

14 September 2023



Department of Education
C/- DFP Planning 11 Dartford Road
THORNLEIGH NSW 2120

Dear Sir/Madam

Application Number: DA2023/0127
Address: Lot 3 DP 1018621 , 6 Namona Street, NORTH NARRABEEN NSW 2101
Proposed Development: Alterations and additions to an educational establishment (Narrabeen North Public School) including the removal and replacement of trees, landscaping works, and the installation of a substation and fire hydrant booster (Designated Development)

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

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

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

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

Regards,



Steven Findlay
Manager Development Assessments

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application Number:	DA2023/0127 PAN-303881
Applicant:	Department of Education C/- DFP Planning 11 Dartford Road THORNLEIGH NSW 2120
Property:	Lot 3 DP 1018621 6 Namona Street NORTH NARRABEEN NSW 2101
Description of Development:	Alterations and additions to an educational establishment (Narrabeen North Public School) including the removal and replacement of trees, landscaping works, and the installation of a substation and fire hydrant booster (Designated Development)
Determination:	Approved Consent Authority: Northern Beaches Local Planning Panel
Date of Determination:	06/09/2023
Date from which the consent operates:	14/09/2023
Date on which the consent lapses:	14/09/2028

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Steven Findlay, Manager Development Assessments

Date 06/09/2023

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
LA-DD-P-0120 - Rev A: Tree Removal	14 November 2022	DesignInc
LA-DD-P-0140 - Rev A: Site Plan	14 November 2022	DesignInc
LA-DD-P-1001 - Rev A: General Arrangement 01	14 November 2022	DesignInc
LA-DD-P-1002 - Rev A: General Arrangement 02	14 November 2022	DesignInc
LA-DD-P-1003 - Rev A: General Arrangement 03	14 November 2022	DesignInc
LA-DD-P-1004 - Rev A: General Arrangement 04	14 November 2022	DesignInc
LA-DD-P-1101 - Rev A: Fencing Plan	14 November 2022	DesignInc
LA-DD-P-2001 - Rev A: Planting Plan 01	14 November 2022	DesignInc
LA-DD-P-2002 - Rev A: Planting Plan 02	14 November 2022	DesignInc
LA-DD-P-2003 - Rev A: Planting Plan 03	14 November 2022	DesignInc
LA-DD-P-2004 - Rev A: Planting Plan 04	14 November 2022	DesignInc
LA-DD-P-3004 - Rev A: Section/Elevation 01	14 November 2022	DesignInc
LA-DD-P-3005 - Rev A: Section/Elevation 02	14 November 2022	DesignInc
LA-DD-P-4001 - Rev A: Typical Details 01	14 November 2022	DesignInc
LA-DD-P-4002 - Rev A: Typical Details 02	14 November 2022	DesignInc
LA-DD-P-4003 - Rev A: Typical Details 03	14 November 2022	DesignInc
LA-DD-P-4004 - Rev A: Typical Details 04	14 November 2022	DesignInc
LA-DD-P-0011 - Rev A: Schedules / Palette	14 November 2022	DesignInc

Engineering Plans		
Drawing No.	Dated	Prepared By
6683-CV-0002 - Rev C: Notes Sheet	25 January 2023	Enstruct

6683-CV-4001 - Rev C: Stormwater Drainage Plan Sheet 2	25 January 2023	Enstruct
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Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Aboriginal Cultural Heritage Assessment Report	Ver. 7.0, 7 November 2022	Kayandel Archaeological Services
Acid Sulfate Soil Management Plan	Rev. 0, 17 August 2022	Douglas Partners
Aquatic Ecology Assessment	Rev. Final, 1 February 2023	ADE Consulting Group
Arboricultural Impact Assessment	Rev. 8, 8 November 2022	Independent Arboricultural Service
Biodiversity Development Assessment Report	Rev. Final 1.0, 2 February 2023	Land Eco Consulting
Bushfire Assessment Statement	Rev. 0, 31 January 2023	Building Code & Bushfire Hazard Solutions
Construction Traffic Management Plan	Rev. 03, 5 July 2023	Ason Group
Detailed Site Investigation (Contamination)	Rev. 0, 17 August 2022	Douglas Partners
Flood Risk and Impact Assessment	Rev. Final, 20 January 2023	BMT
Geotechnical Investigation	Rev. 0, 5 March 2020	Douglas Partners
Geotechnical Investigation	Rev. 1, 5 September 2022	Douglas Partners
Heritage Impact Statement	Rev. 3, 27 January 2023	City Plan
Noise and Vibration Impact Assessment	Rev. Final 1.1, 19 January 2023	Acoustic Studio
Preliminary Construction Management Plan	Rev. 7, 1 February 2023	Johnstaff Projects
Preliminary Site Investigation (Contamination)	Rev. 0, 6 March 2020	Douglas Partners

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
LA-DD-P-1001 - Rev A: General Arrangement 01	14 November 2022	DesignInc
LA-DD-P-1002 - Rev A: General Arrangement 02	14 November 2022	DesignInc
LA-DD-P-1003 - Rev A: General Arrangement 03	14 November 2022	DesignInc
LA-DD-P-1004 - Rev A: General Arrangement 04	14 November 2022	DesignInc
LA-DD-P-1101 - Rev A: Fencing Plan	14 November 2022	DesignInc
LA-DD-P-2001 - Rev A: Planting Plan 01	14 November 2022	DesignInc
LA-DD-P-2002 - Rev A: Planting Plan 02	14 November 2022	DesignInc
LA-DD-P-2003 - Rev A: Planting Plan 03	14 November 2022	DesignInc
LA-DD-P-2004 - Rev A: Planting Plan 04	14 November 2022	DesignInc
LA-DD-P-4001 - Rev A: Typical Details 01	14 November 2022	DesignInc
LA-DD-P-4002 - Rev A: Typical Details 02	14 November 2022	DesignInc
LA-DD-P-4003 - Rev A: Typical Details 03	14 November 2022	DesignInc
LA-DD-P-4004 - Rev A: Typical Details 04	14 November 2022	DesignInc
LA-DD-P-0011 - Rev A: Schedules / Palette	14 November 2022	DesignInc

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	Ver 1. 18 January 2023	MRA Consulting Group

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

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

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	20 March 2023
Aboriginal Heritage Office	AHO Referral Response	6 March 2023

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

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

3. Prescribed Conditions (Crown Land Only)

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

Reason: Legislative Requirement.

4. General Requirements (Crown Land Only)

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

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

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

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

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

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

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

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

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

(h) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent or DA2022/1259 or

DA2022/1649 including for the erection of any fences, hoardings or other temporary works.

(j) 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.

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

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

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

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

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

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

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

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

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

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

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

7. **Staff and Contractor Parking**

All Staff and Contractors are to be encouraged to use public transport, or carpool to the work site, if driving to the work site they are to park off-street rather than parking on street whenever off-street parking is available. Any barricading/fencing of parking spaces must be approved in

advance by Council.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. Project Arborist

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

- a) The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:
 - i) tree protection requirements and works outlined in the Tree Management Plan (TMP) - Works Progress Development Phase, and drawing TMP Sheet 1,
 - ii) additionally, the Project Arborist shall be in attendance and supervise any landscaping works within the TPZ of all existing trees to be retained.
- b) Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.
- c) All tree protection measures specified must:
 - i) be in place before work commences on the site, and
 - ii) be maintained in good condition during the construction period, and
 - iii) remain in place for the duration of the construction works.

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

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

Reason: Tree protection.

19. Tree Removal Within the Property

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

- a) tree 2 - *Angophora costata*, tree 30 - *Eucalyptus botryoides*, tree 39 - *Glochidion ferdinandi*, tree 176 - *Eucalyptus botryoides*, tree 182 - *Eucalyptus robusta*, tree 183 - *Banksia integrifolia*,
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Note: tree 22 – *Cinnamomum camphora*, and tree 88 – *Cupaniopsis anacardioides* are exempt by their species and can be removed without Council consent.

Reason: To enable authorised development works.

20. Work Zones and Permits

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

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

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

21. Submission of Minor Encroachment Application for Works in the Public Road

The applicant is to submit a Minor Encroachments/ Constructions With Road Reserve Application for approval of landscaping works within the public road reserve (Form #4033).

The applicant is to enter into any appropriate agreements with Council. All costs related to the above application are to be borne by the applicant.

No work shall commence until written approval has been obtained from Council.

Reason: To ensure private works within the public road reserve are constructed in accordance with relevant standards and Council's specification and assign the responsibility for the structures on Council road reserve to the property owner.

22. Noise Management preparation before and during works

1. Prior to commencement of works neighbouring and on site affected receivers shall be notified in writing of noise implications and how these will be managed, as outlined in the Acoustic Review "Construction Noise and Vibration Impact Assessment for Designated Development by Acoustic Studio 19 January 2023" and measures put in place as recommended in the report to minimise nuisance by Noise and Vibration

2. A complaint register, including any action taken, shall be maintained on site during works.

3. The Crown Certifier is to be satisfied contractors are meeting the objectives of the Construction Noise and Vibration Impact Assessment.

Reason: To minimise nuisance by Noise and Vibration

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

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

The application is to include Civil Engineering plans for the design of the proposed pedestrian access path and reinstatement of the existing stairs in Namona St which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer. The design must include the following information:

1. Plan and sections including proposed and existing levels.
2. Retaining wall details.
3. Services plan and concurrence from relevant service authority for any relocation required to suit the works.

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 Crown Certifier prior to the issue of the Relevant Crown Certificate.

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

24. **Contaminated Land Requirements**

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

- a) How all the requirements and / or recommendations contained within the Contamination Reports Douglas Partners in their report "Detailed Site Investigation (Contamination) Project 86973.04 August 2022" are to be implemented;
- b) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;
- c) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works and notification to the Council and Principal Certifier.
- d) A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:
 - (a) During construction in order to monitor water and soil quality the following is to be implemented:
 - i) Water testing is to be completed in accordance with Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring
 - ii) Soil Testing in order to detect contaminants is occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.
 - (b) The requirements of (i) and (ii) above are to be implemented from the commencement of works as follows:
 - i) Fortnightly during excavation works
 - ii) Monthly during building works
- e) To ensure water quality is maintained runoff must be drained to an adequately banded central collection sump and treated, to meet NSW Department of Environment and Climate Change (formerly Environment Protection Authority) discharge criteria.

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

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

disposed of at a waste facility.

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

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

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

The following standards applied at the time of determination:

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

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

DURING BUILDING WORK

25. **Acid sulfate soils**

All excavation, construction and associated works must be conducted in accordance with the approved Acid Sulfate Soil Management Plan by Douglas Partners Pty Ltd " Acid Sulfate Soil Management Plan Project 86973.04 August 2022".

Reason: To ensure management of potential acid sulfate soils.

26. **Requirement to notify about new Acid Sulfate Soils evidence**

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Crown Certifier and a report be obtained from a suitably qualified person. Any recommendations provided by the report are to be complied with during works.

Reason: To protect the environment.

27. **Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all trees within the site not approved for removal, including trees and vegetation nominated

- for retention on the approved Plans,
ii) all trees and vegetation located on adjoining properties,
iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project 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/Project 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 Crown Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 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 AS4373-2007 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.

The Crown Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

28. **Condition of Trees**

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

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,

- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

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

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

Reason: Protection of trees.

29. **Compliance with BDAR Recommendations – During Construction and Demolition**
All 'during-construction and demolition' biodiversity-related measures specified in Tables 31 and 32 of the approved BDAR (LandEco Consulting, 2 February 2023) are to be implemented at the appropriate stage of the development. Compliance with these measures is to be certified by the Project Ecologist and evidence provided to the Crown Certifier prior to issue of an Relevant Crown Occupation Verification Certificate.

Reason: To confirm compliance with impact avoidance and mitigation measures of the approved BDAR.

30. **Wildlife Protection**
If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, an appropriately licensed ecologist or wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

31. **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.

32. **Installation and Maintenance of Sediment and Erosion Controls**
Council proactively regulates construction sites for sediment management.

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

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

Reason: Protection of the receiving environment.

33. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

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

34. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements are in accordance with the approved plans.

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

Reason: To demonstrate the proposal complies with the approved plans.

35. Waste Management During Development

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

36. Property Boundary Levels

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

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

Reason: To maintain the existing profile of the nature strip/road reserve.

37. Civil Works Supervision

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

Details demonstrating compliance are to be submitted to the Crown Certifier and/or Roads Authority.

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

38. Unexpected Finds

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

the Heritage Council.

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

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

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

Reason: To protect human health and the environment.

40. **Compliance with the Contamination Management Plan**

The requirements of the Contamination Management Plan required by this consent and the report by Douglas Partners in their report "Detailed Site Investigation (Contamination) Project 86973.04 August 2022" are to be fully implemented from commencement of any excavation, demolition or development works until the issue of an Occupation Certificate.

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

41. **Dust Control**

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

Measures may include but not be limited to:

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

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

42. **Pollution Control**

All stockpiles, materials, waste and slurry associated with works (including excavated material) are to be contained at source within the construction area and enclosed in waterproof covering and/or sediment and erosion control while not in use. All waste and debris is to be removed off site and disposed of as frequently as required in accordance with the Waste Management Plan and applicable regulations.

Reason: To protect the surrounding environment, and ensure that pollutants and building associated waste do not enter receiving waters.

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

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

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

Reason: For protection of environment.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO COMPLETION

44. Acid Sulfate Soil Management Confirmation

Details demonstrating compliance during works with the approved Acid Sulfate Soil Management Plan by Douglas Partners Pty Ltd " Acid Sulfate Soil Management Plan Project 86973.04 August 2022" is to be submitted to the satisfaction of the Crown Certifier prior to the issue of the Relevant Crown Occupation Verification Certificate.

Reason: To ensure management of potential acid sulfate soils.

45. Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plan(s), and inclusive of the following conditions:

- a) all tree planting shall be a minimum pre-ordered planting size of 100 litres or as otherwise scheduled if greater in size; meet the requirements of Natspec - Specifying Trees; 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 or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
- b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plan(s),
- c) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- d) where the property is certified Bush Fire Prone Land, any new planting may be managed in accordance with Planning for Bushfire Protection 2019.

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

Reason: Environmental amenity.

46. Condition of Retained Vegetation - Project Arborist

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

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

Reason: Tree protection.

47. **Compliance with BDAR Recommendations – Post Construction and Demolition**

All post-construction biodiversity-related measures specified in Tables 31 and 32 of the approved BDAR (LandEco Consulting, 2 February 2023) are to be implemented at the appropriate stage of the development. Compliance with these measures is to be certified by the Project Ecologist and evidence provided to the Crown Certifier prior to issue of an Relevant Crown Occupation Verification Certificate.

Reason: To confirm compliance with impact avoidance and mitigation measures of the approved BDAR.

48. **Protection of Habitat Features – Certified by Ecologist**

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

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

Reason: To protect wildlife habitat.

49. **No Weeds Imported On To The Site**

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

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

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

50. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified Civil Engineer.

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

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

51. **Waste Management Confirmation**

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

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

52. **Validation for Remediation**

A validation and site monitoring report, including a survey of all sites used for landfill disposal is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of

the remediation.

The report shall reference the report by Douglas Partners in their report "Detailed Site Investigation (Contamination) Project 86973.04 August 2022 and stipulate that compliance with all recommendations and processes during works have been achieved.

The plan must identify the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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

Reason: To ensure environmental amenity is maintained.

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

53. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.

Reason: To maintain local environmental amenity.

54. **Geotechnical Recommendations**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

55. **Dewatering Management**

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

Water Quality (<one hour of planned discharge)

Oil and grease, not visible

pH, 6.5-8.5

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

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

Tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted. If an alternative solution is required, you must contact Council's Catchment Team at catchment@northernbeaches.nsw.gov.au

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

Council proactively regulates construction sites for sediment management.

Reason: Protection of the receiving environment and groundwater resources and to ensure discharges remain within the capacity of the local stormwater system or waterway.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the advisory notes to ensure the development is carried out lawfully.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Northern Beaches Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Northern Beaches Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel. Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.