

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA2020/1597

**Development:** Demolition works and construction of a boarding house development

**Site:** Lot 25 DP 7002, 67 Pacific Parade, DEE WHY NSW 2099

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

**Date of determination:** 8 February 2022.

**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 [insert details].

The conditions of consent are as follows:

#### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

##### 2 Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

##### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-0013 Rev.03 - DEMOLITION	11/06/2021	Benson McCormack

PLAN		Architecture
DA-0100 Rev.03 - BASEMENT PLAN	11/06/2021	Benson McCormack Architecture
DA-0101 Rev.03 - LOWER GROUND PLAN	11/06/2021	Benson McCormack Architecture
DA-0102 Rev.03 - UPPER GROUND PLAN	11/06/2021	Benson McCormack Architecture
DA-0103 Rev.03 - LEVEL 1 PLAN	11/06/2021	Benson McCormack Architecture
DA-0104 Rev.03 - LEVEL 2 PLAN	11/06/2021	Benson McCormack Architecture
DA-0105 Rev.03 - LEVEL 3 PLAN	11/06/2021	Benson McCormack Architecture
DA-0106 Rev.03 - ROOF PLAN	11/06/2021	Benson McCormack Architecture
DA-0107 Rev.03 - SITE PLAN	11/06/2021	Benson McCormack Architecture
DA-0200 Rev.03 – NORTH ELEVATION	11/06/2021	Benson McCormack Architecture
DA-0201 Rev.03 – SOUTH ELEVATION	11/06/2021	Benson McCormack Architecture
DA-0202 Rev.03 – EAST ELEVATION	11/06/2021	Benson McCormack Architecture
DA-0203 Rev.03 – WEST ELEVATION	11/06/2021	Benson McCormack Architecture
DA-0300 Rev.03 – SECTION	11/06/2021	Benson McCormack Architecture
DA-0301 Rev.03 – SECTION BB	11/06/2021	Benson McCormack Architecture
DA-0302 Rev.03 – SECTION CC/DD	11/06/2021	Benson McCormack Architecture
DA-0303 Rev.03 – SECTION EE/FF	11/06/2021	Benson McCormack Architecture
DA-0910 Rev.03 – WINDOW/GLAZED DOOR SCHEDULE	11/06/2021	Benson McCormack Architecture
DA-0960 Rev.03 – EXTERNAL FINISHES SCHEDULE	11/06/2021	Benson McCormack Architecture
DA-1040 Rev.03 – APARTMENT INTERNAL LAYOUT AREA	11/06/2021	Benson McCormack Architecture
DA-1041 Rev.02 – LEVEL 03 COS STUDY 1/2	11/06/2021	Benson McCormack Architecture

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
H-DA-00 Rev.B – STORMWATER	17/11/2020	itm Design Pty Ltd

SERVICES LEGEND, DETAILS & CALCULATIONS		
H-DA-01 Rev.B – STORMWATER SERVICES EROSION SEDIMENT CONTROL PLAN	17/11/2020	itm Design Pty Ltd
H-DA-02 Rev.B – STORMWATER SERVICES BASEMENT & LOWER GROUND FLOOR PLAN	17/11/2020	itm Design Pty Ltd
H-DA-03 Rev.B – STORMWATER SERVICES UPPER GROUND FLOOR & LEVEL 1 PLAN	17/11/2020	itm Design Pty Ltd

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Environmental Noise Assessment Report (7066-1.2R Rev.C)	10/06/2021	Day Design Pty Ltd
Geotechnical Investigation Report (SYD2020-0066AB Rev.3)	21/07/2021	CMW Geosciences
Plan of Management	June 2021	SixC
Traffic & Parking Impact Assessment (20-176-4)	April 2021	Stanbury Traffic Planning
BASIX Certificate (1144211M_02)	29/04/2021	GAT and Associates
Site Waste Minimisation and Management Plan	01/12/2020	Benson McCormack Architecture
Operational Waste Management Plan (SO763 Rev.C)	25/11/2020	Elephants Foot Recycling Solutions
Fire Safety Report (20295-L01)	30/11/2020	innova services
Building Code of Australia Assessment Report Rev.1	01/12/2020	Building Code Professionals Pty Ltd
Arboricultural Impact Assessment Report	October 2020	Growing My Way Tree Consultants
Statement of Compliance Access for People with a Disability	05/11/2020	Accessible Building Solutions
Co-living Economic Needs Assessment	November 2020	Think Economics
Survey Plan	15/10/2021	Usher and Company

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
LP01 Issue C – Landscape Plan: Lower Ground	30/04/2021	Matthew Higginson Landscape Architecture
LP02 Issue C – Landscape Plan: Upper Ground	30/04/2021	Matthew Higginson Landscape Architecture
LP03 Issue C – Landscape Plan: Level 1	30/04/2021	Matthew Higginson Landscape Architecture
LP04 Issue C – Landscape Plan: Level 3	30/04/2021	Matthew Higginson Landscape Architecture
LP05 Issue C – Landscape Plan: Sections	30/04/2021	Matthew Higginson Landscape Architecture

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Site Waste Minimisation and Management Plan	01/12/2020	Benson McCormack Architecture

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

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

### **3. 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:

Ausgrid Referral Response dated 22 January 2021.

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

#### **4. Compliance with the Boarding House Plan of Management**

The requirements of the Boarding House Plan of Management are to be fully implemented in perpetuity from the issue of any interim / final occupation certificate.

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

#### **5. Boarding House Noise**

The following noise conditions are to be adhered to:

- (a) The Level 3 Common Outdoor Space (COS) shall not to be used between 10:00 pm and 7:00 am;
- (b) All operable external windows/doors to the Level 3 Indoor Common Area (ICA) are to be closed between 10:00 pm and 7:00 am;
- (c) The maximum number of people in the Common Outdoor Space (COS) shall not exceed 14 at any given time;
- (d) The maximum number of people in the Indoor Common Area (ICA) shall not exceed 30 at any given time;
- (e) The maximum amount of people in the Private Open Space (POS) shall not exceed 2 at any given time; and
- (f) No amplified music is permitted at any time within the outdoor communal areas.

Reason: To protect the acoustic amenity of neighbouring properties.

#### **6. Occupancy of Boarding House**

The building is to contain a maximum of 52 persons, being no more than 2 persons per designated bedroom. In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy.

Reason: To ensure the amenity of occupants.

#### **7. 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 Certifying Authority 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 Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority 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.

## 8. 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 a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be

maintained in a safe and clean state until such time as new construction works commence.

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

(f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

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

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

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

(j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

- i) Building/s that are to be erected
- (i) 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
- (ii) Building/s that are to be demolished
- (iii) For any work/s that is to be carried out
- (iv) For any work/s that is to be demolished

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

(l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of



the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

(m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

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

## **FEES / CHARGES / CONTRIBUTIONS**

### **9. Policy Controls**

#### Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$45,060.88 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 2019. The monetary contribution is based on a development cost of \$4,506,088.00.

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

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

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

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

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

### **10. 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 Certifying Authority 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](http://www.northernbeaches.nsw.gov.au)).

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

### **11. Construction, Excavation and Associated Works Bond (Drainage works)**

The applicant is to lodge a bond of \$ 20000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

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

Reason: Protection of Council's infrastructure.

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

### **12. Plan of Management Update**

An updated Plan of Management is to be prepared to the satisfaction of Councils Environmental Health Team and the Principal Certifying Authority. Updates to the Plan of Management are to include:

- (a) Measures to ensure that Northern Beaches Council is notified of any changes to the contact details of the onsite manager;
- (b) That the contact number of the onsite manager is to be made available to neighbours who wish to register a complaint or comment about the premises; and
- (c) Signage is to be posted on the outside of the building in an accessible location with the contact details of the boarding house manager.

The updated Plan of Management is to be submitted to Council for review and approval by Councils Environmental Health Team.

Reason: To maintain amenity of the surrounding area.

### **13. Noise - Design of Mechanical Plant**

Prior to the issue of a Construction Certificate, the design, specifications and location of noise generating mechanical plant are to be provided to the Principal Certifying Authority. An acoustic assessment is to be undertaken by a suitably qualified professional such as an acoustic engineer to determine acoustic treatments to control noise emissions from all mechanical plant noise in accordance with the recommendations within the Acoustic Report prepared by Day Design Pty Ltd dated 10 June 2021 (Reference 7066-1.2R Rev C).

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

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

Reason: To maintain amenity of the surrounding area.

#### **14. On Slab Landscape Works**

Details shall be submitted to the Certifying Authority 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 also be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections.

The following soil depths are required to support landscaping as proposed in accordance with the Landscape Plans:

- i) 1000mm soil depth planter over recycle waste storage area,
- ii) 600mm soil depth on structure to upper ground planters,
- iii) 1000mm soil depth on structure for palm planting to upper ground circular planter,
- iv) 600mm soil depth planter to level 3 common open space area.

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

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

## 15. Parking Standards & Provision

The construction certificate drawings shall show that all driveways, access ramps, vehicular crossings, internal manoeuvrability and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS/NZS 2890.1-2004 (for car and motorcycle parking facilities), AS/NZS 2890.6-2009 (disabled parking) and AS 2890.3-2015 (for bicycle parking facilities).

The approved on-site parking spaces shall be allocated as follows:

Number of parking spaces	Allocation
1	resident disabled parking space
6	resident stacker parking spaces
1	car share space
1	manager parking space
5	Motorcycle parking spaces
11	Bicycle parking spaces

- (a) Prior to the application for construction certificate the Applicant shall submit to the Manager Planning and Development (or Principal Certifier) a detailed "DESIGN" certificate from an experienced and qualified traffic engineer with tertiary qualifications that confirms that the The proposed vehicular access to and from the site as well as the on-site parking provision and compliant access / manoeuvring for cars (with a 6.1m aisle due to the vertical car parking system), motorcycle and bicycles shall be designed in compliance with AS/NZS 2890.1-2004 (cars and motorcycles), AS/NZS 2890.6-2009 (disabled parking) and AS2890.3-2015 (bicycles) requirements and that they have been DESIGNED in accordance with the approved plans and specifications. A compliance certificate shall be prepared by a suitably qualified person identifying the compliance of the car park in accordance with the appropriate standards. This shall be submitted to and approved by the Certifying Authority prior to the release of any Construction Certificate.
- (b) The sight line for drivers of vehicles leaving the Site must comply with *Clause 3.2.4* and *Figure 3.3* of *AS2890.1-2004* with certification of that aspect included.
- (c) The certification shall include the required operational details of the traffic signal system and waiting bay locations on either side to the single vehicular access lane between the driveway and on-site car parking provision.

- (d) The car stacker provided within the development is to be a WOHR Parklift 413-385/380 (or equal/superior model to be confirmed by an accredited traffic expert) as detailed within the Preliminary Car Park Management Plan prepared by Stanbury Traffic Planning dated July 2021. The stacker design and operation is to accord with the Australian Standard for Safety of machinery – equipment for power driven parking motor vehicles – Safety and EMC requirements for design, manufacturing, erection and commissioning stages.

Reason: Vehicle Stacker Design Compliance

- (e) Prior to the application for construction certificate the Applicant shall submit to the Manager Planning and Development (or Principal Certifier) a detailed "DESIGN" certificate from an experienced / practicing and qualified WOHR Parklift "413-385/380" designer / installer that confirms that the approved WOHR Parklift "413-385/380" (or equal/superior model to be confirmed by an accredited traffic expert) vertical car parking stacker system has been designed in accordance with the Product Data and Technical specifications and that the designed WOHR Parklift "413-385/380" (or equal/superior model to be confirmed by an accredited traffic expert) vertical car parking stacker system will be functional, safe, workable and fit for purpose.
- (f) Access for persons with disabilities must be provided to the accessible car parking spaces and to the common room, in accordance with the requirements of the Building Code of Australia and AS 1428.1. Details must be submitted with the Construction Certificate Application. Prior to the issue of the construction certificate, an accessibility consultant shall certify that the "design" use of the functioning 'accessible space + shared zone' spaces, plus the accessible route between the accessible car space and the passenger lift complies with the relevant standards.

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

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

## **16. 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 heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-

6.00pm. Truck movements must be agreed with Council's Traffic and Development 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 traffic
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Seven (7) 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.

## **17. On-Street Work Zone**

The applicant shall lodge an application for a work zone for the frontage of the site to Council for consideration and approval. The provision of a work zone will require approval from Northern Beaches Local Traffic Committee. Application forms for work zones are available on Council’s website or at the Customer Service section at Council’s administration building. Applications shall be lodged at least 4 weeks prior to work commencing.

An application must be lodged with Council for consideration and approval for a work zone for the frontage of the site.

The provision of a work zone will require approval from Northern Beaches Local Traffic Committee. Applications must be lodged at least four (4) weeks prior to work commencing.

Reason: To ensure works vehicles do not impact on parking, traffic flows and pedestrian thoroughfares.

## **18. Pedestrian sight distance at property boundary**

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To maintain pedestrian safety.

## **19. Amendments to the approved plans**

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

- (a) Fixed angled vertical louvre screens directed towards winter sun/northwest corner of site shall be installed to windows to units L101 to L103 and L204 to L206.
- (b) The window configurations to the north and south elevations shall be amended to reflect the 'top, middle and base' composition of building elements as illustrated in the two preliminary sketches prepared by Benson McCormack Architect reference the Joint Expert Town Planning and Urban Design report dated 3 August 2021.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land and visual impacts to the streetscape.

## **20. 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 referenced in Condition 1 of this consent are to be incorporated into the construction plans.

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.

## **21. Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey plan referred to in Condition 2 above, 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 Certifying Authority 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.

## **22. Building Code of Australia Assessment Report and Fire Engineering Report**

The Recommendations for Fire Safety provisions contained in the BCA Assessment Report, Rev 1, prepared by BCP, dated 1.12.2020 and the Fire Engineering Report, Ref. 20295, prepared by Innova Services, dated 30/11/2020 are to be taken into consideration as part of the assessment for the Construction Certificate.

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

Reason: To ensure adequate provision is made for Fire safety for building occupants.

## **23. Access for People with Disabilities**

Access to and within the building is to be provided for Persons with a Disability in accordance with the Statement of Compliance prepared by Accessible Building Solutions, Job No. 220216, dated 5/11/2020 and for compliance with the Building Code of Australia and AS 1428.1.

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.

## **24. On-site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT FOR DEVELOPMENT POLICY, and generally in accordance with the concept drainage plans prepared by itm design pty ltd, drawing number H-DA-00 to H-DA-03, dated 17/11/2020. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

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

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

## **25. Submission Roads Act Application for Civil Works in the Public Road**

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

The application is to include four (4) copies of Civil Engineering plans for the design of new stormwater pit and pipe which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1.

The plan shall be prepared by a qualified civil engineer. The design must include the following information:

- (a) the relocation of the existing stormwater pit at least 1 m away from the eastern side of the new layback,
- (b) the structural details of the stormwater pit and pipe,
- (c) the 6 m wide driveway crossing in accordance with Council's Normal crossing profile,
- (d) any affected structures such as footpath, kerb and gutter and road pavement, must be reinstated, and
- (e) the geo-technical report and details in relation to the proposed cutting on the rock outcrop on road reserve

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

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

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

## **26. 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, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and

(b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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.

## **27. Dilapidation report required**

A dilapidation report on the adjacent Reserve is required to be submitted to Council prior to the issue of a construction certificate.

Reason: Protection of land and assets under Council care, control and management.

## **28. Waste and Recycling Requirements**

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

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

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

## **CONDITIONS THAT MUST BE ADDRESSED AFTER DEMOLITION**

### **29. Geotechnical Testing**

Following the demolition of the existing structure on the site but before the commencement of any construction works or excavation, two additional boreholes shall be drilled (including rock coring) at the location of the existing building after demolition, each extending to at least 3m below bulk excavation level to confirm the recommendations provided in the Geotechnical report prepared by CMW Geosciences dated 21 July 2021 Rev C . The additional testing shall also confirm the subsurface profile across the whole site is consistent with the current investigations. An additional Geotechnical report shall be submitted following the testing to confirm the recommendations of the Geotechnical Rev C dated 21 July 2021 and subsurface profile across the whole site.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

**29A. Structural Engineering Certification**

Following the demolition of the existing structure on the site but before the commencement of any construction works or excavation, certification shall be submitted by a Structural Engineer confirming that the development can be constructed in accordance with the following plans DA-0100 Rev 2 General Arrangements Basement Plan, DA-0101 Rev 2 General Arrangements Lower Ground Plan, DA-0102 Rev 2 General Arrangement Upper Ground Level Plan prepared by Benson McCormack Architects and received 30 July 2021.

The certification shall confirm that the boundary setbacks of the basement perimeter structural walls (not indicated on the current drawings) will not extend any closer to the boundaries: Eastern - 2m/ Southern – 6m/ Western – 2m /Car-stackers Eastern wall - 1.7m, while ensuring compliance with the parking and driveway dimensions. The parking aisle width shall be a minimum of 6.1m and car parking bay lengths shall be 5.4m. Any required structural walls, columns and vertical car stacker system elements must not reduce the 6.1m aisle width and 5.4m long car parking bay lengths.

The Certification shall be submitted to the Executive Manager of Planning for approval prior to the issue of a Construction Certificate.

Reason: To ensure the work can be constructed with structural support. This is a basic requirement of drawings required to be submitted for DA's as per the DA checklist.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT****30. Tree Removal Within the Property**

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

- (a) tree identified as number 1 - Callistemon viminalis

Note: Exempt Species upon the site and listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised building works.

**31. Dead or Injured Wildlife**

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

Reason: To protect native wildlife.

### **32. Pre-Construction Dilapidation Report**

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

- (a) 65 Pacific Parade, Dee Why
- (b) 1-5 The Crescent, Dee Why
- (c) 63 Pacific Parade, Dee Why

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

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

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

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

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

### **33. Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

### **34. Rear Retaining Wall**

In accordance clause 7.1.1 of the CMW Geotechnical report Rev C dated 21 July 2021 a suitably qualified (and insured) structural engineer shall assess the current

stability of the rear retaining wall prior to undertaking any of the proposed works on site, so that suitable stabilisation measures can be installed should they be required.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **35. Protection of Rock and Sites of Significance**

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

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

### **36. Tree and Vegetation Protection**

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

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

b) Tree protection shall be undertaken as follows:

i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites,

ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,

iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,

iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,

v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,

vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,

vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,

viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,

ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,

xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

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

Reason: Tree and vegetation protection.

### **37. 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.

### **38. 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.

### **39. 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.

### **40. 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.

### **41. 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.

### **42. 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 Certifying Authority, 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.

#### **43. 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 Certifying Authority.

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

#### **44. Property Boundary Levels**

With the exception of the partial removal of the rock outcrop on the northern boundary, the Applicant is to maintain the property boundary levels. No other

approval is granted for any change to existing property alignment levels to accommodate the development.

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

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

#### **45. No access to site through Reserve**

Access is not permitted to the construction site through the adjacent Reserve.

Reason: Protection of land and assets under Council care, control and management.

#### **46. 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 25 November 2020.

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

#### **47. 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.

### **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

#### **48. Lighting**

Prior to the issuing of an occupation certificate, certification is to be provided that any outdoor lighting does not detrimentally impact upon the amenity of other premises and complies with where relevant, Australia Standard AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements and Australian Standard AS 4282:1997 Control of the obtrusive effects of outdoor lighting.

Reason: To protect the amenity of adjoining properties.

#### **49. Acoustic Report Certification**

Prior to any occupation certificate being issued, a further acoustic assessment is to be undertaken by a qualified and experienced person(s) to confirm compliance with recommendations within the Acoustic Report by Day Design Pty Ltd dated 10 June 2021 (Reference 7066-1.2R Rev C).

Any recommendations made by the consultant must be implemented prior to issuing the Occupation

Certificate in order to achieve compliance with noted conditions of this consent. The updated acoustic assessment is to be submitted to the satisfaction of Council's Environmental Health Team before providing to the PCA for certification.

Reason: To protect the acoustic amenity of neighbouring properties.

## **50. Landscape Completion**

Landscaping is to be implemented in accordance with the approved Landscape Plan, and inclusive of the following conditions:

- i) retaining walls and planters walling shall be in accordance with the Landscape Plan, excluding the requirement of item ii) below,
- ii) the double retaining wall within the rear shall be replaced with a single wall at the location closet to the building, to provide uninterrupted deep soil volume to the rear area,
- iii) the nominated corten steel upper ground circular planter shall be a minimum 2.4 metre diameter size to support planting,
- iv) nominated Archontophoenix palm (Exempt Species) shall be replaced with Livistona australis (Cabbage Tree Palm) installed at a minimum 2 metre tall clear trunk size,
- v) the nominated Tristaniopsis laurina to the rear boundary shall be replaced with Banksia integrifolia,
- vi) two Elaeocarpus reticulatus shall be installed within the planter above the recycle waste storage area, and separated by 2.5 metres,
- vii) all screening shrub planting in ground along the east, west, and south boundaries shall be installed at minimum 1 metre intervals, and the nominated Plant Schedule container sizes,
- viii) all nominated Rhipiolepis species shall be deleted and replaced with non self-seeding species of similar form and size,
- ix) all palm planting (Livistona australis) shall be installed at a minimum 2 metre tall clear trunk size where indicated under item iv), or otherwise at a minimum 3 metre tall clear trunk size,

- x) all tree planting shall be installed at 100 litre container size as per Plant Schedule,
- xi) the proposed planting front of the existing exposed rock face, within the road verge, shall be part of the proposed road reserve works application under section 138 and 139 of the Roads Act.

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

Reason: Environmental amenity.

### **51. Protection of Habitat Features**

The portion of the rock outcrop that is retained at the site frontage is to be protected and retained.

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

Reason: To protect wildlife habitat.

### **52. No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified on the NSW WeedWise website) are to be imported on to the site prior to or during construction works.

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

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

### **53. Parking Standards & Provision**

The approved on-site parking spaces shall be allocated as follows:

(a)	Number of parking spaces	Allocation
	1	resident disabled parking space
	6	resident stacker parking spaces
	1	car share space
	1	manager parking space
	5	Motorcycle parking spaces

- (b) Prior to the application for occupation certificate the Applicant shall submit to the Manager Planning and Development (or Principal Certifier) a detailed "AS-CONSTRUCTED" certificate from an experienced and qualified traffic engineer with tertiary qualifications that confirms that the constructed vehicular access to and from the site as well as the on-site parking provision and compliant access / manoeuvring for cars (with a 6.1m aisle due to the vertical car parking system), motorcycle and bicycles complies with AS/NZS 2890.1-2004 (cars and motorcycles), AS/NZS 2890.6-2009 (disabled parking) and AS2890.3-2015 (bicycles) requirements and that they have been constructed in accordance with the approved plans and specifications.
- (c) The sight line for drivers of vehicles leaving the Site complies with *Clause 3.2.4* and *Figure 3.3* of *AS2890.1-2004* with certification of that aspect included.
- (d) The certification shall include confirmation that the required operational details of the traffic signal system and waiting bay locations on either side to the single vehicular access lane between the driveway and on-site car parking provision are functional and fit for purpose.
- (e) The car stacker provided within the development is to be a WOHR Parklift 413-385/380 (or equal/superior model to be confirmed by an accredited traffic expert) as detailed within the Preliminary Car Park Management Plan prepared by Stanbury Traffic Planning dated July 2021. The stacker design and operation is to accord with the Australian Standard for Safety of machinery – equipment for power driven parking motor vehicles – Safety and EMC requirements for design, manufacturing, erection and commissioning stages.

Reason: Vehicle Stacker Design Compliance

- (f) Prior to the application for occupation certificate the Applicant shall submit to the Manager Planning and Development (or Principal Certifier) a detailed "AS-CONSTRUCTED" certificate from an experienced / practicing and qualified WOHR Parklift "413-385/380" designer / installer that confirms that the approved WOHR Parklift "413-385/380" (or equal/superior model to be confirmed by an accredited traffic expert) vertical car parking stacker system has been installed in accordance with the Product Data and Technical specifications and that the installed WOHR Parklift "413-385/380" (or equal/superior model to be confirmed by an accredited traffic expert) vertical car parking stacker system is functional, safe, workable and fit for purpose.
- (g) Access for persons with disabilities must be provided to the accessible car parking spaces and to the common room, in accordance with the requirements of the Building Code of Australia and AS 1428.1. Details must be submitted with the Occupation Certificate Application. Prior to the issue of

the occupation certificate, an accessibility consultant shall certify that the “as-constructed” use of the functioning 'accessible space + shared zone' spaces, plus the accessible route between the accessible car space and the passenger lift complies with the relevant standards.

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

Reason: To ensure compliance with Australian Standards.

#### **54. Basement Garage Traffic Signal System**

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

The signal system must;

- be clearly visible from ramp entrances,

- is to clearly indicate to an approaching driver, by way of red light or wording, that an opposing vehicle has entered the ramp,

- Incorporate linemarking to delineate traffic flow and nominate waiting bay locations to allow vehicles to overtake another.

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

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

#### **55. Operational Management Plan**

An Operational Management Plan (OMP) is required to be submitted to, and approved Council detailing the operation of the development. The OMP shall include, but not be limited to the following:

- (a) Through-site circulation of vehicle movements.
- (b) Management of car parking areas.
- (c) Operation and use of the Car Stacker Parking System.
- (d) The location and content of directional signage.
- (e) Complaints management.
- (f) Noise management.

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

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

## **56. Car Share Management**

A revised Car Park Management Plan shall be prepared outlining how the private operated carshare parking scheme would be managed. The plan is to include details for the following:

- (a) Costs for car share hire and how they are regulated
- (b) Eligibility of car share vehicle use
- (c) Car share booking procedure
- (d) Maximum length of vehicle booking is to be restricted to 24 hours in order to prevent a small number of residents monopolising the use of the car share vehicle.
- (e) Frequency of vehicle replacement and how this is determined
- (f) Maintenance arrangements and how this is managed and paid for
- (g) Responsibility of repairs
- (h) Responsibility for refuelling / recharging of vehicle
- (i) How the pick-up and return of keys is managed
- (j) Responsibility for traffic / parking infringements

Priority use of the dedicated on-site car share vehicle shall be given to the boarding house tenants that reside in at least 10 of the on-site boarding rooms. A formal agreement shall form part of the tenancy agreement for the use of the on-site car share vehicle for at least 10 of the on-site boarding rooms. The tenants of those nominated on-site boarding rooms are not to own their own vehicle.

Details are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the occupation certificate.

Reason: Car Share Management

## **57. Car Stacker Management**

A revised Car Park Management Plan shall be prepared outlining how the car stacker would be managed. The plan is to include details for the following:

- (a) General stacker operation and use
- (b) Incoming boarding house manager education / induction process
- (c) Incoming resident education / induction process

- (d) Maintenance / servicing arrangements
- (e) Faults / repairs rectification procedure
- (f) Specific allocation of stacker users

Details are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the occupation certificate.

Reason: Car Share Management

### **587. Resident Parking Permits**

The registered proprietor of the Site will be eligible for a parking permit in accordance with the Council's parking schemes (i.e. two permits per rateable dwelling). The permits are to be used for the car share vehicles provided. Any residents and staff members of the subject site are not eligible for resident parking permits. This condition is to be provided on the property Title.

Reason: To ensure the development occupants are aware that they are not entitled to a permit regardless of if they are within a Resident Parking Scheme (RPS).

#### **Applicant's Position – condition to be amended.**

Parking permits are determined by Council on a case by case basis upon application. This condition is unnecessary. This condition is unreasonable as it has been framed in absolute terms and restricts an ordinary incidental right of residence. The broad purpose of the condition in ensuring minimal use of street parking is already covered by the requirement for a communal vehicle and by the proponent regulating tenant activity through House Rules.

The Applicant is required to pay rates to Council and should therefore be entitled to the normal allowable parking permits per rateable property.

A more reasonable condition could be considered but the core of what is being attempted in this condition is unreasonable.

The Applicant has proposed a suitably drafted condition.

**NB – Respondent's position: maintain condition as proposed as it was the subject of agreement between the experts in the joint expert report.**

### **59. Footpath Construction**

The footpath, in accordance to Council's standard specifications, shall be constructed along the property frontage to Council's satisfaction. Details



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

Reason: To provide pedestrian access to and from the property.

## **60. Mechanical Servicing**

The applicant is to include a Section 88E instrument on the title permitting Council to provide direction as to the repair/maintenance of any mechanical devices. In the instance where the building manager does not comply with the direction of Council, or fails to address repair/maintenance requirements in a timely manner, Council reserves the right to undertake the repairs and all fees associated will be borne by the building manager.

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

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

## **61. 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:

Compare the post-construction report with the pre-construction report,

Clearly identify any recent damage and whether or not it is likely to be the result of the development works,

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.

## **62. 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.

65 Pacific Parade, Dee Why

1-5 The Crescent, Dee Why

63 Pacific Parade, Dee Why

Reason: To ensure geotechnical risk is mitigated appropriately.

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

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

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

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

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

### **64. Retaining wall**

The retaining wall works shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: Public and Private Safety

### **65. Environmental Reports Certification**

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- (a) Environmental Noise Assessment Report (7066-1.2R Rev.C, dated 10/06/2021, prepared by Day Design Pty Ltd
- (b) Geotechnical Investigation Report (SYD2020-0066AB Rev.3, dated 21/07/2021, prepared by CMW Geosciences
- (c) Plan of Management, dated June 2021, prepared by SixC
- (d) Traffic & Parking Impact Assessment (20-176-4), April 2021, prepared by Stanbury Traffic Planning
- (e) BASIX Certificate (1144211M\_02) dated 29/04/2021, prepared by GAT and Associates
- (f) Site Waste Minimisation and Management Plan, dated 01/12/2020, prepared by Benson McCormack Architecture
- (g) Operational Waste Management Plan (SO763 Rev.C), dated 25/11/2020 prepared by Elephants Foot Recycling Solutions
- (h) Fire Safety Report (20295-L01), dated 30/11/2020, prepared by innova services
- (i) Building Code of Australia Assessment Report Rev.1 dated 01/12/2020, prepared by Building Code Professionals Pty Ltd
- (j) Arboricultural Impact Assessment Report, dated October 2020, prepared by Growing My Way Tree Consultants
- (h) Statement of Compliance Access for People with a Disability dated 05/11/2020 prepared by Accessible Building Solutions.
- (i) Co-living Economic Needs Assessment, dated November 2020, prepared by Think Economics

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

Reason: To ensure compliance with standards.

## **66. 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.

## **67. Building Number**

Building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

### **Unit Numbering for Multi Unit Developments (Residential, Commercial and Industrial)**

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines  
([https://auspost.com.au/content/dam/auspost\\_corp/media/documents/Appendix-01.pdf](https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-01.pdf)).

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 Interim/Final 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.

## **68. Waste and Recycling Facilities Certificate of Compliance**

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

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

Reason: To ensure waste and recycling facilities are provided.

#### **69. 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.

#### **70. 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.

#### **71. 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.

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

#### **72. Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be

generally in accordance with the approved Landscape Plan and any conditions of consent.

For all new residential works with two or more dwellings and mixed use developments, 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.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

### **73. Use of Automated Parking Platform**

Parking platform system for six (6) car spaces shall be utilised by designated persons only. Persons living in the boarding house without on-site designated parking space must not own a vehicle. Visitors are not permitted to use the parking platform. These requirements shall be included in the occupancy agreement.

Reason: To ensure that adequate parking is maintained.

### **74. 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 600mm

Reason: To maintain unobstructed sight distance for motorists.

### **75. Geotechnical Recommendations**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

### **76. Ongoing Conditions for Bulky Goods storage area**

The Bulky Goods storage area is a designated area to accommodate bulky items.

The area must not be used to store any other items and must be clear of any service and utilities infrastructure and related activities.

Occupants will be required to self-present bulky goods kerbside.

Reason: To ensure an adequate and appropriate dedicated bulky goods storage area is provided.

## **77. Traffic Management**

Traffic management procedures and systems must be in place and practised during the life of the consent to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

All vehicles must enter and leave the Site in a forward direction of travel.

Note: A plan of traffic management is to be submitted to and approved by the Consent Authority.

Reason: To ensure pedestrian safety and continued efficient network operation.

## **78. Fencing Height / Vegetation**

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

Reason: To ensure maximum vehicular and pedestrian visibility.

## **79. Ongoing Operational Management Plan**

An ongoing Operational Management Plan (OMP), as approved Council detailing the operation of the development shall operate for the life of the consent. The OMP shall include, but not be limited to the following:

- (a) Through-site circulation of vehicle movements.
- (b) Management of car parking areas.
- (c) Operation and use of the Car Stacker Parking System.
- (d) The location and content of directional signage.
- (e) Complaints management.
- (f) Noise management.

Details of the above shall be kept on the premises at all times and made available to Council representatives upon request.

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

## **80. Ongoing Car Share Management**

An ongoing Car Park Management Plan shall operate for the life of the consent that outlines how the private operated carshare parking scheme is effectively managed. The plan is to include details for the following:

- (a) Costs for car share hire and how they are regulated
- (b) Eligibility of car share vehicle use
- (c) Car share booking procedure
- (d) Maximum length of vehicle booking is to be restricted to 24 hours in order to prevent a small number of residents monopolising the use of the car share vehicle.
- (e) Frequency of vehicle replacement and how this is determined
- (f) Maintenance arrangements and how this is managed and paid for
- (g) Responsibility of repairs
- (h) Responsibility for refuelling / recharging of vehicle
- (i) How the pick-up and return of keys is managed
- (j) Responsibility for traffic / parking infringements

Priority use of the dedicated on-site car share vehicle shall be given to the boarding house tenants that reside in at least 10 of the on-site boarding rooms. A formal agreement shall form part of the tenancy agreement for the use of the on-site car share vehicle for at least 10 of the on-site boarding rooms. The tenants of those nominated on-site boarding rooms are not to own their own vehicle.

Details of the above shall be kept on the premises at all times and made available to Council representatives upon request.

Reason: Car Share Management

## **81. Car Stacker Management**

An ongoing Car Park Management Plan shall operate for the life of the consent that outlines how the car stacker is effectively managed. The plan is to include details for the following:

- (a) General stacker operation and use
- (b) Incoming boarding house manager education / induction process
- (c) Incoming resident education / induction process
- (d) Maintenance / servicing arrangements
- (e) Faults / repairs rectification procedure
- (f) Specific allocation of stacker users

Details of the above shall be kept on the premises at all times and made available to Council representatives upon request.

Reason: Car Share Management

## **82. Resident Parking Permits**



The registered proprietor of the Site will be eligible for a parking permit in accordance with the Council's parking schemes (i.e. two permits per rateable dwelling). The permits are to be used for the car share vehicles provided. Any residents and staff members of the subject site are not eligible for resident parking permits. This condition is to be provided on the property Title.

Details of the above shall be kept on the premises at all times and made available to Council representatives upon request.

Reason: To ensure the development occupants are aware that they are not entitled to a permit regardless of if they are within a Resident Parking Scheme (RPS).

**Applicant's Position – condition to be amended.**

Parking permits are determined by Council on a case by case basis upon application. This condition is unnecessary. This condition is unreasonable as it has been framed in absolute terms and restricts an ordinary incidental right of residence. The broad purpose of the condition in ensuring minimal use of street parking is already covered by the requirement for a communal vehicle and by the proponent regulating tenant activity through House Rules.

The Applicant is required to pay rates to Council and should therefore be entitled to the normal allowable parking permits per rateable property.

A more reasonable condition could be considered but the core of what is being attempted in this condition is unreasonable.

The Applicant has proposed a suitably drafted condition.

**NB – Respondent's position: maintain condition as proposed as it was the subject of agreement between the experts in the joint expert report.**

### **83. Resident Parking**

No tenants are to park their vehicles on the surrounding streets.

### **84. Boarding House**

The ongoing operation of the boarding house must comply with the relevant sections of the following legislation:

- (a) Local Government Act 1993
- (b) Local Government (general) Regulations 2005
- (c) Public Health Regulations 2012
- (d) Boarding House Act 2012

Reason: To ensure compliance with legislation and to protect public health and safety.

### **85 Boarding House Plan of Management**

The requirements of the Boarding House Plan of Management dated June 2021 and prepare by SixC is to be fully implemented in perpetuity from the issue of the Occupation Certificate.

Reasons: To ensure the premise is maintained in an appropriate manner in perpetuity.