

11 August 2023



Link Wentworth Housing Limited
C/- GLN Planning Pty Ltd Level 10 70 Pitt Street
SYDNEY NSW 2000

Dear Sir/Madam

Application Number: DA2021/1912

Address: **Approved Lot 1 to be created in Plan of Subdivision of:**
Lot 1 DP 544341, 2 - 4 Lakeside Crescent NORTH MANLY
NSW 2100
Lot 46 DP 12578, 2 - 4 Lakeside Crescent NORTH MANLY
NSW 2100
Lot 47 DP 12578, 2 - 4 Lakeside Crescent NORTH MANLY
NSW 2100
Lot 48 DP 12578, 2 - 4 Lakeside Crescent NORTH MANLY
NSW 2100
Lot 45 DP 12578, 8 Palm Avenue NORTH MANLY NSW
2100
Lot 22 DP 865211, 389 Pittwater Road NORTH MANLY
NSW 2100

Proposed Development: **Alterations and additions to an existing building for a mixed use development including seniors housing and boarding house, stratum and strata subdivision.**

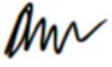
Please find attached the Notice of Determination for the above mentioned Application.

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,



Adam Richardson
Acting Executive Manager Development Assessment

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application Number:	DA2021/1912 PAN-153414
Applicant:	Link Wentworth Housing Limited C/- GLN Planning Pty Ltd Level 10 70 Pitt Street SYDNEY NSW 2000
Property:	Approved Lot 1 to be created in Plan of Subdivision of: Lot 1 DP 544341 2 - 4 Lakeside Crescent NORTH MANLY NSW 2100 Lot 46 DP 12578 2 - 4 Lakeside Crescent NORTH MANLY NSW 2100 Lot 47 DP 12578 2 - 4 Lakeside Crescent NORTH MANLY NSW 2100 Lot 48 DP 12578 2 - 4 Lakeside Crescent NORTH MANLY NSW 2100 Lot 45 DP 12578 8 Palm Avenue NORTH MANLY NSW 2100 Lot 22 DP 865211 389 Pittwater Road NORTH MANLY NSW 2100
Description of Development:	Alterations and additions to an existing building for a mixed use development including seniors housing and boarding house, stratum subdivision and strata subdivision.
Determination:	Approved Consent Authority: Sydney North Planning Panel
Date of Determination:	9 August 2023
Date from which the consent operates:	11 August 2023
Date on which the consent lapses:	11 August 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 Adam Richardson
 Acting Executive Manager Development Assessment
Date 11 August 2023

NOTE: Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2021 as determined by the Sydney North Planning Panel on 9 August 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.

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-0102 Issue G	5/09/2022	Integrated Design Group
DA-0200 Issue D	13/05/2022	Integrated Design Group
DA-0201 Issue D	13/05/2022	Integrated Design Group
DA-0202 Issue D	13/05/2022	Integrated Design Group
DA-0203 Issue D	13/05/2022	Integrated Design Group
DA-0500 Issue E	13/05/2022	Integrated Design Group
DA-0501 Issue E	13/05/2022	Integrated Design Group
DA-0502 Issue E	13/05/2022	Integrated Design Group
DA-1100 Issue G	13/05/2022	Integrated Design Group
DA-1101 Issue F	13/05/2022	Integrated Design Group
DA1102 Issue G	13/05/2022	Integrated Design Group
DA-1103 Issue G	17/07/2023	Integrated Design Group
DA-2000 Issue F	17/07/2023	Integrated Design Group
DA-2001 Issue F	17/07/2023	Integrated Design Group
DA-3000 Issue G	17/7/2023	Integrated Design Group
DA-3001 Issue E	17/07/2023	Integrated Design Group
DA9600 Issue C	13/05/2022	Integrated Design Group

Engineering Plans		
Drawing No.	Dated	Prepared By
CI-1-007-01 Rev B	12/05/2022	Stantec
CI-1-060-01 Rev C	12/05/2022	Stantec
CI-1-070-01 Rev B	12/05/2022	Stantec
CI-1-076-01 Rev B	12/05/2022	Stantec
CI-1-500-01 Rev C	12/05/2022	Stantec
CI-1-520-01 Rev C	12/05/2022	Stantec
CI-1-526-01 Rev B	12/05/2022	Stantec
CI-1-526-02 Rev B	12/05/2022	Stantec
Subdivision Plans		
Drawing No.	Dated	Prepared By
Draft Strata Plan Ref 296-20 Sheets 1 to 4, Rev 02	24/5/2022	Andrew Richard Thomas

Draft Stratum Plan Ref 286-20 Sheets 1 to 3, Rev 00	01/06/2022	Andrew Richard Thomas
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Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Stormwater Management Report Ref 45216, Rev 04	1/10/2021	Stantec
Noise Impact Assessment, Ref 45216 Rev 03	30/09/2021	Stantec
BCA Compliance Statement	30/09/2021	Blackett Maguire Goldsmith
BCA COMPLIANCE ADDENDUM FOR DA SUBMISSION	03/06/2022	Blackett Maguire Goldsmith
Arboricultural Impact Assessment, Ref 2005_A	26/09/2021	Elke Landscape Architects
Consulting Arboricultural Note on T39 Rev B	18/05/2023	Elke Landscape Architects
Acid Sulphate Soils Assessment, 1801104ASSLtrFinalV01_06Nov18	06/11/2018	Geo-logix
Access Review, Issue 2	30/05/2022	Funkton
Preliminary Geotechnical Report 1801104GTRpt01FinalV01_09Nov18	29/11/2018	Geo-logix
Council Request for Information – Groundwater Elevations 2101124Ltr01FinalV01_21Oct21	21/10/2021	Geo-logix
BASIX Certificate No.1243888M_02	30/05/2022	Frys Energywise
Flood Emergency and Tsunami Response Plan 59919086, Version 1	13/07/2023	Stantec
Plan of Management for New Age Boarding House	13/07/2023	Link Wentworth
Response to Flood Matters dated 2 September 2022	2/09/2022	Stantec
Response to Flood Matters dated 5 October 2022	05/04/2023	Stantec
Response to Flood Matters dated 5 April 2023	05/04/2023	Stantec
Link Wentworth Letter dated 11 January 2023 updated July 2023	13/07/23	Link Wentworth

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
Landscape Plan LA 1 to LA16 Inclusive	13/07/2023	Paterson Design Studio

Rev A		
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Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan Rev 1	1/10/2021	Encycle

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 Response	2021/792319	12/11/2021
TfNSW SYD21/01340/03	2021/814592	18/11/2021

(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.

3. Approved Land Use

Part A

Ground floor boarding house to be managed and operated at all times by a registered Community Housing Provider (CHP) or alternatively a Government Entity.

Part B – Seniors Living

The first and second floor is to be provided as Housing for Seniors or People with a Disability.

Reason: To confirm the land use approved by this development consent.

4. Prescribed Conditions

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

Reason: Legislative Requirement.

5. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Holidays. Demolition and excavation works are

restricted to:

- i 8.00 am to 5.00 pm Monday to Friday only.

(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) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

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

(f) 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.

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

(h) 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.

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

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

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

(j) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of

the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

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

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

6. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards as required by the National Construction Code.

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

7. Plan of Management

The Plan of Management submitted in support of this application titled, 'Management Plan For New Age Boarding House and Seniors Living at 2-4 Lakeside Crescent NORTH MANLY, 13 July 2023 forms part of the development consent. In the event of any inconsistency, the conditions of this consent will prevail over the plan of management.

Reason: Environmental amenity.

8. Flood and Tsunami Emergency Response Plan

The Flood and Tsunami Emergency Response Plan, 13 July 2023 forms part of the development consent. In the event of any inconsistency, the conditions of this consent will prevail over the Flood and Tsunami Emergency Response Plan.

Reason: To maintain safety of occupants in a flood event.

9. No Strata subdivision of boarding house

The boarding house component of the development shall only be operated by a Community Housing Provider or Government Department and shall at no time be strata subdivided.

Reason: Requirement of legislation.

10. Resident selection boarding house

The choice of residents for occupation of the ground floor boarding house must be consistent with the letter from Link Housing dated 11 January 2023 updated 13 July 2023 included in the approved documents of Condition 1.

11. Strata subdivision of Seniors Living

Any strata subdivision of the upper levels of the property must require a by-law requiring residents to comply with the approved Flood and Tsunami Emergency Response Plan (FERP) at all times and follow instructions of the Flood Wardens where such instructions are consistent with the FERP, unless otherwise instructed by the SES or Police. The By-law shall not be removed without the written approval of Council.

12. Flood Wardens

A minimum of two appropriately trained Flood Wardens shall live on the premises in the portion operated by the Community Housing Provider/Government Department (a minimum of one

living in the ground floor boarding house). The operator of the boarding house shall ensure the Flood Wardens are appropriately trained, and provided with ongoing retraining, in relation to response to flood and tsunami events in accordance with the approved Flood and Tsunami Emergency Response Plan and have appropriate first aid training and fund that training.

13. Boarding House Management

The boarding house operator (not the Flood Wardens) is to be responsible for regular inspection and maintenance of all equipment and plant necessary for an appropriate flood or tsunami response on the site in accordance with the specifications of the manufacturer, including, but not limited to the flood doors, photovoltaic panels and backup storage, the stair lift and backup battery and the provision of first aid and other supplies in the shelter in place facility (SIP).

14. Emergency Drills

The Flood Wardens shall conduct emergency flood/tsunami response drills at random times every six months. A representative of the boarding house operator shall be on site to observe all emergency flood/tsunami response drills. Any identified concerns with the drill are to be addressed by the boarding house operator and if necessary the FERP shall be amended with the written approval of Council.

A copy of any amended FERP shall be provided to Council.

FEES / CHARGES / CONTRIBUTIONS

15. Policy Controls Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$46,815.75 (being the Level 2 Seniors Living Units) 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 will be based on a development cost of \$4,681,574.

The monetary contribution is to be paid prior to the commencement of works. 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 commencement of works. Details demonstrating compliance are to be submitted to the 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.

16. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any

damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

All bonds and fees shall be deposited with Council prior to the commencement of works or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the commencement of works.

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

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

17. Security Bond Road Damages

As security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site a bond of \$15000.

Details confirming payment of the bond(s) are to be submitted to the Certifier prior to the commencement of works.

Reason: Protection of Council's infrastructure

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS

18. Transplanting Methodology Plan

A Transplanting Methodology Plan, prepared by an Arborist with AQF minimum Level 5 qualifications in arboriculture, In accordance with the additional Arborist Report dated 18 May 2023 to demonstrate the requirement for the proposed transplanting of tree number 39 - Canary Island Palm (if not to remain in situ), including:

- i) preparation of the site for trenching,
- ii) root treatment along the trench and rootball prior to lifting,
- iii) preparation for lifting and relocation,
- iv) transplanting methodology and installation works,
- v) post-transplanting care and duration,
- vi) ongoing maintenance program,
- vii) replacement strategy if transplanting fails in the long term.

The Transplanting Methodology is to be submitted to the Certifying Authority for approval prior to the commencement of works.

Reason: Tree protection.

19. Flooding

Flood Effects Caused by Development – A2

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 3.16m AHD.

Building Components and Structural Soundness – B1

All new development below the Flood Planning Level of 3.66m AHD shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

Building Components and Structural Soundness – B2

All new development must be designed to ensure structural integrity up to the Probable Maximum Flood (5.7m AHD) (including between the 1%AEP flood event and the FPL), taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

Building Components and Structural Soundness – B3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level (3.66m AHD). All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed to cut electricity supply during flood events.

Car parking – D4

Vehicle barriers or restraints are to be installed so as to prevent vehicles leaving the site. Protection must be provided for all events up to the 1% AEP flood event (3.16m AHD).

Perimeter walls/louvres installed as vehicle barriers or restraints are to be designed to allow flood waters to pass through and are to have a minimum of 50% open area from the natural ground level up to the 1% AEP flood level.

Flood Emergency Response – E1

The shelter-in-place refuge must:

- a) Have a floor level at or above the Probable Maximum Flood level; and
- b) Have a floor space that provides at least 2m² per person where the flood duration is long (6 or more hours) in the Probable Maximum Flood even, or 1m² per person for less than 6 hours;
- c) Is intrinsically accessible to all people on the site, plainly evident, and self-directing, with sufficient capacity of access routes for all occupants without reliance on an elevator.

Flood Emergency Response – E2

The shelter-in-place refuge must contain emergency power and a means of medical evacuation.

Fencing – F1

New fencing (including boundary fencing, balcony balustrades and accessway balustrades) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level. Openings should be a minimum of 75mm x 75mm.

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

20. Flood Doors

Engineering details and manufacturers specifications for the external doorways and flood barrier system shall be submitted to the Certifying Authority for approval prior to the commencement of works.

Reason: To ensure flood doors are constructed as per manufacturer specifications.

21. No Clearing of Vegetation

Unless otherwise exempt or authorised by this development consent, no vegetation is to be cleared.

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

Reason: To protect native vegetation.

22. 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 the commencement of works.

Due to heavy traffic congestion along Pittwater Road, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic Engineer prior to submission of the CTMP.

The CTMP must address following:

- i The proposed phases of construction works on the site, and the expected duration of each construction phase
- i The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- i Make provision for all construction materials to be stored on site, at all times
- i The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- i The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- i The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- i Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- i Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- i Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- i The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- i Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- i Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage

and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site

- i The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- i Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- i The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- i Proposed protection for Council and adjoining properties
- i The location and operation of any on site crane

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

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

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

23. **Removal of Redundant Driveways**

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council prior to the commencement of works. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.

24. **Building Code of Australia Upgrade requirements**

The recommendations contained in in the BCA Compliance Statement prepared by Blackett, Maguire + Goldsmith, 30/9/2021 & 03/06/2022 are to be considered as part of the assessment prior to certification). Details demonstrating compliance are to be provided to the Certifying Authority prior to the commencement of works.

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

25. **Building Code of Australia Access**

Access and facilities to and within the building are to be provided for Persons with a Disability and are to comply with the Building Code of Australia and AS 1428.1. In this regard the

recommendations contained in the Access Review Report prepared by funktion dated 30/05/2022 is to be taken into consideration as part of the assessment prior to certification.

Details are to be provided to the Certifying Authority prior to the commencement of works and be implemented prior to occupation of the building.

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

26. **Access to development**

Access to all communal and public areas of the development, including communal open spaces, are to be designed and constructed in accordance with the requirements of Disability (Access to Premises — Buildings) Standards 2010.

Reason: To ensure compliance with standards.

27. **Compliance with Boarding House Standards**

The boarding house must be designed, constructed and operated in accordance with:

- a. *Local Government (General) Regulation 2005*, Schedule 2, Part 1 Standards for places of shared accommodation;
- b. *Boarding Houses Act 2012*; and
- c. *Boarding Houses Regulation 2013*.

The certifier shall ensure prior to the commencement of works that all construction plans abide by the relevant requirements of the above.

Reason: To ensure standards are met for the boarding house.

28. **Acid Sulfate Soils Management Plan**

An Acid Sulfate Soils Management Plan (ASSMP) is to be prepared by a suitably qualified geotechnical engineer in accordance with Water Quality Australia, *National Acid Sulfate Soils Guidance* (2018) and the Acid Sulfate Soils Manual (ASSMAC, 1998) and submitted to the Certifying Authority.

According with the *Conclusions* in the Acid Sulfate Soil Assessment prepared by Geo-Logix Pty Ltd, dated 6 November 2018, and numbered 1801104ASSLtrFinalV01_06Nov18, further testing must be done to determine the full extent of ASS in subsurface fill material, prior to the ASSMP being completed.

Reason: To protect the environment via correct management of acidic soils.

29. **Unexpected Finds Protocol**

Prior to the commencement of works an Unexpected Finds Protocol for any contamination that could be encountered during site works is to be prepared as per the recommendation within the Site Audit prepared by Senversa Pty Ltd dated 10 September 2020 (reference: S17743_RPT_SAR_rev2).

The Unexpected Finds Protocol is to be prepared by an appropriately qualified and

experienced Environmental Consultant and provided to the satisfaction of the Certifying Authority.

Reason: To manage any unexpected contamination encountered during works.

30. Acoustic Report Recommendations

Prior to the commencement of works, documentation is to be submitted to the satisfaction of the Certifying Authority that acoustic criteria treatment and design requirements within the Noise Impact Assessment by Stantec Australia Pty Ltd dated 30 September 2021 (Reference 45216) have been implemented/incorporated into the design of the premises.

Reason: To maintain acoustic amenity of building occupants and protect surrounding residence from any noise generated by the operation of the development.

31. Noise - Design of Mechanical Plant

Prior to the commencement of works, the design, specifications and location of noise generating mechanical plant are to be provided to the Certifying Authority. An acoustic assessment is to be undertaken by a suitably qualified professional such as an acoustic engineer to determine acoustic treatments to control noise emissions from all mechanical plant noise in accordance with the measures stated within Section 6.2.2 of the Noise Impact Assessment by Stantec Australia Pty Ltd dated 30 September 2021 (Reference 45216).

Any design recommendations made by the consultant must be implemented into the plans prior to the commencement of works in order to achieve compliance with noted conditions of this consent.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority.

Reason: To maintain amenity of the surrounding area.

32. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards required by the NCC and related to the scope of work submitted in the approved plans and relevant to this approval.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the commencement of works.

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

33. Details of Parking Area

Before the issue of the commencement of works, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of AS 2890 Parking Facilities- Off- Street Carparking and Council's development control plan.

Reason: Compliance with standards.

34. Waste and Recycling Requirements

Details demonstrating compliance with Waste Management Plan prepared by Encycle (dated 1 October 2021), are to be submitted to and approved by the Certifying Authority prior to the

commencement of works.

Note: The proposal shall be generally consistent with the submitted Waste Management Plan referenced in Condition 1.

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

35. **Vehicle Crossing Application**

The Applicant is to submit an application for new driveway levels with Council in accordance with Section 138 of the Roads Act 1993. 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 Certifier prior to the commencement of works.

Reason: To facilitate suitable vehicular access to private property.

36. **Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to Council's stormwater drainage system in Lakeside crescent.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the commencement of works.

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

37. **Pre commencement dilapidation report**

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

The pre-construction / demolition dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifier prior to the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

38. **Amended Plans and Documents**

Prior to the commencement of work, amended plans/additional information shall be prepared/provided, and a copy submitted to Council, showing the following:

a) Photovoltaic panels on the roof, connected to battery storage to provide for basic lighting and facilities to be used in case of disruption to electricity supply during occupation of the SIP facility. The battery storage is also to be connected to mains supply.

b) The SIP facility shall be amended to include:

i. A kitchenette providing a sink, microwave and hotplate (electric);

- ii. Sufficient cupboard storage for emergency supplies (blankets, towels, first aid kit and utensils for preparing basic food and drinks);
- iii. A TV and radio (with battery backup) for access to information in an emergency;
- iv. Power outlets for charging of mobile phones and the like; and
- v. The WC being provided with storage capacity suitable to cater for SIP events where the sewerage system fails to function.

c) The design shall be amended, under the instruction of a suitably experienced and qualified flood engineer, to ensure all flood protection doors and equipment are appropriately located behind physical barriers that would prevent foreseeable damage in a flood due to floating debris.

d) A mobile chair lift (to be stored near to the stairs) for the stairs from the ground to the first floor provided with a battery backup in the case of power failure.

e) Units 2.05 and 2.06 on the second floor being provided with a clerestory windows as shown, but not notated, on the elevation and section plans.

Reason: To ensure appropriate site management and flood management.

39. **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. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

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

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

- i) section 6 Impact, Discussion and Recommendations
- ii) section 7 Ongoing Maintenance and Ground Protection Measures
- iii) section 8 Tree Protection Fencing Recommendations
- iv) section 9 Trunk Protection Specification

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 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.

40. 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):

- T3 and T4 (Weeping Bottlebrush); T16 and T17 (Bangalay); T34 (Cypress), T35 (White Feather Honey Myrtle); T36 (Mock Orange); T40 (Southern Blue Gum); T41a and T44 (Giant Bird of Paradise); T42 (Cheese Tree), and T43 (Coast Banksia).

Note: Exempt Species as listed in the Development Control Plan and identified in the Arboricultural Impact Assessment do require Council consent for removal, and these include the following:

- T45, T46, and T47 (Weeping Bottlebrush) exempt by height at 5 metres or less; T5 (Crepe Myrtle) exempt by species type; and T7 (Oleander) exempt by species type.

Reason: To enable authorised building works.

41. Wildlife Protection

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.

42. Work Zones and Permits

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

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

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

43. Road Occupancy Licence

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

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

44. 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 a suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

Due to heavy traffic congestion throughout the area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The DTMP must:-

- i Make provision for all construction materials to be stored on site, at all times.
- i The DTMP is to be adhered to at all times during the project.
- i Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- i Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- i Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- i Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- i Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- i Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- i Specify spoil management process and facilities to be used on site.
- i Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS' Manual – "Traffic Control at Work Sites".

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

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

45. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

46. 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.

Note: retained trees as listed in both the Arboricultural Impact Assessment and the Landscape Plan LA-4 include tree numbers: 1, 2, 6, 8, 9, 10, 11, 12, 13, 14, 15, 18, 37, and 38, whilst 39 may be transplanted.

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 complaint 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.

47. Condition of Trees

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

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

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

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

Reason: Protection of trees.

48. Arborist Recommendations to be Implemented

As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by ELKE (2022) are required to be complied with before and throughout the development period. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Certifying Authority prior to works recommencing.

Reason: To ensure the retention of the Urban Forest/Natural Environment and remain consistent with approved reports.

49. Implementation of Demolition Traffic Management Plan

All works and demolition activities are to be undertaken in accordance with any 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.

50. Implementation of Construction & Demolition Traffic Management Plan

All works and construction activities are to be undertaken in accordance with any approved Construction & Demolition 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.

51. Ongoing Management

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

52. Removing, Handling and Disposing of Asbestos

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

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

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

53. Survey Certificate

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

- (a) 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 Certifier.

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

54. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

55. Acid Sulfate Soils

All excavation, construction and associated works must be conducted in accordance with the approved Acid Sulfate Soil Management Plan.

Reason: To ensure management of potential acid sulfate soils in accordance with ASSMAC 1998.

56. 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 Certifying Authority.

Reason: To protect human health and the environment.

57. Site Contamination – Acid Sulfate Soils

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

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 3 years and be made available to authorised Council officers on request.

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

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

Reason: to protect environment and public health.

58. Compliance with the Unexpected Finds Protocol

The requirements of the Unexpected Finds Protocol required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the

issue of any interim / final occupation certificate.

Reason: To manage any unexpected contamination encountered during works.

59. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan referenced in Condition 1.

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

60. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

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

61. Staff and Contractor Parking

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the offstreet parking once available. All necessary facilities are to be provided to accommodate this requirement.

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

62. Concrete footpath construction

The applicant shall construct a 1.5m wide footpath on an approved alignment for the Lakeside Cres and Palm Avenue frontages. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Councils standard engineering drawings.
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Councils standard engineering drawings. Details demonstrating compliance are to be submitted to the Certifier.

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

63. Vehicle crossings

If any new vehicular crossings are required, the Applicant is to construct a vehicle crossing 4 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal and the driveway levels 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 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 Certifier.

Reason: To facilitate suitable vehicular access to private property.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO OCCUPATION

64. **Landscape Completion**

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

Prior to occupation, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved Landscape Plan and any conditions of consent.

Reason: Environmental amenity.

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Governments 5 Million trees initiative.

<https://5milliontrees.nsw.gov.au/>

65. **Condition of Retained Vegetation - Project Arborist**

Prior to occupation, a report prepared by the project arborist 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 protection.

66. **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 Certifying Authority prior to occupation.

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

67. **Certification of the Structural Stability of the Building (B2)**

A suitably qualified structural engineer is to certify the structural stability of the shelter in place considering lateral flood flow, buoyancy, suction effects, wave action and debris load impact of the Probable Maximum Flood (PMF) design flood depths and velocities (including between the 1% AEP flood event and the FPL).

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

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

68. **Restriction as to User and Positive Covenant over any self-actuating flood gate**

A restriction as to user shall be created on the title over any self-actuating flood gate in order to:

1. Prohibit the removal or modification of the self-actuating flood gate unless it is to replace a flood gate a newer self-actuating flood gate that provides the same level of protection as the original flood gate.
2. The flood protection offered by the self-actuating flood gate must be continuous and at a minimum level of 3.66 m AHD. Such levels are to be detailed to Australian Height Datum on the Section 88B instrument and submitted to Council for approval.

Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such restriction.

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

69. Signage and Linemarking – External

A plan demonstrating the proposed No Stopping signage (applying 6pm Tuesday to 6pm Wednesday) within 20m of the indented parking bay on the northern side of Lakeside Crescent shall be prepared by a suitably qualified person and submitted for approval by the Local Traffic Committee prior to the issue of any Occupation Certificate.

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

Reason: To ensure consistent parking amenity.

70. Signage and Linemarking – Implementation

The applicant is to install all signage and linemarking, as per any Roads Act approval. These works are to be completed prior to occupation.

Reason: To ensure compliance with the Road Act.

71. Disabled Parking Spaces

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009 including the provision of ramps linking to footpaths graded in accordance with AS1428.1

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

Reason: To ensure compliance with Australian Standards.

72. Shared Zone Bollard

A bollard is to be provided at the shared zone between disabled spaces in accordance to Australian Standards AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

73. Acoustic Report Certification

Prior to any occupation, a further acoustic assessment is to be undertaken by a qualified and experienced person(s) to confirm compliance with Section 6 and 7 of the Noise Impact

Assessment by Stantec Australia Pty Ltd dated 30 September 2021 (Reference 45216), as well as compliance with any design recommendations or requirements made in those acoustic assessments done prior commencement.

Any recommendations made by the consultant must be implemented prior to occupation, in order to achieve compliance with noted conditions of this consent. The updated acoustic assessment is to be submitted to the satisfaction of the Certifying Authority.

Reason: To protect the acoustic amenity of neighbouring properties.

74. Garbage and Recycling Facilities

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

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

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

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

75. Unit Numbering for Multi Unit Developments (Residential, Commercial and Industrial)

The units within the development are to be numbered in accordance with NSW Address Policy and User Manual.

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website Unit Numbering for Multi-Unit Developments Form

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted prior to occupation or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access.

76. 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 Certifying Authority prior to the occupation.

Reason: To ensure waste and recycling facilities are provided.

77. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to

the Certifying Authority prior to occupation.

Reason: To ensure waste is minimised and recycled.

78. Positive Covenant for Council and Contractor Indemnity

A positive covenant shall be created on the title of the land prior to occupation 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.

79. 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 occupation. 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.

80. Boarding House Registration

The operator of the boarding house must register the boarding house with NSW Fair Trading

Reason: Compliance with the Boarding House Act (NSW)

81. Contact Details for Boarding House

Prior to commencement of the boarding house use, a notification letter shall be forwarded to Council, the NSW Police and all adjoining and adjacent neighbours with the Operator providing contact details for the registering of complaints/incidents. Evidence of this letter being forwarded as required in this condition shall be provided to the Certifying Authority prior to the issue of an Occupation Certificate and commencement of the use.

Reason: To ensure appropriate management of the development.

82. Security Measures

Appropriate security measures, including security doors and CCTV cameras, shall be installed at the main pedestrian and vehicular entrances and exits. All CCTV cameras shall have the capacity to store footage for a minimum of twenty-one days.

Reason: To ensure appropriate management of the development.

83. Consent Compliance

A Subdivision Certificate shall not be issued until all conditions of this consent have been satisfied.

84. Occupation of Seniors Housing or Housing for Persons with a Disability

A positive covenant pursuant to Section 88E of the Conveyancing Act 1919 is to be registered

on the title of the land to which this development consent applies. The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and/or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the occupation of the building.

Reason: Statutory requirements.

85. Reinstatement of Redundant Vehicular Crossings

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the Certifier prior to occupation of the development.

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

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

86. 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 Plans and any conditions of consent. A maintenance activity schedule for on-going maintenance of landscape works shall be developed and scheduled for regular inspections and required remedial action. All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

87. 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.

88. Landscaping adjoining vehicular access

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1.1m.

89. Boarding House Plan of Management

The boarding house shall operate in accordance with the Plan of Management for New Age Boarding House and Seniors Living prepared by Link Wentworth as submitted with DA2021/1912. A copy of the plan of management shall be kept on the premises at all times and provided to each boarding house resident.

Prior to any changes being made to the plan of management, written approval shall be obtained by Council.

Reason: Protect the amenity of the area.

90. Flood Emergency Response Plan

A copy of this FERP or (a) future version(s) will be stored on site in hardcopy in a weather proof, easily accessible location that is clearly marked and available to emergency services. Additional copies will be available for staff training and reference in a flood emergency.

Prior to any changes being made to the FERP, written approval shall be obtained by Council.

Reason: To manage flood risk

91. Occupancy of Boarding House

The boarding house component of the building is to contain a maximum of 19 occupants (excluding children under 5 years old), being no more than 2 persons per designated bedroom. In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy.

Reason: To ensure the amenity of occupants and the surrounding neighbourhood.

92. Use of Communal Spaces

The use of the outdoor communal areas is to be restricted to between 7.00am and 9.00pm daily. This restriction is to be signposted within the outdoor communal area.

The hours of use of the internal communal areas is to be restricted to between 7:00 am and 10:00 pm, daily. This restriction is to be signposted within the indoor communal area.

Reason: To retain reasonable amenity for the surrounding properties.

93. 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.

94. **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.

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.