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NOTICE OF DETERMINATION

CONSENT NO: N0516/17

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

**A. ALAMEIN
C/- GARTNER TROVATO ARCHITECTS
PO BOX 1122
MONA VALE NSW 2103**

Being the applicant in respect of Development Application No **N0516/17**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of Development Application No **N0516/17** for:

Construction of a four (4) unit Seniors Living development with basement car parking, landscaping and strata subdivision

At: 701 and 703 Barrenjoey Road, Avalon Beach NSW 2107 (Lot 1 DP 12074, Lot 2 DP 12074)

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

Architectural drawings:

- **Drawing No. A.01 (Site Plan), Issue C, dated 23 March 2018, prepared by Gartner Trovato Architects;**
- **Drawing No. A.02 (Level One), Issue B, dated 23 March 2018, prepared by Gartner Trovato Architects;**
- **Drawing No. A.03 (Level Two), Issue B, dated 23 March 2018, prepared by Gartner Trovato Architects;**
- **Drawing No. A.04 (Level Three), Issue A, dated 09 November 2017, prepared by Gartner Trovato Architects;**
- **Drawing No. A.05 (North and South Elevations), Issue B, dated 23 March 2018, prepared by Gartner Trovato Architects;**
- **Drawing No. A.06 (East and West Elevations), Issue B, dated 23 March 2018, prepared by Gartner Trovato Architects;**
- **Drawing No. A.07 (Section A), Issue B, dated 23 March 2018, prepared by Gartner Trovato Architects;**
- **Drawing No. A.09 (Landscape Plan), Issue A, dated October 2017, prepared by Gartner Trovato Architects;**
- **Drawing No. A.10 (Strata Plans), Issue A, dated November 2017, prepared by Gartner Trovato Architects;**
- **Drawing No. A.12 (Sample Board – Exteriors Finishes), dated October 2017, prepared by Gartner Trovato Architects.**

Documentation:



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- **Geotechnical Risk Management Assessment Report, prepared by Crozier Geotechnical Consultants, dated 17 October 2017;**
- **Accessibility Report, dated 09 November 2017, prepared by ABE Consulting Pty Ltd;**
- **BCA Specification Assessment, dated October 2017, prepared by Gartner Trovato Architects;**
- **BASIX Certificate No. 876937M, dated 10 November 2017.**

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Signed On behalf of the Consent Authority

Name: Angela Manahan (Principal Planner)

Date: **06 July 2018**



Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. A sign must be erected in a prominent position onsite only showing:
 - a) the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b) the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - c) that unauthorised entry to the work site is prohibited.

The sign must 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.

4. 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:
 - a) in the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
 - c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under a or b above 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.



5. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) 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.
6. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.
2. In accordance with Chapter 3, Part 1, clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the approved units may only be occupied by:
 - a) Seniors or people who have a disability,
 - b) People who live within the same household with seniors or people who have a disability,
 - c) Staff employed to assist in the administration of and provision of services to housing provided under this Policy.

A restriction must be placed on the title of each unit in accordance with section 88E of the Conveyancing Act 1919, limiting the use of the units to the kinds of people referred to above.

3. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.
4. No environmental weeds are to be planted on the site. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
5. To satisfy the off-street vehicle parking requirements for the development, the minimum number of vehicle space requirements shall be as follows:
 - a) Three Parking vehicle spaces
 - b) Wash Bay one vehicle spaces
 - c) Parking for People with Disabilities four vehicle spaces

These spaces are to be provided and retained over the life of the development.

6. Landscaping is to be implemented in accordance with the approved Landscape Plan, Plan no. A.09, Issue A, October 2017 authored by GartnerTravato Architects. The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed. This landscaping is to then be maintained for the life of the development.



7. A minimum of 200mm clearance is to always be maintained to the tree trunk from proposed bearers, joists and decking.
8. At the completion of the landscape maintenance period, as specified in the landscape working drawings and specifications submitted with the Construction Certificate application where it extends beyond the issue of an Occupation Certificate the consultant landscape architect/designer is to submit a final report to the Principal Certifying Authority within 7 working days, certifying that all plant material has been successfully established and that all of the outstanding maintenance works or defects have been rectified prior to preparation of the report and that a copy of the landscape maintenance strategy has been provided to the owner/occupier.
9. Landscaping working drawings and specifications are to be prepared for the development which incorporate a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period. This strategy is to address maintenance issues such as irrigation, soil testing, weeding, plant staking, fertilising, pest and disease control, replanting, remedial pruning and the like.

Further, provision is to be made for the landscape designer to visit the site on a 6 monthly basis from the date of issue of the Occupation Certificate.

After the final inspection, the landscape designer is to issue a report to the owner/occupier certifying that all plant material is healthy and performing to expectation.

A copy of this report is to be forwarded to the Accredited Certifier or Council.

10. The development is to comply with the standards outlined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
11. All carparking facilities and driveway profiles, for adaptable and accessible housing, from the street to the on-site car parking spaces for the adaptable apartments must comply with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
12. All appropriate infrastructure is to be provided to service the proposed lots, including roads and accessways, drainage facilities, water management facilities, reticulated water, reticulated sewerage, electricity, gas and telecommunication services.
13. All utility services including overhead power supply and communication cables located in the adjacent road verge and those to service the development are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.
14. New electrical connections are to be carried out using underground cabling.
15. Materials and colour schemes are to be in accordance with the samples submitted and approved by Council with the application, as identified in drawing A.12, dated October 2017, prepared by Gartner Trovato Architects. Roofing materials must be of low glare and reflectivity.
16. No water pollution shall result from the operation of any plant or equipment or activity carried out.
17. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.



18. No odour nuisance to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
19. No emissions causing air pollution shall be created by the operation of any plant equipment or any procedure carried out at the premise.
20. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
21. All external glazing is to have a maximum reflectivity index of 25%.
22. All fencing is to be of a see-through design and be finished with dark and earthy tones; and landscaping treatments between fencing and property boundaries are to include species that are capable of growing to heights that can conceal the boundary fences.
23. Garbage enclosures/stores shall be provided and maintained in accordance with the following:
 - (a) A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
 - (b) The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
 - (c) The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
 - (d) Stormwater shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
 - (e) Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
 - (f) The room used for the storage and washing down of garbage and recycling receptables shall be constructed of solid material (brick, concrete blocks, structural fibrous cement or similar homogeneous material) so as to prevent the formation of cavities which become possible harborages for insects and vermin. Framing in timber is not permitted.
 - (g) The garbage and recycling room shall be made vermin proof.
 - (h) Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Councils satisfaction.
 - (i) The enclosure shall be of adequate size to accommodate the following bins numbers and capacity per dwelling:
 - 80 litres per household per week of garbage, and
 - 70 litres per household per week of paper recyclables, and
 - 70 litres per household per week of container recyclables.
24. All sound producing plant, (including pool pumps), equipment, air conditioners, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.) (This does not apply during excavation and construction works).
25. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the *Sydney Water Act, 1994*. A copy of any Notice of Requirements letter which may be issued by Sydney Water is to be provided to the Private Certifying Authority with the Construction Certificate application.



Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

26. All new building or structures, together with any improvements integral to the future use of the site, are erected clear of the land required for road (unlimited in height or depth) as identified in the Roads and Maritime Services Letter, dated 26 April 2018. The area required for road should be identified as a separate loti part of the common property in any plan of subdivision

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
2. A contribution of \$40,000 is payable to Northern Beaches Council for the provision of public infrastructure and services pursuant to the Pittwater Section 94 Contributions Plan for Residential Development.

The contribution is to be paid prior to the issue of the first Construction Certificate.

The proponent may negotiate with Council for the direct provision of facilities and services specified in the Section 94 Plan, the dedication of land or another material public benefit in lieu of full or partial payment of the monetary contribution. Any agreement shall be in accordance with the Pittwater Section 94 Contributions Plan for Residential Development. The agreement must be finalised, formally signed and in place prior to payment being due.

The Pittwater Section 94 Contributions Plan for Residential Development may be inspected at Council's Mona Vale office, 1 Park Street Mona Vale or on Council's website.

Cashier Codes:
SOPS – \$16,000
SLEL – \$4,000
SCSF – \$7,000
SVSS – \$13,000

3. Prior to the issue of a Construction Certificate, a bond of \$50,000.00 is payable to Northern Beaches Council as security against any damage or failure to complete the construction of road pavement/shoulder, kerb and gutter, footpath, road works and reconstruction works as part of this development consent.



4. Prior to the issue of a Construction Certificate, the architectural drawings are to be amended as follows:
 - a) The lower and upper ridge heights of the roof feature are to be a maximum of RL22.389 and RL23.695 respectively (to ensure compliance with the height limit);
 - b) Deletion of the roof overhang on the south-eastern side of the balconies adjoining the southern side of Units 2 and 4;
 - c) The Laundry window to the north of Unit 3 (Window 23) is to be translucent/obscured glazing;
 - d) Fencing is to be in accordance with condition B22;
 - e) Demonstration of compliance with the standards identified in Schedule 3, Part 1 and Part 2 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
5. The Principal Certifying Authority must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
6. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the Environmental Planning and Assessment Regulation 2000:
 - a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after building work has been completed and prior to any occupation certificate being issued in relation to the building.

To allow a Principal Certifying Authority to carry out critical stage inspections, at least 48 hours notice must be given before building work is commenced and prior to further work being undertaken.
7. Construction works approved by this consent must not commence until:
 - a) Construction Certificate has been issued by a Principal Certifying Authority
 - b) a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
 - c) at least 2 days notice, in writing has been given to Council of the intention to commence work.
8. Structural Engineering details relating to the development are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
9. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.



10. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.
11. Engineering plans showing the Stormwater Harvesting and Reuse Scheme are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified practicing Water/Environmental/Civil Engineer with corporate membership of the Institution of Engineers Australia (MIE Aust), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with Pittwater 21 DCP.
12. Engineering plans including specifications and details of the on-site stormwater detention system generally in accordance with Drawing No SW1 -170914 prepared by Barrenjoey Consulting Engineers dated 27.10/2017, are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B5.7 of Pittwater 21 DCP.

Note: Where Council is the Principal Certifying Authority, 3 sets of engineering plans are to be submitted.

13. An Application for Works to be approved and constructed within Council Roadway, including engineering plans is to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The application is to include four (4) copies of Civil Engineering plans for the design of the retaining walls through the nature strip and driveway crossing which are to be generally in accordance with the Development Application and Council's specification for engineering works - AUS-SPEC #1.

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

1. The provision of a vehicle crossing 4.0 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 and specifications. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.
2. The existing footpath fronting the development site in Kevin Avenue shall be upgraded to a minimum of 1.5 metres wide (unless approved by Council) including the area around signalized crossing at Central road and Barrenjoey Road. Where required fencing is to be provided to prevent access to Barrenjoey Road carriageway at Kevin Avenue.
3. The existing kerb & gutter fronting the development site in Kevin Avenue shall be removed and reinstated with 150 mm kerb & gutter. All the existing angle parking fronting the development site shall be provided with wheel stops and the car parking spaces repainted.
4. All redundant vehicular crossing shall be removed and footpath reinstated.
5. The redundant pit and pipe located within the proposed vehicular crossing shall be removed. Two new pits and pipe (minimum 375mm) will be required in replacement. A pit is required at southern car park end in Kevin Road and a pit located where Council



pipe crosses the road, next to the proposed gutter lay back. Detail location of Council pipe line is to be provided in the design plan.

6. All road works required by Transport Roads & Maritime Services NSW in accordance with letter dated 26 April 2018 (SYD17/01589/03) must be undertaken. Approval from Transport Roads & Maritime Services NSW must be submitted with the S138 application.
7. Submission of a Traffic control plan and advanced warning signs for the proposed road, footpath and drainage works in accordance with RMS Traffic Control At Work Sites Manual and relevant Australian Standard.

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 Principal Certifying Authority prior to the issue of the Construction Certificate.

14. 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.
15. The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.
16. A certificate (from a suitably qualified access advisor) that design details and specifications meet the Disability (Access to Premises - Buildings) Standards, BCA, relevant Australian Standards and the provisions of State Environmental Planning Policy (Housing for Seniors or people with a Disability) must be submitted to the Principal Certifying Authority with the Construction Certificate application.
17. The redundant driveway on the Barrenjoey Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Barrenjoey Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from roads and maritime services, manager developer works, State Wide Delivery, Parramatta (telephone 9598 7798).

Detailed design plans of the proposed kerb & gutter are to be submitted to roads and maritime for approval prior to the issue of a construction certificate and commencement of any road works.

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 approved road design plans by Roads and Maritime.

18. The proposed 500mm wide concrete median island in Kevin Avenue at Barrenjoey Road signalised intersection shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTRROADS and other Australian Codes of Practice. The certified copies of the civil design plans and modified traffic signal plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.



The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

19. Prior to the issue of a Construction Certificate, evidence is to be provided that Roads and Maritime Services have assessed the design drawings and documents relating to the excavation of the site, in accordance with Point 4 of the RMS letter, dated 26 April 2018.
20. Prior to the issue of a Construction Certificate, evidence is to be provided that detailed design plans in relation to stormwater drainage have been submitted to Roads and Maritime Services in accordance with Point 5 of the Roads and Maritime Services letter, dated 26 April 2018.
21. All vehicles are to enter and leave the site in a forward direction. In this regard, swept paths of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. Plans shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
22. All vehicles are to be wholly contained on site before being required to stop. In this regard, in accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary. This is to be demonstrated in the Construction Certificate documentation.
23. All requirements stipulated in the Roads and Maritime Services letter, dated 26 April 2018 are to be incorporated into the Construction Certificate documentation and plans.
24. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
 - a) Quantity of material to be transported
 - b) Proposed truck movements per day
 - c) Proposed hours of operation
 - d) Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the former Pittwater Council Local Government Area
 - e) Location of on/off site parking for construction workers during the construction period.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.



Note: This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the States building laws.

2. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 The Demolition of Structures.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

- a) Protection of site workers and the general public.
- b) Erection of hoardings where appropriate.
- c) Asbestos handling and disposal where applicable.
- d) Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

3. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
4. Prior to the commencement of any works on site, a dilapidation report is to be undertaken in accordance with condition C14.
5. The following facilities must be provided on the site:
 - a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - b) a garbage receptacle for food scrapes and papers, with a tight fitting lid.

Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

6. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
7. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
8. An all weather accessway at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.
9. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.



10. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
11. Personnel with appropriate training, or demonstrated knowledge and experience in erosion and sediment control shall be responsible for supervising the installation and maintenance of approved erosion and sediment control measures – during and after construction and until the site has been restored to the satisfaction of council.
12. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

13. If approved work are likely to cause pedestrian or vehicular traffic in a public place to be obstructed or if works involve the enclosure of a public place, then a hoarding or fence must be erected between the work site and the public place. If necessary, an awning or other structure is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Further, the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed. NOTE: Hoardings and temporary awnings erected on or over public places are required to be subject to a separate approval from Council.
14. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

Note: Separate approval is required for access driveways, paths, connections to underground services (stormwater, gas, sewer, electricity, etc.), and landscaping works within Council's Road Reserve.

15. No skip bins or materials are to be stored on Council's Road Reserve.
16. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
17. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - a) The builder's name, builder's telephone contact number both during work hours and after hours.
 - b) That no works are to be carried out in Council's Road Reserve without prior application and approval of a Road Opening Permit from Council.
 - c) That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.



- d) That no skip bins or materials are to be stored on Council's Road Reserve.
- e) That the contact number for Northern Beaches Council for permits is 9970 1111.

18. Construction access to the property is to be via the approved driveway only.
19. A copy of the CTMP approved under Part C of this consent is to be retained on site for the duration of the demolition/construction works.
20. In accordance with Point 2 of the Roads and Maritime Services letter, dated 26 April 2018, the redundant driveway on the Barrenjoey Road boundary shall be removed and replaced with kerb and guttering. Detailed design Detailed design plans of the proposed kerb & gutter are to be submitted to roads and maritime for approval prior to the issue of a construction certificate and commencement of any road works.
21. In accordance with Point 3 of the Roads and Maritime Services letter, dated 26 April 2018, certified copies of the civil design plans and modified traffic signal plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.
22. In accordance with Point 4 of the Roads and Maritime Services letter, dated 26 April 2018, The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

Details and any enquiries should be forwarded to Mr Suppiah Thillai at Suppiah.Thillai@rms.nsw.gov.au or Phone at 8849 2114.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

23. In accordance with Point 5 of the Roads and Maritime Services letter, dated 26 April 2018, detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to: Suppiah.Thillai@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 88492114 or Fax: 88492766.

24. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Barrenjoey Road.
25. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Barrenjoey Road and signalised intersection of Barrenjoey Road/Kevin Avenue during construction activities.



E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. A copy of the registered plan of consolidation from Land and Property Information division of the Department of Finance & Services is to be submitted to the Principal Certifying Authority (PCA) and Northern Beaches Council, if Council is not the PCA, prior to the issue of any Occupation Certificate (including an interim occupation certificate) for the development.
3. All proposed sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
4. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.
5. Prior to the issue of any Occupation Certificate, a Suitably Qualified Professional is to certify to the satisfaction of the Principal Certifying Authority that the attached requirements of NSW Transport Roads and Maritime Services, dated 26 April 2018, have been satisfied.
6. Prior to occupation and issuing of an Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User, under Section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc).
7. Certification is to be provided to a Principal Certifying Authority by an experienced Water/Environmental/Civil Engineer who is NPER accredited by the Institution of Engineers, Australia that the stormwater harvesting and reuse scheme has been completed in accordance with the engineering plans and specifications required under this consent.
8. An application for the authorisation of legal documents is to be lodged with Council and payment of the associated fee. The application is to include the original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and photographic evidence of the completed system.



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

9. A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant 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 Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

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

10. A suitably qualified Civil Engineer shall certify that the completed road, footpath and drainage works have been constructed in accordance with this consent and the approved Construction Certificate plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' shall be submitted to the Council for approval prior to the issue of the Occupation Certificate. Council's guidelines are available on Council's web page or alternatively contact Council's Drainage Assets Engineer.

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

11. Certificate is to be submitted to the Principal Certifying Authority by a qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Private Certifying Authority that the driveway has been constructed in accordance with the approved plans and AS/NZS 2890.1:2004 and relevant conditions of Development Consent.
12. The applicant must obtain written confirmation from Council that all works in the road reserve have been completed in accordance with the development conditions and S138 Road Act approval prior to issue of any occupation certificate.
13. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* is to be completed and submitted to the Principal Certifying Authority.
14. The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of all property, infrastructure, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.
15. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed



satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

16. A certificate is to be submitted to the Principal Certifying Authority with the Occupation Certificate application by a qualified practising landscape architect, landscape/environmental designer or horticulturalist, certifying that the proposed automatic watering system and/or subsoil drainage and any associated waterproofing membrane have been installed in accordance with details shown on the approved landscape working drawing and/or the manufacturers specification.
17. Street numbers are to be affixed so that they are clearly displayed and visible from a public place.
18. All letterboxes are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
19. Prior to the release of the occupation certificate documented evidence is to be submitted by a licensed plumber to the Principal Certifying Authority confirming that the car wash bay is graded and drained to Sydney Water Sewerage Network and that the perimeter of the designated wash bay is suitably bunded to prevent storm waters entering the sewer.
20. A restriction on use of the land is to be created on the title of any new lots, the terms of which burden the said lots, benefit Council and restrict the occupancy of the lot to persons defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 as to "older people" or "people with a disability" or people who live with older people or people with a disability. All matters relating to this restriction on use of the land are to be finalised prior to release of the Occupation Certificate.
21. Any lease or tenancy or agreement prepared for a residence within this development is to contain terms which prohibit occupation of the residence by persons other than those specified in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 as aged or disabled persons together with any person who live with aged or disabled person(s). Further the "by laws" of any body corporate created through strata subdivision of the development are to contain terms which prohibit the use of any strata unit other than by persons specified in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 as aged or disabled together with any bona fide carer(s).
22. An Accredited Access consultant is to certify that the development has complied with the construction certificate details and the design details and technical specifications relevant to recommendations in the Access Report, and in accordance with all relevant accessibility provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
23. Prior to the issue of any Occupation Certificate (including an interim Occupation Certificate), the Applicant shall upgrade the existing footpath from the subject property to the signalised pedestrian crossing at Central Road and Barrenjoey Road to a minimum width of 1.5metres, inclusive of compliant pram ramps and where required pedestrian desire line fencing to prevent access to the Barrenjoey Road carriageway at Kevin Avenue.



F. Matters to be satisfied prior to the issue of Subdivision Certificate:

1. The applicant is to lodge an application for a Subdivision Certificate with Council or an accredited certifier. The Subdivision Certificate is to be obtained prior to lodgement of the plans with the Land Titles Office.

Note: In the case of Strata Subdivision Plans the Subdivision Certificate may also be issued by an accredited certifier.

2. If applicable, a Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act 1994 is to be provided to the Principal Certifying Authority with the Subdivision Certificate application.
3. A plan showing details of the location of separate water, sewerage, electricity and telephone services to each lot is to be submitted to the Principal Certifying Authority, with the Subdivision Certificate application.
4. Lot 1 and Lot 2 of Deposited Plan 12074 are to be consolidated into one lot. This is achieved through registration of the Plan of Subdivision.
5. In accordance with the Roads and Maritime Letter, dated 26 April 2018, the area required for road (as identified in the RMS letter) should be identified as a separate lot/common property in any plan of subdivision.

G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. Dial before you dig: Prior to excavation the applicant is advised to contact Australia's National Referral Service for Information on Underground Pipes and Cables telephone 1100 or www.1100.com.au
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 4.53(1) of the EPA Act 1979, this development consent lapses 5 years after the date from which this consent operates if the development is not commenced.
5. To ascertain the date upon which a consent operates, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act, 1979. Such request to Council must be made in writing, together with



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appropriate fees as advised at the time of lodgement of such request, within 6 months of the determination.

7. If you are dissatisfied with this decision, Section 8.7 and 8.10 of the Environmental Planning and Assessment Act, 1979, gives you a right of appeal to the Land and Environment Court within 6 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
9. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.