Assessment Report dated 11 November 2021 are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

- All internal communal areas are to have a glazing construction of 6.38mm Laminate with a $R_w (C;Ctr): 30 (0;-3)$,
- Continuous glazed/solid acoustic screens must be installed to a height of 1,800mm above the finished floor level of each outdoor communal area, on all exposed sides.

Reason: To ensure amenity of the area is protected.

13. Road Traffic Noise Intrusion

Details demonstrating compliance with Section 4.1.1 to Section 4.1.4 of the Acoustic Assessment Report dated 11 November 2021 prepared by Pulse White Noise Acoustic Pty Ltd are to be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Reason: To protect noise amenity

14. Noise from Access Driveway

Prior to the issue of a Construction Certificate, details demonstrating compliance with Section 4.4 *Noise from Access Driveway*, within the Acoustic Assessment Report dated 11 November 2021 are to be provided to the Principal Certifying Authority. With particular attention to the following points;

- There should not be any speed humps or uneven surfaces used for speed control.
- Any required grates and drains should include fixings to prevent noise resulting from movement of surfaces.

Reason: To protect noise amenity of the area

15. Amended Landscape Plans

Amended Landscape Plans based on the DA documentation prepared by Contour Landscape Architecture shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:

- i) the existing natural bushland buffer at the rear of the property shall be retained, and protected by appropriate tree protection fencing,
- ii) the front setback shall support new tree planting including four (4) *Angophora costata*, two (2) *Eucalyptus haemastoma*, and four (4) *Banksia serrata* in total,
- iii) the front boundary hedge planting shall be retained, and protected by appropriate tree protection fencing,
- iv) the southern property boundary shall contain continuous landscape garden beds of a minimum 2 metres width and the nominated tree planting shall be altered to support four (4) *Corymbia gummifera*, four (4) *Eucalyptus haemastoma*, and one (1) *Angophora costata*, and additionally a total of seven (7) smaller understorey native trees shall be incorporated with garden beds such as *Callicoma serratifolia* and *Banksia serrata*,
- v) the northern boundary shall include an additional six (6) smaller understorey native trees shall be incorporated with garden beds such as *Callicoma serratifolia* and *Banksia serrata*, and the landscape area between the proposed footpath and driveway shall support native shrub planting,
- vi) the rear of the property nominated as lawn shall incorporate scattered canopy trees with a minimum of seven to be located whilst maintaining the requirement for bushfire control measures under Planning for Bush Fire Protection 2019,
- vii) the plant schedule shall be adjusted to reflect the requirements of imposed conditions,
- viii) all tree planting shall be a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, and planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres from buildings, 2.0 metres from structures, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- ix) 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 50mm depth of mulch.
- x) The landscape treatment of the site shall include a minimum area of at least 4,672.5m² of bushland or planted with local species including native grass species (for example *Cissus antarctica*, *Hibbertia scandens* or

<p><i>Viola hederacea</i>), in a way that represents the structure and floristics of native vegetation.</p> <p>Certification shall be provided to the Certifying Authority that these amendments have been documented.</p> <p>Reason: Landscape amenity.</p>
<p>16. On-Site Stormwater Detention Details</p> <p>The Applicant is to provide drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy and generally in accordance with the concept drainage plans prepared by ACOR Consultants, project number NSW210450 drawing numbers C1.01D, C1.02D, C1.05D, C1.06D, C1.07D, C1.08D, C3.01D, C3.02C dated 27.06.22. 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.</p> <p>The drainage plans must address the following:</p> <ol style="list-style-type: none"> 1. Pool style fencing around the perimeter of the OSD basin and/or the embankments. 2. Access to the basin for future inspection and maintenance. 3. Maintenance manual for the basin and drainage system for the site. 4. Orifice plate design and details. 5. Outlet pipe design from OSD basin. 6. Pit details. <p>Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.</p>
<p>17. Shoring of Council's Road Reserve (Temporary Road Anchors)</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.</p>
<p>18. Structural Adequacy and Excavation Works</p> <p>Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer.</p>

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

Reason: To provide public and private safety.

19. Overland Flow Path and Flood Storage Compliance Certificate

An overland flow path and flood storage system must be designed and constructed in accordance with Council's Water Management for Development Policy and the 1% AEP Flood Study prepared by ACOR Consultants Version 3.0 dated 03/12/21 and the concept drainage drawings prepared by ACOR Consultants, project number NSW210450 drawing numbers C1.01D, C1.02D, C1.05D, C1.06D, C1.07D, C1.08B, C3.01D, C3.02C dated 27.06.22.

The plans must address the following:

1. A minimum freeboard of 500mm to all habitable floor level and the basement garages for all storm events up to the 1% AEP.
2. Detailed engineering plans for all flood walls and flood storage area required to achieve the freeboard.
3. Detailed overland flow path plan with dimensions and sections to define the area required to contain the flow up to the 1% AEP.
4. Details of the pipe and headwall downstream of the flood storage area.
5. Relocation of the existing 50kL rainwater tank to ensure it is clear of overland flow.
6. Structural certification for all slabs to be capable of withstanding the forces imposed by the 1% AEP overland flow, including hydrostatic, hydrodynamic, debris impact and buoyancy forces.
7. Fencing to be light / open style within the site and solid flood walls around all boundaries to provide a safe passage for overland flow.

The applicant is to provide plans including specifications and details showing the overland flow path and flood storage system to the Certifying Authority for approval prior to the issue of the Construction Certificate. Such details are to be accompanied by a certificate from a practicing Civil Engineer who has membership with Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for Civil Engineering.

Reason: To ensure appropriate provision for overland flow through the development site.

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 four (4) copies of Civil Engineering plans for the design of the driveway crossing, kerb and gutter and road pavement and footpath along the frontage of the site which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified Civil Engineer.

The design must include the following information:

1. Construction of road shoulder and kerb and gutter along the full frontage of the site to provide for a 10 metre wide (kerb to kerb) road carriageway from the boundary to number 12 up to the proposed driveway crossing and then tapered to match the existing bitumen edge at number 18.
2. Construction of a 1.5 metres wide concrete footpath along the frontage of the site between the proposed bin path up to the boundary of number 12.
3. Construction of a 5.5 metre wide vehicle crossing in accordance with Council's drawing A4/3330/3 NL.

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. Vehicle Driveway Design

The Applicant is to ensure driveway gradients within the private property do not exceed a gradient of 1 in 4 (25%) with transition gradients in accordance with AS/NZS2890.1:2004. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent. Any elevated sections of driveway must include a barrier system in accordance with the requirements of section 2.4.5 of AS/NZS 2890.1:2004.

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

Reason: To ensure suitable vehicular access to private property.

22. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

23. Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

- Deletion of *Corymbia citriodora* and *Eucalyptus viminalis*
- Replacement with *Eucalyptus haemastoma* and *Angophora costata*
- Provision of at least 5 locally-native canopy trees (*Eucalyptus* spp., *Angophora* spp.)

The amended Landscape Plan is to be certified by a qualified landscape architect and provided to the Certifying Authority prior to issue of the Construction Certificate.

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

24. Delineation of Asset Protection Zones

Prior to the commencement of any vegetation clearance/modification, the boundaries of the bushfire Asset Protection Zone (APZ) are to be surveyed and clearly marked by way of temporary fencing, flagging tape or markers. Clearing of vegetation for APZ establishment must only occur within the marked APZ boundaries.

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

Reason: To protect native vegetation and wildlife

25. Car Parking Finishes

All driveways, car parking areas and pedestrian paths are to be surfaced and sealed. Details of treatment to these areas are to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

26. 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.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Specify that, due to the proximity of the site adjacent to John Colet School, 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)

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

27. Submission of Engineering Plans

The submission is to include four (4) copies of Civil Engineering plans for the design of:

A footpath connection along the Wyatt Avenue frontage of the site and linking to the existing footpath connecting to Forest Way.

These are to be generally in accordance with the civil design approved with the Development Application and Council’s specification for engineering works - AUS-

SPEC #1 and or Council's Minor Works Policy. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval.

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

28. 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 at the vehicular access points to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To maintain pedestrian safety.

29. 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.

30. Compliance with Standards

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

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

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

31. External Finishes to Roof

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

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

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

32. Kitchen Accessibility

The communal kitchens shall be designed to comply with the requirements of AS4299 – 1995 – Adaptable Housing.

Details of the layout of the communal kitchen shall be provided prior to the release of a Construction Certificate.

Reason: To ensure adequate kitchen facilities are provided.

33. 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.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment for trees 4 - Scribbly Gum and tree 37 - Manna Gum, and in accordance with:

- i) section 4 Discussions
- ii) section 6 Recommendations, Protection Requirements
- iii) the Tree Protection Plan

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

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority 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.

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.

34. Tree Removal within the Property

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

- i) tree 3 - Southern Blue Gum; tree 26 - River She Oak; trees 27, 28, 29 - Swamp She Oak; and tree 37 - Sydney Peppermint.
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Note: Exempt Species as listed in the Development Control Plan or trees eligible for removal under the 10/50 bushfire clearing entitlement do not require Council consent for removal, and these include existing trees numbered 1, 2, 5, 7, 8, 9, 14, 15, and 26.

Reason: To enable authorised development works.

35. Tree Removal within the Road Reserve

This consent approves the removal of the following tree(s) within the road reserve (as recommended in the Arboricultural Impact Assessment):

- i) tree 3a and 3b - Crepe Myrtle.
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services business unit prior to removal.

Reason: Public liability.

36. 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.

37. Works Zone 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.

38. 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:

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- 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.
- Specify that, due to the proximity of the site adjacent to John Colet School, 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).
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- 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.
- 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.
- 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.
- Specify spoil management process and facilities to be used on site.
- 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.

39. 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 Certifying Authority,
viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment.

The Certifying Authority must ensure that:

d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the 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.

40. Vehicle Crossings

The Applicant is to construct one vehicle crossing 5.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 NL and the Roads Act application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to kerb, footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

41. 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.

42. Kerb and Gutter Construction

The Applicant is to construct kerb and gutter and associated works along the entire frontage of the site in accordance with Northern Beaches Council Drawing No. A4 2276/A and the Roads Act approval. Prior to the pouring of concrete, the works are to be inspected by Council and an approval issued.

The approval is to be submitted to the Principal Certifying Authority.

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

43. Footpath Construction

The applicant shall construct a 1.5 metre wide concrete footpath in accordance with the following:

- (a) All footpath works are to be constructed in accordance with the Section 138 Roads Act approval.
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with the Section 138 Roads Act approval for the footpath.

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

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

44. 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.

45. Progress Certification Section 138 Roads Act Approval

The applicant shall provide written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Roads Authority for the following stages of works:

- (a) Silt and sediment control facilities
 - (b) Laying of stormwater pipes and construction of pits
 - (c) Proof Roll
 - (d) Sub-grade trimmed and compacted **
 - (e) Base-course laid and compacted **
 - (f) Kerb and gutter construction
 - (g) Pavement
 - (h) Landscaping and vegetation
 - (i) Clean-up of site, and of adjoining Council roadway and drainage system.
- (**To be tested by a recognised N.A.T.A. approved laboratory).

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

Reason: To ensure compliance of civil works with the Section 138 Roads Act approval.

46. Notification of Inspections (Infrastructure Works to be Handed Over to Council)

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

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level / basecourse level / subbase
- (f) 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. Civil Works Supervision

The Applicant shall ensure all civil works approved in the Section 138 Roads Act 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.

48. Dead or Injured Wildlife

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

Reason: To protect native wildlife.

49. Protection of Habitat Features

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

Reason: To protect wildlife habitat.

50. Clearing for Asset Protection Zones

Clearing of vegetation during works for APZ establishment must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Written certification of compliance is to be submitted to the Principal Certifying Authority.

Reason: To protect native vegetation and wildlife.

51. Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the soil and water management plan upgrade from the Erosion and Sediment Control Plan prepared by Acor Consulting and 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.

The discharge of sediment-laden waters from the site may result in clean-up orders and/or fines under Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Reason: Protection of the receiving environment.

52. Substitution of Stormwater Treatment Measures

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must be submitted to the Principal Certifying Authority for approval prior to installation.

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

53. Stormwater Treatment Measures Commissioning and Maintenance

Filter media and vegetation must not be installed in the stormwater treatment measures until construction work is 80 percent complete.

The stormwater treatment measures may be used as sediment settling basins during construction work on the site. Sediment basins should be periodically emptied of sediment where sediment levels are likely to impact downstream environments in large rainfall events (ie 70% of basin capacity). All sediment (100%) must be removed prior to installing the filter media.

Reason: Protection of the stormwater treatment measures and the receiving environment

54. 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.

55. 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.

56. Waste and Recycling Requirements

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.

57. 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.

58. Protection of Rock and Sites of Significance

a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features

59. Aboriginal Heritage

If in undertaking excavations or works 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 Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection.

60. Fire Safety Matters

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

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate (or where applicable, relating to the part of the building, being the subject of this Consent).

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

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

61. Engineering Services Acoustic Treatment

Certification demonstrating implementation and compliance with the recommendations provided within the engineering services acoustic assessment prepared prior to Construction Certificate are to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To protect the noise amenity of the area.

62. Boarding House Plan of Management

Prior to the issuing of any Occupation Certificate, certification is to be provided from the operator to the Principal Certifying Authority that the requirements of the Boarding House Plan of Management have been implemented and are compliant.

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

63. Landscape Completion

Landscaping is to be implemented in accordance with the approved Amended Landscape Plans.

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

Reason: Environmental amenity.

64. Condition of Retained Vegetation

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

- 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.

65. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures and Overland Flow Path

The Applicant shall lodge the Legal Documents Authorisation Application with Council. The application is to 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 Hydraulic Engineers' certification for the completed on-site stormwater disposal system works and overland flow path and flood storage and flood wall works.

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance of the on-site stormwater disposal structures and the overland flow path, and restriction as to user over the on-site stormwater disposal structures and overland flow path within this development consent restricting any alteration to the level and/or any construction on the land. 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 lodgment with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction

as to user for on-site storm water detention and the overland flow path is to be submitted.

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

Reason: To ensure the on-site stormwater disposal system and overland flow path is maintained to an appropriate operational standard and is not altered.

66. Certification of Civil Works on Council Land

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works in the road reserve have been constructed in accordance with this consent and the approved Section 138 Roads Act approval. Works as executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed Data (details overdrawn in red on a copy of the approved Section 138 Roads Act plans) for the Council Assets in an approved format shall be submitted to Council for acceptance prior to the release of the Occupation Certificate. Any damage to Council's assets are to be rectified in accordance with Council's requirements prior to the release of the security bonds.

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

Reason: To ensure compliance of works within Council's Section 138 Roads Act approval.

67. Certification of Elevated Parking Facility Work

The Applicant shall submit a Structural Engineers' certificate certifying that the elevated parking facility was constructed in accordance within this development consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls.

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

Reason: Compliance with this consent.

68. Certification of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans (Contour Landscape Architecture 2021) and these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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

69. 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 Principal Certifying Authority prior to issue of any Occupation Certificate.

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

70. 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 plans prepared by Acor. 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 Stormwater Treatment Measures Operations and Maintenance plan will allow the measures to perform to the design criteria.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

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

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

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

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

72. Stormwater Treatment Measures Operation and Maintenance Plan

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

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

1. Detail on the stormwater treatment measures:

- a) Work as executed drawings
- b) Intent of the stormwater treatment measures including modelled pollutant removal rates
- c) Site detail showing catchment for each device
- d) Vegetation species list associated with each type of vegetated stormwater treatment measure
- e) Impervious area restrictions to maintain the water balance for the site

- f) Funding arrangements for the maintenance of all stormwater treatment measures
 - g) Identification of maintenance and management responsibilities
 - h) Maintenance and emergency contact information
2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:
- a) Activity description, and duration and frequency of visits
- Additionally for vegetated devices:
- b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
3. Maintenance schedule and procedure - ongoing
- a) Activity description, and duration and frequency of visits
 - b) Routine maintenance requirements
 - c) Work Health and Safety requirements
 - d) Waste management and disposal
 - e) Traffic control (if required)
 - f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
 - g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

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

Reason: Protection of the receiving environment.

73. 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 Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

74. Basement Garage Traffic Signal System

To prevent conflicting vehicle flows on the internal basement garage ramp and avoid vehicles having to reverse up/ down the ramp, a traffic signal system must be installed at each ramp entry, designed to warn drivers about to enter the road of any conflicting vehicle approaching.

The signal system must;

- be clearly visible from ramp entrances,
- is to clearly indicate to an approaching driver, by way of red light or wording, that an opposing vehicle has entered the ramp,
- Incorporate linemarking to delineate traffic flow and nominate waiting bay locations to allow vehicles to overtake another.

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

<p>the requirements of this condition, prior to the issue of any Occupation Certificate issued for the development.</p> <p>Reason: To ensure no vehicle conflicts within the basement carpark.</p>
<p>75. Signage and Linemarking (Internal) A plan demonstrating appropriate wayfinding signage for cyclists and pedestrians is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.</p> <p>Reason: to maintain cyclist and pedestrian safety and amenity.</p>
<p>76. Disabled Parking Spaces Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.</p> <p>Reason: To ensure compliance with Australian Standards.</p>
<p>77. Shared Zone Bollard A bollard is to be provided at the shared zone between disabled spaces in accordance to Australian Standards AS2890.6:2009.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.</p> <p>Reason: To ensure compliance with Australian Standards.</p>
<p>78. Footpath Construction The footpath, in accordance to Council's standard specifications, shall be constructed along the property frontage to Council's satisfaction. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.</p> <p>Reason: To provide pedestrian access to and from the property</p>
<p>79. Turning Bays - Hatching Turning bays at the northern end of the access driveway and within the basement parking areas are to be hatched and marked as TURNING AREA. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.</p> <p>Reason: to ensure the turning bays are clearly marked and not used for parking</p>
<p>80. 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.</p> <p>Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.</p> <p>Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.</p>

81. 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 any Occupation Certificate.

Reason: To ensure waste and recycling facilities are provided.

82. Waste and 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 any Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

83. 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

84. Authorisation of Legal Documentation Required for Waste Services

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

85. Amendment to Boarding House Plan of Management

The Plan of Management, Boarding House 16 Wyatt Ave Belrose shall be amended to include the following wording at *Clause 5.0 – Waste Management* prior to the issue of any Occupation Certificate and in accordance with the plans dated 12 July 2022:

The Manager is responsible to rotate the bins in the waste storage room at the back of the development where bins inside the storage room are double banked, so that full bins are moved the the rear row and empty bins are moved to the front row to allow ready access to empty bins by residents.

The Manager is to move the vegetation bins to a location adjacent to the rear bin storage area for servicing by Council

Details demonstrating compliance shall be provided to the satisfaction of the certifying authority prior to the issue of any Occupation Certificate.

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

86. Communal Area Acoustic Treatments

Acoustic treatments detailed within Section 4.2.3 *Communal Area Acoustic Treatments*, within the Acoustic Assessment dated 11 November 2021 must be implemented into the operation of the Boarding House.

Reason: To protect the noise amenity of the area.

87. Boarding House Plan of Management

The requirements of the Boarding House Plan of Management approved by this consent shall be fully implemented in perpetuity from the date of issue of an Occupation Certificate.

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

88. Occupancy of Boarding House

The boarding house(s) shall contain a maximum of 108 lodgers at any given time, being no more than single or dual occupancy per designated room. In order to maintain this occupancy rate, a sign is to be erected immediately adjacent each boarding room which details the maximum sleeping capacity of the room.

Reason: To ensure the premises is occupied in an appropriate manner.

89. 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 removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

90. 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.

91. Replacement of Canopy Trees

Tree replacement plantings required under this consent are to be retained for the life of the development and/or for their safe natural life.

Trees that die or are removed must be replaced with another locally native canopy tree.

Reason: To replace locally native trees.

92. Maintenance of Asset Protection Zones

Vegetation clearing for ongoing APZ maintenance must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Reason: To protect native vegetation and wildlife.

93. Control of Domestic Dogs / Cats

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife in accordance.

94. Maintenance of Stormwater Treatment Measures

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

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.

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

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

Reason: Protection of the receiving environment.

95. Fencing Height / Vegetation

All fencing and/or vegetation along the frontage road(s) shall not impede pedestrian or driver visibility. This requires that vegetation does not exceed one (1) metre in height. Appropriate plants shall be selected within the 2.0 x 2.5m splay to ensure this condition is met.

Reason: To ensure maximum vehicular and pedestrian visibility.

96. 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.

97. 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.

98. Visitor Parking

The 4 visitor parking spaces are to be signed and marked as "visitor parking" and are to be accessible at all times. A sign post shall be erected at the vehicular entry point(s) of the development indicating the location of the visitor parking.

Reason: To ensure visitors are not forced to park on public streets when visitor parking has been provided and is available within the development.

99. No Parking in Truck Turning Area

No parking signage is to be placed in the truck turning area at the rear of the property

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