



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

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Level 4 GPO Box 3565 SYDNEY NSW 2001
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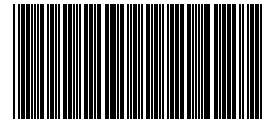
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Christopher Gough
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Your Ref:



D000247WJM

14 March 2025

NOTICE OF ORDERS MADE

Case number 2023/00465007
Case title Palmdev Pty Ltd v NORTHERN BEACHES COUNCIL

On 14 March 2025 the following orders (and/or directions) were made:

The Court orders that:

(1) The request pursuant to clause 4.6 of the Pittwater Local Environmental Plan 2014 to vary the development standard for height of building control contained within clause 4.3 thereof, as prepared by Boston Blyth Fleming dated 2 October 2024, is upheld.

(2) The appeal is upheld.

(3) Development consent is granted to development application DA2023/1289 for the demolition of existing structures, construction of a shop top housing development comprising five residential apartments over two ground floor retail tenancies including one level of basement parking, associated landscaping and site preparation works and re-location of the existing bus stop and shelter on Barrenjoey Road, at 1112-1116 Barrenjoey Road, Palm Beach, subject to the conditions of consent annexed and marked "Annexure A".

For the Registrar

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA2023/1289

Development: Demolition of existing structures, construction of a shop top housing development comprising 5x residential apartments over x2 ground floor retail tenancies including x1 level of basement parking, associated landscaping and site preparation works and re-location of the existing bus stop and shelter

Site: 1112 - 1116 Barrenjoey Road PALM BEACH NSW 2108

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

Date of determination: 06 March 2025

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 1112 - 1116 Barrenjoey Road PALM BEACH NSW 2108.

The conditions of consent are as follows:

CONDITIONS OF APPROVAL

Application Number:	DA2023/1289
Land to be developed (Address):	Lot 21 DP 571298, 1112 - 1116 Barrenjoey Road PALM BEACH NSW 2108
Proposed Development:	Demolition works and construction of Shop Top Housing

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

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A0012	H	Site Plan	Koichi Takada Architects	23 September 2024
A0013	F	Demolition Plan	Koichi Takada Architects	31 July 2024
A0022	C	Heritage Preservation Zone Plan	Koichi Takada Architects	31 July 2024
A0099	H	Basement 1 - Floor Plan	Koichi Takada Architects	11 September 2024
A0100	K	Ground Floor - Floor Plan	Koichi Takada Architects	29 January 2025
A0101	E	Level 01 - Floor Plan	Koichi Takada Architects	31 July 2024
A0102	G	Level 02 - Floor Plan	Koichi Takada Architects	31 July 2024
A0103	I	Level 03 - Floor Plan	Koichi Takada Architects	31 July 2024
A0105	J	Roof Plan - Floor Plan	Koichi Takada Architects	23 September 2024

A0200	H	West Elevation (Barrenjoey Road)	Koichi Takada Architects	23 September 2024
A0201	H	North Elevation (Side)	Koichi Takada Architects	23 September 2024
A0202	H	East Elevation (Rear)	Koichi Takada Architects	23 September 2024
A0203	H	South Elevation (Side)	Koichi Takada Architects	23 September 2024
A0300	I	Section 01 (Existing Ground)	Koichi Takada Architects	23 September 2024
A0301	G	Section 02 (Existing Ground)	Koichi Takada Architects	31 July 2024
A0302	H	Section 03 (Existing Ground)	Koichi Takada Architects	15 August 2024
A0303	D	Section 01 (Natural Ground)	Koichi Takada Architects	23 September 2024
A0304	B	Section 02 (Natural Ground)	Koichi Takada Architects	31 July 2024
A0305	C	Section 03 (Natural Ground)	Koichi Takada Architects	15 August 2024
A0320	D	Detail - Driveway Section	Koichi Takada Architects	31 July 2024
A0350	A	Detail - Awning Detail	Koichi Takada Architects	31 July 2024
A0440	D	Excavation Plan	Koichi Takada Architects	31 July 2024
A0500	G	Materials Sample Board	Koichi Takada Architects	15 August 2024
S34 Cover Page - LP01-D7621	N		Dangar Barin Smith	6 August 2024
S34 Ground Landscape - LP02-D7621	N		Dangar Barin Smith	6 August 2024
S34 First Landscape - LP03-D7621	N		Dangar Barin Smith	6 August 2024
S34 Second Landscape - LP04-D7621	N		Dangar Barin Smith	6 August 2024
S34 Third Landscape - LP05-D7621	N		Dangar Barin Smith	6 August 2024

S34 Details - LP07-D7621	N	Dangar Barin Smith	6 August 2024
Shoring & Bulk Excavation Plan - S010	1	M+G Consulting	7 August 2024
Shoring Elevations and Sections - S011	1	M+G Consulting	7 August 2024
Shoring Details - S015	1	M+G Consulting	7 August 2024
Shoring Staging and Sequence - S020	1	M+G Consulting	7 August 2024
STORM-1/B		Taylor Consulting	12 September 2024
STORM-2/B		Taylor Consulting	13 September 2024
STORM-3/B		Taylor Consulting	13 September 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Aboriginal Report - Interim Aboriginal Archaeological Excavation Report	-	Coast History & Heritage	August 2024
Aboriginal Objects Due Diligence Assessment Report	-	Urbis	4 March 2022
Access Report	P221_249-2 (ACCESS DA) JLS	Design Confidence	6 September 2023
Acoustic Report	20240704.1/0608A/R1/SW	Acoustic Logic	6 August 2024
Arborist Report	-	Tree Management Strategies	20 December 2021

BASIX Certificate	1267340M_03	Greenview Consulting Pty Ltd	29 January 2025
BCA Report	P221_249-2 (BCA) DY	Design Confidence	8 September 2023
Construction Methodology Report	E25203.G15	EI Australia	8 August 2024
Design Verification Statement	-	Koichi Takada Architects	23 September 2024
Drainage Letter - New Dwelling Report	-	Taylor Consulting	3 October 2024
Floodplain Management Report	F	van der meer	6 August 2024
Geotechnical Report - Additional Geotechnical Investigation	E25203.G04_Rev1	EI Australia	8 August 2024
Geotechnical Landslide Risk Assessment Report	E25203.G14_Rev 2	EI Australia	19 September 2024
Comments Matrix for Landslide Risk Assessment Report	E2503.G99	EI Australia	20 September 2024
Geotechnical Statement - Groundwater Drawdown Settlement Report	E25203.G20.02	EI Australia	8 August 2024
Groundwater Monitoring Report	E25203.G11.01	EI Australia	28 February 2024
Groundwater Take Assessment Report	E25203.G12_Rev2	EI Australia	8 August 2024
Heritage Impact Statement Report	08	Urbis	1 October 2024
Livable Housing Design Guidelines Assessment Report	P221_249-2 (LHA DA) JLS	Design Confidence	6 September 2023
NatHERS Certificate	0006950350	Greenview Consulting Pty Ltd	29 January 25
Operational Waste Management Plan	H	Elephants Foot Consulting Pty Ltd	19 September 2024
Traffic Report	21327	Varga Traffic Planning Pty Ltd	13 September 2024

In the event of any inconsistency between the approved plans, reports and documentation, the

approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

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	Referral - Ausgrid	18 October 2024
Transport for NSW	TfNSW Referral Response (Ref No. SYD24/01773/01)	3 November 2024
WaterNSW	DAS1151560	18 November 2024
Heritage NSW	DOC24/849234-12	25 November 2024

(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

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and license number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

4. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The

amount payable is subject to indexation at the time of payment.

- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

5. **Bus Zone Relocation and Changes to Parking Restrictions**

Prior to the issue of the construction certificate, if construction activities will affect the existing bus stop, its facilities and operation, the developer must consult with TfNSW/the bus operator and the Council to identify an appropriate location for a temporary bus stop relocation. Written agreement from TfNSW/the bus operator and the Council shall be provided to the certifier with all required works to be completed before construction commences to the satisfaction of the Council. These works shall be at no cost to TfNSW or Council.

The proposal requires the relocation of the existing bus stop and Bus Zone outside No.1112-1116 Barrenjoey Road, Palm Beach; to enable the proposed site access driveway to be located at the southern end of the Barrenjoey Road site frontage.

The Applicant must seek approval from Transport for NSW (TfNSW) for the proposed relocation of the bus stop to in front of 1102 Barrenjoey Road, Palm Beach and changes to parking restrictions adjoining the subject site. In the event that the proposed location of the bus stop in front of 1102 Barrenjoey Road is not approved by TfNSW, a new location is to be approved by both Council and TfNSW

Written agreement from TfNSW shall be provided to the certifier with all required works (including connecting footpath, bus shelter, DDA compliant facilities, parking restriction and bus stop signage changes) to be completed to the satisfaction of the Council and TfNSW before the issue of an occupation certificate.

Reason: Barrenjoey Road is classified as a State Road under the care and control of TfNSW. TfNSW is also the responsible for the planning and scheduling of public transport bus routes and timetables. Changes regarding the management of traffic on Barrenjoey Road or changes to bus services, including relocation of bus stops and changes to parking restrictions require TfNSW approval.

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$91,800.87 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan

(as amended).

The monetary contribution is based on a development cost of \$9,180,087.00.

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

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

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

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

7. **Security Bond**

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

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

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

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

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

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

The applicant is to lodge a bond with Council for the following:

Crossing / Kerb & Gutter / Footpath Works

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

Road Works

As security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works required as part of this consent a bond of \$20,000.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to

the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9. **Amended Landscape Plan**

a) amended Landscape Plan(s) shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details:

- i) substitute all Cupaniopsis anacardioides with a suitable native tree alternative of a similar size, and in accordance with iii),
- ii) all proposed trees and vegetation in the rear setback shall not exceed a mature height greater than 5 metres; substitute the proposed species with smaller native tree or shrub alternatives where appropriate,
- iii) all proposed trees in the side setbacks shall not exceed a mature height greater than the immediately adjacent built form height; substitute the proposed species with smaller native tree alternatives where appropriate,
- iv) all supplementary vegetation in the side setbacks (i.e. not trees) shall not exceed a mature height greater than the immediately adjacent built form height; substitute the proposed species with smaller alternatives where appropriate,
- v) substitute Lomandra 'Tanika' and Ficinia nodosa in the raised planters in the front setback with a suitable groundcover species with a mature height less than 300mm,
- vi) delete the proposed street tree Banksia integrifolia.

b) certification shall be submitted to the Certifier that these amendments have been documented.

Reason: Landscape amenity.

10. **Tree Protection Plan**

b) a Tree Protection Plan shall be submitted to the Certifier for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, to protect the following trees:

i) street tree 12.

c) the Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

- i) location of all trees identified for retention, including extent of canopy,
- ii) access routes throughout the site for construction activity,
- iii) location of tree protection fencing / barriers,
- iv) root protection in the form of mulching or boards proposed within the tree protection zone,
- v) trunk and branch protection within the tree protection zone,
- vi) location of stockpile areas and materials storage,
- vii) other general tree protection measures.

Reason: Tree protection.

11. **On Slab Landscape Planters**

a) details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections.

b) The following soil depths are required to support planting (as outlined in the ADG): 300-

450mm for groundcovers; 500-600mm for shrubs; 800-1000mm for small/medium trees.

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

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

12. **Flood Risk Management**

There is to be no additional structures placed within the rear or side setbacks that could potentially block the overland flow path at the rear and south of the building.

All new development below the Flood Planning Level of 3.12m AHD shall be designed and constructed from flood compatible materials.

All new development must be designed to ensure structural integrity up to the Flood Planning Level of 3.12m AHD, taking into account the forces of floodwater, debris load, wave action, buoyancy and immersion.

All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 3.12m AHD, protected from flood water, or have residual current devices installed to cut electricity supply during flood events.

All access, ventilation and any other potential water entry points, including entry ramp crests to the basement car park shall be at or above the Flood Planning Level of 3.12m AHD

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

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

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

- a pre-clearance survey of trees and vegetation approved for removal
- direct supervision of tree and vegetation removal
- protocol for rescue of fauna
- protocol for salvaging of log and hollow sections of trees approved for removal
- protocol for relocation of log and hollow sections to a suitable location on site
- procedures for stop work and formal impact assessment in the event that threatened fauna species are found during the pre-clearance survey

The Vegetation Removal Protocol is to be submitted to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To protect native wildlife.

14. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

15. Amendment of Landscape Plans

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

- At least 60% of the total number of new plantings (by number of plants) is to be selected from the species lists in the Pittwater Native Gardening Booklet, available on Council's website.

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

Reason: To maintain and replace habitat on the site.

16. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for Development Policy, prepared by an appropriately qualified and practicing Civil Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG), 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 the existing stormwater drainage pits in Barrenjoey Road, subject to the approval from Transport for NSW.

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

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

17. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by EI Australia, Ref: E25203.G14_Rev2 dated 19 September 2024 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

18. Construction Environment Management Plan

A Construction Environmental Management Plan (CEMP) is required as the construction activities (construction dewatering in particular) could cause environmental harm or environmental nuisance to the seagrass beds mapped at proximity in the Pittwater estuary. A Construction Environmental Management Plan (CEMP) must be prepared in accordance with environmental risks and mitigation methods best practices and must be kept in the site office. The CEMP must identify and appropriately manage invasive species.

An induction plan for site personnel must be prepared and implemented that addresses the CEMP. Induction records must be maintained and available onsite at all times.

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

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

19. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a

minimum:

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

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

Reason: Protection of the receiving environment.

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

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the Stormwater Management Plan from Taylor Consulting (Storm 1/B to Storm 3/B, dated 03/10/2024) and Council's Water Management for Development Policy.

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

Reason: Protection of the receiving environment.

21. **Car Parking Standards**

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

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

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

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 issue of any Construction Certificate.

Due to traffic congestion issues in peak period truck movements should be limited 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:

The proposed phases of construction works on the site, and the expected duration of each construction phase

- The proposed order in which works on the site will be undertaken, and the method
- statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

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

All fees and charges associated with the review of this plan is to be in accordance with

Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

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

23. Removal of Redundant Driveways

All redundant driveways shall be removed and reinstated to Transport for NSW standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council prior to the issue of the Construction Certificate. 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. N/A

25. Building Code of Australia Fire Safety Requirements

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the BCA Design Assessment Report prepared by Design Confidence, dated 8/9/2023, Ref No.P221_249-2 (BCA) DY, including any required Performance Reviews, are to be considered as part of the assessment for any Construction Certificate. Details demonstrating compliance are to be provided to the Certifier, prior to the issue of a Construction Certificate.

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

26. Access and Facilities for Persons with Disabilities

Access and facilities to and within the building are to be provided as required for Persons with a Disability in accordance with the Building Code of Australia and AS1428. In this regard the Accessibility Capability Statement prepared by Design Confidence, dated 6/9/2023, Ref P221-249-2 (Access DA) JLS is to be taken into consideration as part of the assessment of the Construction Certificate.

Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

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

27. 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 stormwater

connection from the site, public domain works and bus stop relocation 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. Approval from Transport for NSW (TfNSW) for the stormwater connection from the site into the existing stormwater pits in Barrenjoey Road, in accordance with their letter dated 3 November 2024 Ref: SYD24/01773/01.
2. 6.6 metre wide driveway crossing in accordance with Council's Normal profile.
3. Full width paving along the entire frontage of the site to matching the existing unit paving fronting Barrenjoey House.
4. Maximum cross fall of the paving to be 2.5% from top of kerb up to the boundary.
5. Approval from any service authority for any service adjustments.
6. Subject to approval by TfNSW, the relocation of the bus stop and Bus Zone with associated works including the following:
 - a) The new bus stop is to be located outside No.1102 Barrenjoey Road. The bus stop is to be designed in accordance with TfNSW Bus Stop wayfinding guidelines – Bus stop flag pole layout Version 2.1 27.09.2022, and be DDA compliant.
 - b) Changes to parking restrictions as approved by TfNSW.

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 issue of the Construction Certificate.

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

28. Tanking of Basement Level

The basement area is to be permanently tanked. The Applicant is to submit structural details of the tanking, prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Environment and Heritage. The bore license must be obtained prior to commencement of dewatering works. All requirements of Water NSW are to be complied with and a copy of the approval must be submitted to the Certifier.

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

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements.

29. Utilities Services

Prior to the issue of the Construction Certificate, written evidence of the following service provider requirements must be provided to the Principal Certifier:

- a) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity,
- b) a response from Sydney Water as to whether the proposed works subject to this consent would affect any Sydney Water infrastructure, and whether further requirements need to be met, and

- c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

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

Reason: To ensure relevant utility and service providers' requirements are provided to the Principal Certifier.

30. N/A

31. **Acoustic Review Required**

A report is to be prepared by a qualified and experienced acoustic consultant to be submitted at the construction certificate stage. The assessment shall review and certify the documentation includes the measures needed to comply with the noise assessment performance criteria stated in section 6.3.1 of the acoustic report titled "Noise Impact Assessment" by Acoustic Logic reference 20240704.1/0608A/R1/SW revision 1, dated 06/08/2024.

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

Reason: To ensure acoustic compliance in an operational situation.

32. **Mechanical Plant and Equipment**

Details of mechanical plant and equipment proposed for the rooftop of the development have not yet been determined.

When this equipment has been selected, prior to the issuing of a construction certificate, an acoustic assessment by a suitably qualified acoustic consultant is required to be undertaken to determine what acoustic treatment required to control noise emissions to satisfactory levels. Noise emissions from all mechanical services to the closes residential receiver should comply with the requirements of section 8.1.2.3. of the acoustic report titled "Noise Impact Assessment" by Acoustic Logic reference 20240704.1/0608A/R1/SW revision 1, dated 06/08/2024.

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

Reason: To ensure acoustic compliance in an operational situation.

33. **Acoustic Design Recommendations**

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Certifier that design recommendations within the acoustic report titled "Noise Impact Assessment" by Acoustic Logic reference 20240704.1/0608A/R1/SW revision 1, dated 06/08/2024 have been implemented / incorporated into the design of the premises.

Reason: To prevent noise nuisance by using mitigation measures in design.

34. **Hazardous Building Material Survey**

A hazardous building material survey is to be conducted by a suitably qualified and experienced person, prior to demolition and removal of all asbestos impacted fill where identified in the Detailed Site Investigation Report completed by EI Australia dated 30 July 2021.

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

35. **Engagement of Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with these conditions of consent.

The Project Ecologist must have one of the following memberships / accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR◦
Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

36. **Estuarine Hazard - Car Parking Facilities**

Floor Levels - Carparking Facilities

- **Enclosed garage or enclosed car park:** All floor levels shall be at or above the Estuarine Planning Level.
- **Basement (i.e. below ground level (existing)) carparking facilities:** All access, ventilation and any other potential water entry points must be above the Estuarine Planning Level. A clearly signposted pedestrian access to a 'safe haven' above the Estuarine Planning Level separate from the vehicle access ramps, shall be provided. The access ramp to the basement, where practical should not face the direction of wave action.
- **Open carpark areas (including covered carpark areas) and carports:** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where finished surface levels are more than 300mm below the Estuarine Planning Level.

Reason: To ensure estuarine hazards are addressed

37. **Compliance with Standards**

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

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

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

38. **Sydney Water "Tap In"**

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

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

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

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

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

39. Waste and Recycling Requirements

Details demonstrating compliance with the Northern Beaches Waste Management Guidelines and generally with the approved Operational Waste Management Plan, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate. The following numbers of bins are required:

- 2 x 240L red general waste
- 2 x 240L blue paper/cardboard recycling
- 1 x 240L yellow recycling

Doors to waste rooms are required to open outwards.

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

40. Tree Removal Within the Property

- a) this consent approves the removal of existing prescribed trees on the subject site as listed below:
 - i) trees 7, 9, 10 and 11 – *Glochidion ferdinandi*.

Reason: To enable authorised development works.

41. Work Zones and Permits

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

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

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

42. Road Occupancy Licence

Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from the Transport for NSW Transport Management Centre for any works that may impact on traffic flows.

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

43. 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 traffic congestion throughout the area, truck movements should be limited during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The DTMP must:-

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

The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”. All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Demolition Traffic Management Plan is submitted.

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

44. Dilapidation Report – Non Indigenous Heritage

A pre-commencement dilapidation report shall be prepared that provides a written and photographic record of the existing condition of the nearby heritage item (Barrenjoey House) and shall relate to that portion of Barrenjoey House which is within any zone of influence from any excavation works associated with the development, as determined by a suitably qualified structural engineer .

The pre-commencement dilapidation report shall be undertaken by a suitably qualified

Structural Engineer, with proven experience in dealing with structures of heritage significance. A copy of the report must be provided to the satisfaction of Council, any other owners of public infrastructure, together with the owners of Barrenjoey House.

In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifier before work commences.

Reason: Heritage conservation.

45. Non – Indigenous Heritage site induction ('toolbox talks')

Prior to the commencement of any works, all contractors, tradesmen and the like, shall be given a non indigenous heritage site induction ('toolbox talk').

The heritage site induction shall be delivered by a suitably qualified Heritage Consultant and shall ensure that all contractors, tradesmen and the like, are made aware that:

- a) The site adjoins an item of heritage significance (Barrenjoey House).
- b) There are statutory obligations under the *Heritage Act 1977* for all works to cease and Council to be notified of any unexpected built archaeological finds during works.

Reason: To ensure all persons undertaking works on the site are aware of the heritage restrictions and obligations

46. N/A

47. Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

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

48. 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

48A. Dilapidation Report – Council Assets

To assist with an assessment of claims for the refund of the security deposit over Council's property, a dilapidation report must be submitted to Council. The report must document and provide photographs and defect descriptions that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development. The defect descriptions must describe the location, length, width shape etc of the defect. Any damage not shown in this report will be taken to have been caused as a result of the site works undertaken, unless an alternative cause can be identified. Any damage must either be rectified at the Applicant's expense or deducted from the security deposit. The Dilapidation Report must be carried out prior to the issue of the Construction Certificate.

The Dilapidation Reports are to be prepared by a suitably Qualified Chartered (CPEng) Professional Civil, Structural or Geotechnical Engineer who is registered on the National Engineers Register (NER). A PDF copy of this Report must be submitted to Council as a record.

48B. Dilapidation Report – Private Assets

Dilapidation Reports are to be undertaken on the properties at 1120, 1110B, 1108, Barrenjoey Road and 21A, 23 Palm Beach Road, Palm Beach. The report shall document and provide photographs and defect descriptions that clearly depict any existing damage. The defect descriptions shall describe the location, length, width, shape etc of the defect. Any damage not shown in these reports will be taken to have been caused as a result of the site works undertaken, unless an alternative cause can be identified. The Dilapidation Reports shall be carried out prior to the issue of the Construction Certificate.

The Dilapidation Reports are to be prepared by a suitably Qualified Chartered (CPEng) Professional Civil, Structural or Geotechnical Engineer who is registered on the National Engineers Register (NER). A copy of the relevant reports shall be submitted to the owners of all properties inspected and to Council as a record. Where two documented attempts have been made to gain access to a property and the owner has failed to respond, this is considered to represent refusal of access by the owner.

If an owner refuses access, or is deemed to refuse access for the purposes of this condition, this condition is deemed to be satisfied in respect of that property.

Condition reason: Protection of adjoining properties.

48C. Vibration Limit Threshold

The vibration limit threshold for Barrenjoey House (1108 Barrenjoey Road) is to be 3mm/s Peak Particle Velocity unless alternative thresholds can be demonstrated following completion of dilapidation reports and assessment of vibration analysis. The vibration limit threshold for all other residential dwellings around the remainder of the site shall be 5mm/s Peak Particle Velocity.

48D. Support and Protection for Adjoining Buildings

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent shall, at the person's own expense, comply with the requirements of

clause 74 of the Environmental Planning and Assessment Regulation 2021, articulated at Condition 4(e).

Details shall be submitted to the Certifier prior to the issue of a Construction Certificate.

Condition reason: Prescribed Condition

48E. Numerical Analysis of Proposed Retention System

A Finite Element Analysis must be undertaken for the proposed retention system, assessing potential deflection at each stage of the excavation, as defined by the geotechnical engineers Construction Methodology Report and the builders work methodology, until completion of the permanent support system. This deflection analysis must assess impacts to neighbouring properties and structures within the influence zone of the excavation.

Following completion of dilapidation surveys and the Builder's Work Method Statement, if the dilapidation surveys reveal any pre-existing conditions in the adjoining buildings which are likely to be adversely impacted by predicted movements defined in the FEA retention analysis, or the Builder's work methodology assessed is different from methodologies assessed in the geotechnical reports, the numerical analysis (Ref 1) and associated documentation must be reviewed and updated, if required.

The review and any further analysis must be completed by a suitably Qualified Chartered (CPEng) Professional Structural or Geotechnical Engineer who is registered on the National Engineers Register (NER). The results of the analysis must be presented in a report and must assess the potential impact of the proposed development on adjoining structures and demonstrate the suitability of the proposed retention system and construction sequencing. The updated reports and analysis should be supplied to Council for review and approval.

The numerical analysis and report must be carried out prior to the issue of the Construction Certificate.

Condition reason: To confirm the design intent remains valid for protection of adjoining structures.

48F. Geotechnical Monitoring and Contingency Program

Following completion of dilapidation surveys and the Builder's Work Method Statement, if the dilapidation surveys reveal any pre-existing conditions in the adjoining buildings which are likely to be adversely impacted by predicted movements, or the Builder's work methodology assessed is different from methodologies assessed in the geotechnical reports, the Geotechnical Construction Methodology Report (Ref 2) and associated documentation must be reviewed and updated, if required.

The review and updating of the Geotechnical Construction Methodology Report must be prepared by a suitably Qualified Chartered (CPEng) Professional Geotechnical Engineer who is registered on the National Engineers Register (NER). The results of the review must be presented in an updated report and take account of dilapidation survey and the Builders Work Method Statement.

The review of the Geotechnical Monitoring and Construction Plan must be carried out prior to the issue of the Construction Certificate.

Condition reason: To confirm that the design intent is realised during construction for the protection of adjoining properties.

48G. Retention and Excavation Methodology

A retention and excavation methodology shall be prepared to clearly define the proposed retention and excavation techniques and sequences that will be adopted during construction. This methodology shall be prepared by the builder in conjunction with the retention and excavation contractors and shall clearly specify the proposed staging of the works and the equipment proposed to be used. This methodology shall also incorporate the requirements of the Geotechnical Methodology Report and the Structural Engineers design.

The preparation of the methodology shall be carried out and supplied to Council for approval prior to the issue of the Construction Certificate.

Condition reason: To confirm that the design sequencing will be adopted during construction and to manage the constructability risks associated with the construction of the retention system and the completion of excavation.

DURING BUILDING WORK

49. 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 Principal 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.

50. Tree and Vegetation Protection

a) existing trees and vegetation shall be retained and protected in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Tree Protection Plan, including:

- i) all trees and vegetation located on adjoining properties,
- ii) all trees and vegetation within the road reserve.

b) tree protection shall be undertaken as follows:

- i) 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,
- ii) should i) occur during construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Principal Certifier,
- iii) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,
- iv) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and

remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist as compliant to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Tree Protection Plan.

Reason: Tree and vegetation protection.

51. Condition of Trees

a) 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.

b) any mitigating measures and recommendations required by the Arborist are to be implemented.

c) 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.

52. 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.

53. Aquatic environment protection

Environmental safeguards are to be used during construction to protect the aquatic environment with a focuss on seagrass beds. Appropriate methods must be installed and secured to ensure damage to the aquatic environment is minimised with specific attention to the dewatering for construction stage.

Reason: To protect the aquatic environment.

54. Dewatering Management

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW, 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.

All approvals, 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.

Reason: Protection of the receiving environment and groundwater resources.

55. **N/A**

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

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

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

57. **Implementation of Construction Traffic Management Plan**

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

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic

Management procedures agreed and are held liable to the conditions of consent.

58. 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.

59. Removing, Handling and Disposing of Asbestos

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

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

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

60. Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

61. Survey Certificate

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

- a. Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- b. At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

c. At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

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

62. **N/A**

63. **Archaeology (Non-Indigenous)**

As required by the *Heritage Act 1977*, in the event that historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and Heritage NSW must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including any the statutory requirements under the *Heritage Act 1977*.

Note: The *Heritage Act 1977* impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

Reason: Statutory requirements for the protection of archaeology.

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

Any soil materials being removed from the site (including virgin excavated natural materials) must be classified for off-site disposal in accordance with the EPA (2014) Waste Classification Guidelines.

Reason: For protection of environment.

65. **N/A**

66. **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 basement parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

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

66. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled dated 19/09/2024.

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

67. 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.

67A. Compliance with Geotechnical Methodology Report

The Geotechnical Methodology Report must be complied with during construction.

Amendment of the program may be made where agreed to by the author and documented by the author. If amendment is required, a copy of the amendments to the Geotechnical Methodology Report shall be submitted to Council (for approval prior to the works for which the amendment is proposed).

Condition reason: To confirm that construction requirements are being met.

67B. Review of Excavation and Retention Methodology

The excavation and retention methodology shall be reviewed by a suitably Qualified Chartered (CPEng) Professional Geotechnical Engineer who is registered on the National Engineers Register (NER).

The review and approval of the retention and excavation methodology shall be carried out prior to the issue of the Construction Certificate.

Condition reason: To confirm that the design sequencing will be adopted during construction and to manage the constructability risks associated with the construction of the retention system and the completion of excavation.

67C. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Reports are to be incorporated into the construction plans. A detailed construction methodology for the retention of all boundaries and excavations is to be included in the structural drawings.

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

67D. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer (Qualified Chartered (CPEng) Professional Structural Engineer who is registered on the National Engineers Register (NER).

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

Reason: To provide public and private safety.

67E. Tanking of Basement Level

The basement area is to be permanently tanked. The Applicant is to submit structural details of the tanking, prepared by a suitably qualified Engineer to the Certifier.

Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Environment and Heritage, unless an alternate method for temporary dewatering works is proposed that does not require a bore license. Any bore license required to be obtained must be obtained prior to commencement of dewatering works. All requirements of Water NSW are to be complied with and a copy of the approval must be submitted to the Certifier.

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

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements.

67F. Compliance with Monitoring Program

The monitoring program prepared to fulfil Condition 47F shall be complied with during construction. Amendments of the program may be made where agreed and documented by the author.

Condition reason: To confirm that construction requirements are being met.

67G. Compliance with Retention and Excavation Methodology

The retention and excavation methodology prepared to fulfil Condition 47G Retention and Excavation Methodology shall be complied with during construction. Amendment of the methodology may be made where agreed and documented by a suitably Qualified Chartered (CPEng) Professional Civil, Structural or Geotechnical Engineer who is registered on the National Engineers Register (NER).

Condition reason: To confirm that the methodology is being followed.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

68. Hazardous Building Materials Survey

A clearance inspection and certificate are to be provided following the site building demolition and removal of all asbestos impacted fill in the vicinity of EBH103 and EBH104w where

asbestos fill was identified. See the Detailed Site Investigation Report completed by EI Australia dated 30 July 2021.

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

69. Landscape Completion

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

- i) landscape works are to be contained within the legal property boundaries,
- ii) planting shall be installed as indicated on the approved amended Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of AS2303 – Tree Stock for Landscape Use; mulched to 75mm depth minimum and maintained, and watered until established,
- iv) mass planting shall be installed at minimum 200mm container size at planting for shrubs or as otherwise scheduled if greater in size, and at minimum 140mm container size at planting or as otherwise scheduled if greater in size for groundcovers/grasses, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

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

Reason: Environmental amenity.

70. Condition of Retained Vegetation

a) prior to the issue of an Occupation Certificate, a report prepared by an Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on existing tree 12 required to be retained, including the following information:

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

Reason: Tree and vegetation protection.

71. Certification of Works as Executed

A suitably qualified engineer and/or registered surveyor is to certify that the completed works have been constructed in accordance with this consent and the approved plans with respect to the following:

1. Floor levels for ground floor are set at or above the required level
2. All access, ventilation, driveway crests and any other potential water entry points to the basement car park are set at or above the Flood Planning Level of 3.12m AHD
3. New development below the Flood Planning Level of 3.12m AHD are constructed from flood compatible materials

A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 3.12m AHD, are protected from flood water, or have residual current devices installed to cut electricity supply during flood events.

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

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

72. Vegetation Removal Protocol to be Certified as Completed

The Project Ecologist is to provide written and photographic evidence of implementation and completion of the Vegetation Removal Protocol to the Principal Certifier prior to issue of Occupation Certificate.

Reason: To protect native wildlife.

73. 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 Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

74. 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 Principal Certifier prior to issue of any Occupation Certificate.

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

75. Priority Weed Removal and Management

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

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

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

76. Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Certificate plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to Council and Council's acceptance shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

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

77. Certification for the Installation of Stormwater Treatment Measures

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the construction certificate approved plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifier prior to the release of an Occupation Certificate.

Reason: Protection of the receiving environment.

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

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

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

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

A copy of the certificate of title demonstrating the creation of the positive covenant and

restriction as to user is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

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

79. Stormwater Treatment Measures Operation and Maintenance Plan

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

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

1. Detail on the stormwater treatment measures:
 - a) Work as executed drawings
 - b) Intent of the stormwater treatment measures including modelled pollutant removal rates
 - c) Site detail showing catchment for each device
 - d) Vegetation species list associated with each type of vegetated stormwater treatment measure
 - e) Impervious area restrictions to maintain the water balance for the site
 - f) Funding arrangements for the maintenance of all stormwater treatment measures
 - g) Identification of maintenance and management responsibilities
 - h) Maintenance and emergency contact information
2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:
 - a) Activity description, and duration and frequency of visits

Additionally for vegetated devices:

 - b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
3. Maintenance schedule and procedure - ongoing
 - a) Activity description, and duration and frequency of visits
 - b) Routine maintenance requirements
 - c) Work Health and Safety requirements
 - d) Waste management and disposal
 - e) Traffic control (if required)
 - f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)

- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

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

Reason: Protection of the receiving environment.

80. Works as Executed Drawings - Stormwater Treatment Measures

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifier prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

81. Basement Garage Traffic Signal System

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

The signal system must;

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

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

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

82. Allocation of parking spaces (strata title)

A total of 10 residential parking spaces and 2 resident visitor spaces are to be provided on the lower level of the basement car park behind the boom gate access. All residential units must be assigned two parking spaces clearly marked for the individual units.

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

Reason: To ensure adequate parking availability for residents.

83. Allocated Parking Spaces (retail)

Retail parking allocated to this development must be clearly signposted and linemarked as being for the exclusive use of this development.

A total of 11 retail parking spaces (including one accessible parking space and a shared retail/service space) are to be provided on the Basement Level. Five retail staff spaces are to be located on the lower level of the car park behind the boom gate access. Each retail tenancy must be assigned two staff parking spaces which include a tandem space, clearly marked for the individual tenancies.

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

Reason: To ensure parking availability.

84. Disabled Parking Spaces

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

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

Reason: To ensure compliance with Australian Standards.

85. Stacked Parking Spaces

Stacked parking spaces are to be assigned to the same tenancy unit or residential unit which blocks in the parking spaces.

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

Reason: To minimize conflicts regarding parking areas.

86. Shared Zone Bollard

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

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

Reason: To ensure compliance with Australian Standards.

87. Operational Management Plan

An Operational Management Plan (OMP) is required to be prepared and submitted to Council detailing the parking operations for the development. The OMP shall include, but not be limited to the following:

- Vehicle access and egress.
- Through-site circulation of vehicle movements.
- Management of car parking areas.
- The location and content of directional signage.
- Maintenance, servicing and emergency procedures with respect to the traffic signal system
- Complaints management.
- Noise management.
- Delivery times and methods of control to manage deliveries for the development.
- Waste management.
- Communication of parking and operational procedures to all residents and retail tenancies.

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

Reason: To ensure that the development operates with minimum disruption to the surrounding area.

88. **N/A**

89. **Geotechnical Certification Prior to Occupation Certificate**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

90. **N/A**

91. **Mechanical Ventilation certification**

Prior to the issuing of an Occupation Certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

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

Reason: To ensure that the mechanical ventilation system complies with the design requirements.

92. **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.

93. **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 with any Occupation Certificate 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.

94. Waste and Recycling Facilities Certificate of Compliance

Details demonstrating compliance with the approved Operational Waste Management Plan and generally in accordance with the Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

The following numbers of bins are required:

- 2 x 240L red general waste
- 2 x 240L blue paper/cardboard recycling
- 1 x 240L yellow recycling

Doors to waste rooms are required to open outwards.

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

Reason: To ensure waste and recycling facilities are provided.

95. Waste/Recycling Compliance Documentation

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

Reason: To ensure waste is minimised and recycled.

96. Positive Covenant for Council and Contractor Indemnity

A positive covenant shall be created on the title of the land prior to the issue of an Interim/Final Occupation Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

97. Authorisation of Legal Documentation Required for Waste Services

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

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

Reason: To create encumbrances on the land.

97A. Post-Construction Dilapidation Report

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- i Compare the post-construction report with the pre-construction report,
- i Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- i Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate. Reason: To maintain proper records in relation to the proposed development.

97B. Geotechnical Certification Prior to Occupation Certificate

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

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

98. Acoustic Requirements - On-going

Compliance with the recommendations within the acoustic report titled "Noise Impact Assessment" by Acoustic Logic reference 20240704.1/0608A/R1/SW revision 1, dated 06/08/2024 and any additional requirements at OC review stage.

Reason: To prevent a noise nuisance to any neighbouring residential receiver.

99. Landscape Maintenance

a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) 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.

c) 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.

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

e) the approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

100. **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.

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

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

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

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

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

Reason: Protection of the receiving environment.

102. **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

Reason: To maintain unobstructed sight distance for motorists.

103. **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.

104. **Use of Street Level Bin collection area**

The street level bin collection area is only to be used for the presentation of bins for collection.

It is not to be used for the storage of any goods and other materials at any time.

Reason: To ensure the appropriate presentation of bins for collection and to ensure access to the bins by collection staff is not obstructed.

105. **Transfer of bins between the residential bin storage room and the street level bin collection area**

Bins are to be available for collection from the street level bin collection area between 6.00am to 6.00pm on the scheduled day/s of collection.

Bins are to be transferred from the residential bin storage room to the street level bin collection area no earlier than 4.00pm on the day prior to the scheduled day of collection.

Bins are to be transferred from the street level bin collection area to the residential bin room as soon as possible after collection but no later than the evening of the day of collection.

Reason: To ensure bins are available for collection staff at the appropriate time. To ensure bins do not remain in the street level bin collection area for an excessive period of time.

106. Waste Collection Services

Waste collection services shall not occur between the hours of 9:00pm and 6:00am daily.

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

107. Loading/Unloading and Services

Delivery and service vehicles (apart from emergency related vehicles) shall not attend the site between the hours of 9.00pm and 6.00am daily.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties

108. Commercial Waste and Recycling Storage

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

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

109. Further Consent Required for Food and Drink Premises

A separate Development Application is to be lodged and approved for any proposed future occupation of the ground floor retail shops for the purposes of food and drink premises.

Reason: Food and drink premise uses are not approved under this consent.

110. No Approval for Signage

No approval is granted under this consent for any signage, except for building identification signs that are permitted under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Reason: To ensure compliance with the terms of this consent.

111. 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 planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

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

Reason: To maintain local environmental amenity.

112. **Geotechnical Maintenance**

The Ongoing Site Management / General Slope Maintenance / Risk Reduction measures as outlined within the Geotechnical Landslide Risk Assessment report by EI Australia, E25203.G14 Rev_2, 19 September 2024 must be implemented for the life span of the development.

Reason: To maintain acceptable risk management criteria as per the Council policy.