

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| <b>Application Number:</b>                | DA2023/1763                                                                                                                                                                                                          |
| <b>Responsible Officer:</b>               | Jordan Davies                                                                                                                                                                                                        |
| <b>Land to be developed (Address):</b>    | Lot 502 DP 875858, 4 Minna Close BELROSE NSW 2085                                                                                                                                                                    |
| <b>Proposed Development:</b>              | Construction of a warehouse and distribution centre with associated office, including tree removal                                                                                                                   |
| <b>Zoning:</b>                            | Warringah LEP2011 - Land zoned SP4 Enterprise<br>Warringah LEP2011 - Land zoned C2 Environmental Conservation<br>WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 |
| <b>Development Permissible:</b>           | Yes - Zone C2 Environmental Conservation<br>Yes - Zone SP4 Enterprise                                                                                                                                                |
| <b>Existing Use Rights:</b>               | No                                                                                                                                                                                                                   |
| <b>Consent Authority:</b>                 | Northern Beaches Council                                                                                                                                                                                             |
| <b>Land and Environment Court Action:</b> | No                                                                                                                                                                                                                   |
| <b>Owner:</b>                             | Wu Properties Pty Ltd                                                                                                                                                                                                |
| <b>Applicant:</b>                         | Wu Properties Pty Ltd                                                                                                                                                                                                |
| <b>Application Lodged:</b>                | 13/12/2023                                                                                                                                                                                                           |
| <b>Integrated Development:</b>            | No                                                                                                                                                                                                                   |
| <b>Designated Development:</b>            | No                                                                                                                                                                                                                   |
| <b>State Reporting Category:</b>          | Industrial                                                                                                                                                                                                           |
| <b>Notified:</b>                          | 20/12/2023 to 25/01/2024                                                                                                                                                                                             |
| <b>Advertised:</b>                        | 20/12/2023                                                                                                                                                                                                           |
| <b>Submissions Received:</b>              | 1                                                                                                                                                                                                                    |
| <b>Clause 4.6 Variation:</b>              | Nil                                                                                                                                                                                                                  |
| <b>Recommendation:</b>                    | Approval                                                                                                                                                                                                             |
| <b>Estimated Cost of Works:</b>           | \$ 12,735,818.00                                                                                                                                                                                                     |

### PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the 'Construction of a warehouse and distribution centre with associated office, including tree removal'. Specifically, the proposal comprises of the following:

#### Warehouse

The proposed industrial development will comprise of one large format warehouse building including covered loading hardstand, mezzanine office area and basement carparking area. The development is to provide a total GFA of 1,689m<sup>2</sup> including 1,514m<sup>2</sup> of warehouse GFA on the ground floor and 175m<sup>2</sup> of mezzanine office GFA. The warehouse floor area also includes 2 x loading docks, dock office, staff room and toilet/change facilities.

The warehouse is to operate between 8am and 5pm Monday to Saturday and managed by a total of 25 staff.

#### Parking

A total of 25 carparking spaces over a basement levels. The development also provides a total of 2 motorbike parking spaces within the basement and a total of 12 bicycle parking spaces at the basement level and at grade (2 at street level & 10 at the ground floor warehouse level).

#### Infrastructure

The warehouse development is to be serviced by new civil and stormwater infrastructure including on-site OSD and

rainwater tank, retaining earthworks and appropriate sediment and erosion control.

#### Tree Removal

The proposal seeks to remove 155 trees on the site, with 125 trees retained.

#### Landscape

The proposed front setback will consist of a new landscape planting scheme, while the rear of the site will be maintained as existing landscape consisting of mature canopy trees.

### **ASSESSMENT INTRODUCTION**

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

### **SUMMARY OF ASSESSMENT ISSUES**

Assessment - SEPP (Sustainable Buildings) 2022

Assessment - Housing and Productivity Contribution

Warringah Local Environmental Plan 2011 - Zone C2 Environmental Conservation

Warringah Local Environmental Plan 2011 - Zone SP4 Enterprise

Warringah Local Environmental Plan 2011 - 6.2 Earthworks

Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - E1 Preservation of Trees or Bushland Vegetation

Warringah Development Control Plan - E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat

### **SITE DESCRIPTION**

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| <b>Property Description:</b>      | Lot 502 DP 875858 , 4 Minna Close BELROSE NSW 2085                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Detailed Site Description:</b> | <p>The subject site consists of one (1) allotment located on the north-western side of Minna Close. The site is located within the Austlink Business Park, comprising of industrial/commercial businesses and large bulk goods premises</p> <p>The site is regular in shape with a frontage of 62m along Minna Close and a depth of 88m. The site has a surveyed area of 5,581m<sup>2</sup>.</p> <p>The site is located within a split zone, with the front of the site being zoned SP4 Enterprise and the rear of the site being C2 Environmental Conservation. The site is currently vacant and contains a high number of trees which form part of the Duffys Forest Ecological Community.</p> <p>The site has a moderate slope from the front boundary to the rear boundary, sloping upwards to the rear boundary from the road. Overall, the site has a level change of approximately 10m.</p> <p>The site is currently vacant and contains Duffy's Forest Endangered Ecological Community. The 2/3 of the site is identified for development,</p> |

being zoned SP4 Enterprise, whilst the rear 1/3 of the site is zoned C2 Environmental Conservation on order to retain a strip of Duffys Forest EEC adjoining Mona Vale Road.

#### Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by two and three storey industrial and commercial buildings to the north, south and across the road to the south-east. The adjoining sites generally have low level landscape planting in the front setback with canopy trees retained in the rear setback, with some trees in the side setbacks.

Map:



#### SITE HISTORY

The land has been vacant for an extended period of time. A search of Council's records has revealed the following relevant history:

- **PLM2022/0091** - Development Application Pre Lodgement Meeting - Construction of a warehouse. Meeting held 2 June 2022.

#### History of Subject Application

- DA2023/1763 was lodged on 13 December 2023.
- Application was referred to the Design Sustainability Advisory Panel (DSAP) on 1 February 2024.
- Council requested additional information from the applicant on 26 February 2024 in relation to the front setback, development engineering and stormwater matters, traffic matters, response to the DSAP recommendations and more information to address SEPP (Sustainable Buildings) 2022.
- On 3 May 2023, additional information and amended plans were submitted to Council which addressed the issues raised in Council's RFI.

The amendments to the application do not involve any additional impacts on the surrounding properties and as such, the application was not required to be re-notified, which is in accordance with the Council's Community Participation Plan.

#### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

| Section 4.15 Matters for Consideration                                                                                                                                             | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument                                                                                                      | See discussion on “Environmental Planning Instruments” in this report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument                                                                                               | There are no current draft environmental planning instruments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan                                                                                                             | Warringah Development Control Plan applies to this proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement                                                                                                                  | None applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)                                                          | <p>Part 4, <u>Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to traffic, water management, front setback, response to DSAP comments, copy of the terms of easements (A) and (B) and SEPP Sustainable Buildings.</p> <p>A response was received from the applicant addressing each of the issues raised. The information has been considered as part of this assessment.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p><b>(i) Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p><b>(ii) Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impact</b><br/>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Section 4.15 (1) (c) – the suitability of the site for the development                                                                                                             | The site is considered suitable for the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| Section 4.15 Matters for Consideration                                                 | Comments                                                                                                            |
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| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | See discussion on “Notification & Submissions Received” in this report.                                             |
| Section 4.15 (1) (e) – the public interest                                             | No matters have arisen in this assessment that would justify the refusal of the application in the public interest. |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Bushfire Consultancy Australia, dated 18/04/2023) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The application was also referred to the NSW RFS who have provided a response, supporting the proposal subject to conditions. The recommendations of the Bush Fire Report and RFS have been included as conditions of consent.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 20/12/2023 to 25/01/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

| Name:       | Address:        |
|-------------|-----------------|
| Peter Jones | Address Unknown |

The following issues were raised in the submissions:

- *"We are just wondering why there is no set back from Minna Close. It should be at least in line with 3 Minna Close. So much built form so close to the road cannot be a good outcome."*

The above issues are addressed as follows:

- *"We are just wondering why there is no set back from Minna Close. It should be at least in line with 3 Minna Close. So much built form so close to the road cannot be a good outcome."*

### Comment:

The application when lodged had a minimum 2m front setback to Minna Close. Following consultation with Council, the front setback was increased to a minimum 4m. Whilst this is still not compliant with the 6.5m requirement, the front setback is considered to be a balanced outcome in order to retain significant Duffy's Forest Vegetation at the rear of the site and minimise site excavation. The application has included a landscape plan which will provide quality landscaping within the front setback in order to compliment the surrounding locality. A further assessment of the front setback is undertaken later in this report.

## REFERRALS



| Internal Referral Body                   | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| Design and Sustainability Advisory Panel | <p>The application was referred to the DSAP meeting on 1 February 2024. The Panel overall supported the proposal and made the following comment:</p> <p><b><i>"The Panel is supportive of the proposed changes – including the 2m front setback – subject to the recommendations noted. They should be submitted to the staff for evaluation. The proposal does not need to return to the Panel."</i></b></p> <p>Council was not supportive of the 2m front setback. In response to Council's concerns above the front setback, the front setback was increased to 4m to allow additional landscaping to respond to the character of the business park. This was considered a reasonable solution on balance of tree retention, landscaping and character.</p> <p>The following lists the recommendations to the DSAP comments and the applicant's response to each.</p> <p><b><i>1. The Panel supports the proposed setbacks and layout.</i></b></p> <p><u>Response:</u> Despite the Panel's support of a 2m setback to Minna Close, the proposal has adopted a 4m setback to Minna Close to address streetscape amenity whilst balancing the impact to existing site trees.</p> <p><b><i>2. The pedestrian ramp is to be replaced with an alternative accessible solution that is entirely internal. The 2m setback and Council verge is to be landscaped as much as possible.</i></b></p> <p><u>Response:</u> The pedestrian ramp has been removed and replaced with a consolidated entry at the ground floor lobby. Pedestrians enter the site either through a pathway with stairs or through a ramped pathway leading to an internal platform lift that serves the entry lobby. As the front setback has been increased to 4m providing a suitable landscape buffer. Updated landscape plans form part of this revised submission.</p> <p><b><i>3. Options for honouring the trees removed by placement in the existing forest areas as well as using in the development in creative ways are encouraged.</i></b></p> <p><u>Response:</u> Engagement with the project arborist and project ecologist during construction is encouraged to assess conditions of felled trees and to seek advice on best on-site placement so as to best serve fauna/ flora species. Project landscape to also be consulted to advise if any trees can be used as landscape features within the front setback landscape zone.</p> <p><b><i>4. Applicant to provide details of an ongoing Vegetation Management Plan to be prepared by the consulting ecologist to ensure the vegetation is maintained in good health and vigour in perpetuity.</i></b></p> <p><u>Response:</u> Conditioned prior to CC.</p> <p><b><i>5. Provide a more detailed landscape plan for those areas outside of the retained bushland using endemic species of local provenance.</i></b></p> <p><u>Response:</u> Refer to amended landscape plans forming part of the revised submission.</p> <p><b><i>6. Provide tall endemic canopy trees on Council verge in consultation with Council to supplement the 2m setback planting.</i></b></p> <p><u>Response:</u> Review recommendation against new 4m setback provided. Should</p> |

| Internal Referral Body                             | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                                                    | <p>canopy trees still be required, proposed to be satisfied as a Condition prior to CC.</p> <p><b>7. Decarbonisation of energy supply</b><br/> <b>- All services should be electric</b><br/> <b>- The storage of hot water can be considered a de facto battery if heated by PVs during the day</b><br/> <b>- Onsite power generation and battery storage</b></p> <p><u>Response:</u> All services shall be documented as electric, proposed to be satisfied as a Condition prior to CC. Provision for PV panels have been nominated on the roof.</p> <p><b>8. EV charging</b></p> <p><u>Response:</u> Provision for EV charging points to be nominated in services documentation, proposed to be satisfied as a Condition prior to CC</p> <p><b>9. Passive design and thermal performance of building fabric</b></p> <p><u>Response:</u> Passive design considerations present through the protection of the northern façade through the sunken siting and large awning over the loading hardstand which protects the northern façade.</p> <p><b>10. Water use minimisation</b></p> <p><u>Response:</u> Rainwater tank has been provided, located within the carpark with overflow routed to WSUD chamber in OSD. Landscape planting selection is water tolerant and endemic and suitable for the microclimate.</p> <p>The applicant has made changes to the proposal in line with the recommendation by the DSAP. Details such as EV chargers and building electrification are not legislative requirements and the applicant can adopt these in the CC documentation if desired. However, failure to include these recommendations in the scheme would not cause the application to be refused.</p> |
| Building Assessment - Fire and Disability upgrades | <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no concerns with the application subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><u>Note:</u> The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Environmental Health (Industrial)                  | <p><b>General Comments</b></p> <p>This application is seeking consent to remove identified trees, undertake earthworks and construct an industrial development which will comprise of a part 1 and part 2 storey warehouse building and associated structures with basement parking at 4 Minna Close, Belrose.</p> <p>The proposal is for commercial/industrial purposes within land zoned Enterprise. The proposed use is suitable for the noise activity in this area and poses no additional unreasonable noise.</p> <p>Environmental Health recommends approval.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Landscape Officer                                  | <p>Council's Landscape Referral section have assessed the application against the Warringah Local Environment Plan 2011 zone C2 Environmental Conservation objectives and zone SP4 Enterprise, and the following Warringah Development</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Internal Referral Body           | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                                  | <p>Control Plan 2011 controls (but not limited to): D1 Landscaped Open Space and Bushland Setting; E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation; and E6 Retaining Unique Environmental Features.</p> <p>The site is within zone C2 Environmental Conservation, and the following objectives are to be achieved and/or maintained by development: protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values; prevent development that could destroy, damage or otherwise have an adverse effect on those values; protect and enhance the quality and character of visually sensitive areas and preserve significant natural landforms in their natural state; and ensure that development, by way of its type, design and location, complements and enhances the natural environment in environmentally sensitive areas.</p> <p>Amended plans and reports have been submitted with an increase in the front setback distance, and the documents include amended Landscape Plans and an amended Arboricultural Impact Assessment (AIA) report.</p> <p>Preservation of existing remnant Duffy's Forest Endangered Ecological Community at the rear of the property to the extent as proposed in the amended plans is maintained, and Landscape Referral raise no objections to the proposed existing tree removal as listed in the amended AIA, that requires a further five native trees to be removed to accommodate the increased front setback. Should the application be approved tree removal as identified in the amended AIA is unavoidable.</p> <p>The amended Landscape Plans propose built form softening within the front setback including small native trees and mass planting. Landscape Referral consider that the proposed Grevillea species nominated, that is a short-lived species and is difficult to commercially attain, is likely to struggle due to lack of sunlight where the species is located against the building and it is advised that an alternative suited to shade shall be nominated as a substitution to replace the Grevillea, and conditions shall be imposed. The proposed tree planting at 200 litre pot size shall require pre-order and conditions shall be imposed.</p> |
| NECC (Bushland and Biodiversity) | <p><b>Original Comments (8th February 2024)</b></p> <p>Council's Biodiversity referrals team have assessed the Development Application for compliance against the following applicable provisions:</p> <ul style="list-style-type: none"> <li>• NSW Biodiversity Conservation Act 2016</li> <li>• NSW Biodiversity Conservation Regulation 2017</li> <li>• Warringah DCP cl. E2 Prescribed Vegetation</li> <li>• Warringah DCP cl. E3 Threatened Species, Populations, Ecological Communities listed under State or Commonwealth Legislation or High Conservation Habitat</li> <li>• Warringah DCP cl. E4 Wildlife Corridors</li> <li>• Warringah DCP cl. E5 Native Vegetation</li> <li>• Warringah DCP cl. E6 Retaining Unique Environmental Features</li> <li>• Bushfire Prone Land - Planning for Bushfire Protection 2019</li> </ul> <p><b>Biodiversity Offset Scheme (BOS)</b></p> <p>The entire site is identified on the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act 2016, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offset Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR). As the proposed development is located within the BV Map and the proposal requires the removal of native vegetation, the BOS is triggered. A BDAR (Land Eco Consulting, 16/11/23) has been prepared by an accredited assessor and submitted with the Development Application.</p> <p><b>Impacts to Biodiversity</b></p> <p>The BDAR confirms the presence of Duffy's Forest which is listed as an Endangered Ecological Community (EEC) under the NSW Biodiversity</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |



| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                        | <p>Conservation (BC) Act 2016. In accordance with the BDAR, the proposed impacts to biodiversity include the removal of a total of 0.35 ha of Duffy's Forest EEC including 150 trees of which at least 15 are hollow-bearing. Residual impacts of the development result in the following offset requirements under the Biodiversity Offsets Scheme as outlined within the submitted BDAR:</p> <ul style="list-style-type: none"> <li>Retirement of 17 Ecosystem Credits for PCT 3593 - Sydney Coastal Sandstone Bloodwood Shrub Forest, which forms part of Duffy's Forest Endangered Ecological Community.</li> </ul> <p><b>Asset Protection Zone (APZ)</b><br/>As the lot is located within Bushfire Prone Land, a Bushfire Risk Assessment Report (Bushfire Consultancy Australia, 18/4/2023) was submitted with the application. The Bushfire Consultant has not stipulated or mapped an APZ associated with the proposed development. APZs must be contained within the boundary of the lot and are required to be considered in area clearing thresholds within the BDAR for calculation of offsets associated with vegetation clearing. The Rural Fire Service (RFS; 10/01/2024) provided General Terms of Acceptance which states <i>"From the start of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire property, with the exception of the existing vegetation located on site, and contained, within 30m of the rear north western site boundary, must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019"</i>.</p> <p><b>Avoid and Minimise</b><br/>It is noted that a Pre-Lodgement Meeting (PLM) was held on the 2nd June 2022 between Council and the Applicant. Council's attending Biodiversity Officer requested the submission of a Biodiversity Management Plan (BMP) accompanying the Development Application. As such, a BMP is required to be prepared and submitted by a suitably qualified Ecologist (refer to Councils Guidelines) prior to commencement. This will be conditioned accordingly.</p> <p>Architectural plans submitted with the application indicate a substantial reduction in impacts to Duffy's Forest in comparison to the plans submitted as part of the PLM in June 2022. This indicates efficient use of the principals of avoid and minimise in accordance with the BOS. Analysis of design alternatives are outlined in the BDAR. The Arboricultural Impact Assessment submitted with the PLM noted 223 trees proposed for removal in comparison with the 150 trees proposed for removal under the current design, resulting in the retention of an additional 73 trees, a reduction in the removal of trees by approximately 32%.</p> <p><b>Mitigation Measures</b><br/>All recommended mitigation measures as outlined in the BDAR are to be adhered to including:</p> <ul style="list-style-type: none"> <li>Assigning a Project Ecologist to undertake a pre-clearing survey;</li> <li>Preparation and implementation of a Biodiversity Management Plan (to be submitted to Council prior to commencement);</li> <li>Tree Protection;</li> <li>Salvage and Relocation of Hollows and Woody Debris;</li> <li>Erosion and Sedimentation;</li> <li>Storage and Stockpiling; and,</li> <li>Management of Light, Noise and Dust from Construction</li> </ul> <p>In addition, permanent fencing is to be installed between the development and the southern boundary of the BMP Area to ensure ongoing protection and retention and will be conditioned accordingly.</p> <p><b>Additional Comments (14th May 2024)</b><br/>It is noted that the proposal has been amended to increase the front setback from 2m to 4m. An amended BDAR (30/04/24) has been submitted and reviewed by</p> |

| Internal Referral Body         | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                | <p>Council's Biodiversity Referrals team.</p> <p>In accordance with the BDAR, the amended proposed impacts to biodiversity include the removal of a total of 0.37 ha of Duffy's Forest EEC including 155 trees of which at least 15 are hollow-bearing. Residual impacts of the development result in the following offset requirements under the Biodiversity Offsets Scheme as outlined within the submitted BDAR:</p> <ul style="list-style-type: none"> <li>Retirement of 17 Ecosystem Credits for PCT 3593 - Sydney Coastal Sandstone Bloodwood Shrub Forest, which forms part of Duffy's Forest Endangered Ecological Community.</li> </ul> <p>Credit obligation has not increased and as such, no amendment to conditions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| NECC (Development Engineering) | <p>The following amendments are required to the submission:</p> <ol style="list-style-type: none"> <li>1. Provide DRAINS models for pre and post development conditions to Council for perusal.</li> <li>2. Provide levels of all crossing services for the proposed stormwater connection from OSD to Council pit.</li> <li>3. It is noted that the proposed Council pit is to be located between an existing and proposed vehicle crossing. A minimum clearance of 1 metre is required from the top of layback to the edge of lintel. Ideally the new lintel should be 1.8 m clear opening if space permits. The minimum lintel width acceptable to Council is the greater of 1.2 m or the existing width. This should be shown on amended Master plans. Provide distance to lintel from both vehicle crossings.</li> <li>4. Please clarify the what the intention is for the existing pit on private land near proposed Pit C-5. This pit is connected to Council's stormwater system.</li> </ol> <p><b>Engineering Comments 20.05.24</b></p> <ol style="list-style-type: none"> <li>1. Provide DRAINS models for pre and post development conditions to Council for perusal.</li> </ol> <p><b>Engineering Comments 27.05.24</b></p> <p>A DRAINS model has been submitted to Council for perusal. Development engineering raises no objections to the proposed development, subject to conditions.</p> |
| NECC (Flooding)                | <p>The proposal is for the construction of a warehouse and associated parking.</p> <p>The development site is outside the identified Flood Planning Precincts. There are no flood related controls.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| NECC (Water Management)        | <p>Supported</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>• Supplied plans and reports;</li> <li>• Schedule 1 of the State Environmental Planning Policy Amendments (Water Catchments) 2022;</li> <li>• State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021;</li> <li>• Northern Beaches Water Management for Development Policy (WMD Policy); and</li> <li>• Relevant LEP and DCP clauses.</li> </ul> <p>Under the WMD Policy, the proposal meets the definition of undeveloped land in high quality catchment and so Table 4 Water Quality Objectives apply. The property is also mapped as within the Sydney Harbour Catchment, and so is within a regulated catchment under Schedule 1 of the State Environmental Planning Policy Amendments (Water Catchments) 2022 amendment to the State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021.</p> <p>Collectively, the WMD Policy and the SEPP Amendment (Water Catchments) 2022 require a neutral or beneficial effect on water quality.</p> <p>The revised documentation is satisfactory for water management (quality/balance).</p>                                                                                                                                                                                                             |

| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                        | <p>Superseded</p> <p>Some water quality modelling has been provided but not enough to demonstrate whether the proposal would achieve the above requirements i.e., a neutral or beneficial effect on water quality. A water quality model, MUSIC or equivalent, is required to contrast pre-development water quality against the proposed post-development water quality.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Traffic Engineer       | <p><b>Referral comments 22/5/24</b></p> <p>The Applicant has provided updated plans and additional information in response to the concerns raised regarding the shared heavy vehicle access conflicting with access to the car park for No.3 Minna Close. The amended TPIA documents that a number of changes have been made to the original proposal. The proposed brewery operation will be replaced by a generic industrial warehouse with the specific operational function unknown at this stage. The main change from a traffic perspective is the reversal of the heavy vehicle circulation for the site, from an anti-clockwise to a clockwise arrangement. Minor modification have also been made to the basement car parking layout, resulting in a reduction in the number of car parking spaces from 26 to 25 spaces (removing 1 of the 2 accessible parking spaces), which still complies with the minimum WDCP requirements.</p> <p>The TPIA has been updated to indicate 25 staff are to be accommodated on-site at any given time, with hours of operation expected to be 8:00am-5pm, Monday to Saturday. The development will be serviced by five heavy vehicles (10 movements) per day between 9am to 5pm. Concerns regarding the safety of a shared use driveway by cars and heavy vehicles were originally raised at the pre-lodgement meeting. The RMS Guide to Traffic Generating Developments Clause 6.4.2 also specifies that separation of service vehicle and car movements should be a design objective. For safety reasons, Council would not support a shared access driveway for HRVs and passenger vehicle usage in new developments where there is opportunity to provide separate vehicle access. The Applicant's proposed heavy vehicle egress is also reliant on a right of way over the adjacent development roadway, along with the provision of "Stop" signage and convex mirror. Furthermore, the swept path analysis provided for the HRV exiting the shared driveway indicates that parking would need to be removed on the opposite side of the road due to the turning manoeuvres, resulting in the loss of at least 4 on-street parking spaces. The proposal for heavy vehicle egress using the shared driveway is therefore unacceptable for the above reasons.</p> <p>The access driveway provided at the southern end of the site (5.8m wide driveway with a total width of 11m at the property boundary), allows sufficient width for HRVs to enter and exit based on the current and previous swept path assessments (Drawing No.22-003-04-V5 Sheet 4 and Drawing No.22-003-04-V3 Sheet 4). Two-way access would be supported for this development based on the proposed heavy vehicle usage and site location, subject to the installation of a traffic light system to control HRVs entering and exiting the driveway to access the loading dock area. Details of the system, including the system operation, components and placement within the development, must be specified by a practising Traffic Engineer, along with the submission of a Loading Dock Management Plan for approval prior to the issue of any Occupation Certificate.</p> <p>The recommended provision of a two-way access driveway for heavy vehicle to enter and exit at the southern end of the site would also mean that modifications to the shared access driveway along the northern property boundary would no longer be necessary from at least a traffic perspective (changes may still be required by the Engineering team). The above requirements can be conditioned as part of the Consent with the amended plans to be submitted to Council for approval prior to the issue of a Construction Certificate.</p> <p>The proposal can only be supported subject to the recommended Conditions.</p> |

| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                        | <p><b>Referral comments 19/1/24</b></p> <p>The proposed development involves the construction of an industrial development to accommodate a brewery; for the production, bottling, storing and distribution of beer. The proposed building has two floors and a basement parking area. The ground floor provides a reception/lobby area, a staff room, a warehouse storage area, a food packaging/bottling area and ancillary amenities. The second floor provides an office space. There appears to be some discrepancies between the information provided in the Traffic and Parking Impact Assessment (TPIA) dated May 2023 and the Statement of Environmental Effects (SoEE) dated 30<sup>th</sup> October 2023. The TPIA specifies that the site will accommodate 10 staff at any given time, with operation hours 7am to 6pm, seven days, with the majority of staff working 9am to 5pm weekdays. The SoEE specifies that the site will accommodate a total of 26 staff, with operation hours 8am to 5pm, Monday to Saturday. The Transport Network section has reviewed the submitted TPIA with respect to traffic generation impacts, access and parking.</p> <p><b>Traffic Generation and Impact to Road Network</b></p> <p>The projected traffic generation for the development is 12 peak hour vehicle trips; based on TfNSW's Guide to Traffic Generating Developments for warehouse and office land use. The TPIA projects that the development would generate 10 inbound movements during the morning peak hour associated with staff arriving and 10 outbound movements during the afternoon peak hour with staff leaving. The development will also be serviced by five heavy vehicles (10 movements) per day between 9am to 5pm. The intersection of Minna Close and Narabang Way was modelled using SIDRA to assess the existing conditions and operation of the nearby public road network. The analysis showed that all movements for the intersection provided a level of service 'A' during peak periods, representing good operation with spare capacity. The adjoining road network is considered capable of accommodating the additional projected traffic generated by the proposed development.</p> <p><b>Access and Parking - Basement Car Park</b></p> <p>A Traffic and Parking Impact Assessment (TPIA) has been prepared by Stanbury Traffic Planning for the development application at 4 Minna Close, Belrose. Access to the basement parking area is provided by a new 6m wide combined driveway off Minna Close. The number of parking spaces required for the industrial development under the Warringah Development Control Plan (WDCP) 2011 is calculated based on 1.3 spaces per 100m<sup>2</sup> GFA, (Including up to 20% of floor area as office premises space component. Office premises component above 20% determined at office premises rate). On the basis of 1,551.52m<sup>2</sup> of proposed GFA of warehouse and 175.47m<sup>2</sup> of proposed mezzanine office space, a total of 23 spaces is required (1.3 x (1,727m<sup>2</sup> / 100m<sup>2</sup>). The development provides 26 passenger vehicle parking spaces (2.4m x 5.4m, including 2 accessible parking spaces with adjoining 2.4m wide shared area) in accordance with WDCP 2011. The new basement access driveway and heavy access will result in the loss of two on-street parking spaces, however the additional off-street parking spaces provided will offset the loss of parking in Minna Close. The swept path plans provided demonstrate access to the car parking spaces and entry and exit from the basement in a forward direction.</p> <p><b>Bicycle and Motorcycle Parking</b></p> <p>The WDCP 2011 specifies bicycle parking for light and general industry at a rate of 1 per 200m<sup>2</sup> GFA (High-Medium Security Level) and 1 per 600m<sup>2</sup> GFA (High-Low</p> |

| Internal Referral Body | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                        | <p>Security Level) for visitors. The development requires 9 spaces (1,727m<sup>2</sup> / 200m<sup>2</sup>) Class B and 3 visitor spaces (1,727m<sup>2</sup> / 600m<sup>2</sup>) Class C. The proposal provides end of trip facilities and a total of 14 bicycle spaces, comprising 10 x Class B spaces within a bicycle storage room on the ground floor, and 4 x Class C spaces near the basement lobby door; which complies with the minimum WDCP 2011 requirements. The development also provided 2 motorcycle parking spaces (1.2m x 2.5m within the basement parking area.</p> <p><b>Heavy Vehicle Access and Loading Facilities – Ground Floor</b></p> <p>The proposed development provides two internal heavy vehicle loading bays on the ground floor, accommodating vehicles up to and including 12.5m long HRVs. The loading bays are to be accessed via an internal roadway that connects to the ingress and egress driveways situated in the eastern and southern corner of the site. Entry for heavy vehicles is via an existing 7m wide shared driveway with 3 Minna Close. The SoEE notes that right-of-way consent/agreement will be sought to use neighbouring driveway. The driveway is to be widened to 8.2m to facilitate heavy vehicle entry. The proposal provides a 5.8m wide egress driveway (total width of 11m measured at the property boundary. The egress for heavy vehicles is situated approximately 4.5m west of the access driveway for the basement car park.</p> <p>The swept path plans for MRV and HRV access have been provided on Drawing No. 22-003-04-V3 Sheets 3 and 4. There are concerns with access using the shared driveway with the adjacent property. The vehicle swept paths for both the MRV and HRV encroach across the driveway for vehicles exiting No.3 Minna Close, with the HRV occupying approximately 10m of the driveway beyond the property boundary. For safety reasons, heavy vehicle access and parking should be separated from staff and customer parking. Although the proposal provides separate access and parking facilities between passenger and heavy vehicles for the site; the proposed shared heavy vehicle access conflicts with access to the car park for No.3 Minna Close. This issue is a potential traffic hazard both during construction and after completion of the development. The heavy vehicle use would also have additional driveway maintenance requirements.</p> <p>Parking and traffic generation for this development is based on usage as a brewery. There is a growing trend for breweries to diversify from solely production purposes, to a venue which provides tastings, serving of food and drinks, and events. The proposed car park facilities are adequate for the current proposal only and do not support expansions to cater for additional functions. There is existing demand for on-street parking and any future changes to the development will not be able to rely on the on-street parking. All proposed and future parking needs for the development therefore need to be provided on-site. It should be noted that Transport Network would not support future applications for modifications which will create additional traffic generation and parking demands, The Applicant needs to review the design and modify and/or incorporate additional measures to improve access and safety for heavy vehicles. It is noted that the proposed heavy vehicle access is also reliant on a right-of-way agreement from the adjacent property due to the shared access driveway. It is unlikely that owner consent would be granted if the safety concerns are not adequately addressed.</p> |

| External Referral Body                                    | Comments                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48 | The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent. |
| Rural Fire Service - Local Branch - EP&A Act, s4.14       | <b>Supported Subject to Conditions</b>                                                                                                                                                                                                                                       |

| External Referral Body     | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                            | The application was referred to the RFS under S4.14 of the EP&A Act 1979 (non-integrated development). The RFS have provided their support and conditions, which will form part of any consent issued.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Aboriginal Heritage Office | <p><b>Supported - Subject to Conditions</b></p> <p>Reference is made to the proposed development at the above area and Aboriginal heritage.</p> <p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</p> |

#### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

#### State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

##### SEPP (Sustainable Buildings) 2022

##### 3.1 Application of Chapter

- (1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—
- (a) *the erection of a new building \$5 million, or*
  - (b) *alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.*

Comment: The chapter is applicable as proposed development involves the erection of a new building that has a value of more that \$5 Million (in this case \$12,735,818).

- (2) This Chapter does not apply to the following development—
- (a) development that is permitted with or without consent or that is exempt or complying development under—
    - (i) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or*
    - (ii) *State Environmental Planning Policy (Resources and Energy) 2021, Chapter 2, or*
    - (iii) *State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 5,*
  - (b) development on land wholly in any of the following zones—



- (i) Zones RU1, RU2 or RU3,
- (ii) Zone E5,
- (iii) Zone IN3,
- (iv) Zones C1, C2 or C3,
- (v) Zones W1, W2, W3 or W4,
- (c) development for the purposes of residential care facilities.

Comment: The matters described in (a), (b) or (c) are not applicable to the proposed development and therefore, this chapter applies to the development. Noting, although there is some portion of the site zoned C2, the development itself is on the portion of the site zoned SP4.

### 3.2 Development consent for non-residential development

- (1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—
  - (a) *the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
  - (b) *a reduction in peak demand for electricity, including through the use of energy efficient technology,*
  - (c) *a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
  - (d) *the generation and storage of renewable energy,*
  - (e) *the metering and monitoring of energy consumption,*
  - (f) *the minimisation of the consumption of potable water.*

Comment: Council has considered the matters (a) to (f) above and are satisfied that the application has detailed the development is designed to incorporate these matters, as annotated on the plans and described within the SEE submitted with the application.

- (2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.

Comment: The application is accompanied by the required form which details the embodied emissions attributable to the development have been quantified. This has been prepared by a suitably qualified architect and has been provided in the approved form.

### 3.3 Other considerations for large commercial development

Comment: The application is not a 'large commercial development' as defined by the SEPP. The proposal does not involve the following:

- (a) *the erection of new prescribed office premises (office with at least 1000m<sup>2</sup> net lettable area), prescribed hotel or motel accommodation or prescribed serviced apartments.*

### SEPP (Transport and Infrastructure) 2021

#### Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

Transport for NSW (TfNSW)

Section 2.119 - Development with frontage to classified road states:

*The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
  - (i) the design of the vehicular access to the land, or*
  - (ii) the emission of smoke or dust from the development, or*
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Comment: The north-western boundary adjoins Mona Vale Road (classified road). However, all vehicular access is gained via Minna Close and as such, does not impact the classified road. The proposed use as a warehouse and distribution is not considered to be a type of development that is sensitive to road traffic noise.

Section 2.120 - Impact of road noise or vibration on non-road development states:

- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*
- (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*
  - (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
  - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Comment: The proposal does not contain any residential accommodation and as such, does not need to demonstrate consistency with the above.

**SEPP (Resilience and Hazards) 2021**

**Chapter 4 – Remediation of Land**

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been vacant since the registration of the subdivision with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the industrial land use.

**Warringah Local Environmental Plan 2011**

|                                                                                        |     |
|----------------------------------------------------------------------------------------|-----|
| Is the development permissible?                                                        | Yes |
| After consideration of the merits of the proposal, is the development consistent with: |     |
| aims of the LEP?                                                                       | Yes |
| zone objectives of the LEP?                                                            | Yes |

#### Principal Development Standards

| Standard             | Requirement | Proposed  | % Variation | Complies |
|----------------------|-------------|-----------|-------------|----------|
| Height of Buildings: | 11m         | 10.8m max | N/A         | Yes      |

#### Compliance Assessment

| Clause                          | Compliance with Requirements |
|---------------------------------|------------------------------|
| 4.3 Height of buildings         | Yes                          |
| 6.2 Earthworks                  | Yes                          |
| 6.4 Development on sloping land | Yes                          |

#### Detailed Assessment

##### Zone C2 Environmental Conservation

The proposal does not involve any development within the C2 Portion of the land. The proposal maintains all remnant vegetation within the C2 Zoned land and as such, meets the objectives of the Zone which require preservation of natural vegetation.

##### Zone SP4 Enterprise

The proposed development is for a 'Warehouse and Distribution Centre' which is a permissible use within the SP4 Zone. A minor ancillary office component forms part of the building, however, this is ancillary to the predominant use as a Warehouse and Distribution Centre.

##### 6.2 Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development:

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and
- (b) to allow earthworks of a minor nature without requiring separate development consent.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

- (b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

- (c) the quality of the fill or the soil to be excavated, or both

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

- (e) the source of any fill material and the destination of any excavated material

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

*(f) the likelihood of disturbing relics*

**Comment:** The development was referred to the Aboriginal Heritage Office who provided comments and conditions that have been included in the consent.

*(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area*

**Comment:** The site is not located in the vicinity of any watercourse or drinking water catchment. Council's Biodiversity team are satisfied the proposal has managed the vegetation on the site to a reasonable degree.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

#### 6.4 Development on sloping land

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

*(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*

**Comment:** The applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective and therefore, Council is satisfied that the development has been assessed for the risk associated with landslides in relation to both property and life.

*(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*

**Comment:** The applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not cause significant detrimental impacts because of stormwater discharge from the development site.

*(c) the development will not impact on or affect the existing subsurface flow conditions.*

**Comment:** The applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not result in adverse impacts or effects on the existing subsurface flow conditions.

#### Warringah Development Control Plan

##### Built Form Controls

| Built Form Control                                  | Requirement                        | Proposed                                                  | % Variation* | Complies |
|-----------------------------------------------------|------------------------------------|-----------------------------------------------------------|--------------|----------|
| B4 Site Coverage                                    | 33.3% max<br>(1858m <sup>2</sup> ) | 28%<br>(1568.7m <sup>2</sup> )                            | N/A          | Yes      |
| B5 Side Boundary Setbacks                           | 5m                                 | South west - 10m                                          | N/A          | Yes      |
|                                                     | 5m                                 | North east - 5m - 7.6m                                    | N/A          | Yes      |
| B7 Front Boundary Setbacks                          | 6.5m                               | 4m - 6m                                                   | 8% - 38%     | No       |
| B14 Main Roads Setback                              | 30m - Building<br>15m - Parking    | 32m - Awning<br>43m - Building<br>28m - Parking/Hardstand | N/A          | Yes      |
| D1 Landscaped Open Space (LOS) and Bushland Setting | 33.3% min<br>(1858m <sup>2</sup> ) | 41.8%<br>(2334m <sup>2</sup> )                            | N/A          | Yes      |

**\*Site area is 5581m<sup>2</sup>**

Compliance Assessment

| Clause                                                                                                                                  | Compliance with Requirements | Consistency Aims/Objectives |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| A.5 Objectives                                                                                                                          | Yes                          | Yes                         |
| B4 Site Coverage                                                                                                                        | Yes                          | Yes                         |
| B5 Side Boundary Setbacks                                                                                                               | Yes                          | Yes                         |
| B7 Front Boundary Setbacks                                                                                                              | No                           | Yes                         |
| B14 Main Roads Setback                                                                                                                  | Yes                          | Yes                         |
| C2 Traffic, Access and Safety                                                                                                           | Yes                          | Yes                         |
| C3 Parking Facilities                                                                                                                   | Yes                          | Yes                         |
| C4 Stormwater                                                                                                                           | Yes                          | Yes                         |
| C6 Building over or adjacent to Constructed Council Drainage Easements                                                                  | Yes                          | Yes                         |
| C7 Excavation and Landfill                                                                                                              | Yes                          | Yes                         |
| C8 Demolition and Construction                                                                                                          | Yes                          | Yes                         |
| C9 Waste Management                                                                                                                     | Yes                          | Yes                         |
| D1 Landscaped Open Space and Bushland Setting                                                                                           | Yes                          | Yes                         |
| D3 Noise                                                                                                                                | Yes                          | Yes                         |
| D6 Access to Sunlight                                                                                                                   | Yes                          | Yes                         |
| D7 Views                                                                                                                                | Yes                          | Yes                         |
| D8 Privacy                                                                                                                              | Yes                          | Yes                         |
| D9 Building Bulk                                                                                                                        | Yes                          | Yes                         |
| D10 Building Colours and Materials                                                                                                      | Yes                          | Yes                         |
| D11 Roofs                                                                                                                               | Yes                          | Yes                         |
| D12 Glare and Reflection                                                                                                                | Yes                          | Yes                         |
| D14 Site Facilities                                                                                                                     | Yes                          | Yes                         |
| D18 Accessibility and Adaptability                                                                                                      | Yes                          | Yes                         |
| D20 Safety and Security                                                                                                                 | Yes                          | Yes                         |
| D21 Provision and Location of Utility Services                                                                                          | Yes                          | Yes                         |
| D22 Conservation of Energy and Water                                                                                                    | Yes                          | Yes                         |
| E1 Preservation of Trees or Bushland Vegetation                                                                                         | Yes                          | Yes                         |
| E2 Prescribed Vegetation                                                                                                                | Yes                          | Yes                         |
| E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat | Yes                          | Yes                         |
| E4 Wildlife Corridors                                                                                                                   | Yes                          | Yes                         |
| E5 Native Vegetation                                                                                                                    | Yes                          | Yes                         |
| E6 Retaining unique environmental features                                                                                              | Yes                          | Yes                         |
| E10 Landslip Risk                                                                                                                       | Yes                          | Yes                         |

Detailed Assessment

**B7 Front Boundary Setbacks**

Description of non-compliance

The DCP requires a 6.5m front setback to Minna Close. The proposal provides a minimum 4m front setback, with the maximum front setback of 6m due to the curved nature of the front boundary. It is noted that the original plans, consisting of a 2m front setback, were presented to the DSAP. The DSAP was supportive of a 2m front setback, as this maximised the retention of trees at the rear of the site.

However, Council's opinion that a better balance could be struck with a 4m front setback, which only required an additional

4 trees to be removed at the rear of the site, whilst doubling the available area of deep soil landscaping at the front of the site to enable an improved response to the landscape character of the business park.

On balance, Council is of the opinion the right balance has been struck between streetscape and retaining canopy trees at the rear of the site.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense of openness.*

Comment: The building will be surrounded by landscape planting to promote a sense of spatial separation and openness. The glass facade will provide a sense of openness, despite the non-compliance with the front setback control. A suitable pocket of landscaping will be provided in front of the building.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment: The pattern of buildings either side is varied, with the site to the south consisting of a series of stepped retaining walls and minimal landscaping within the front setback. The site to the north has a more generous front building setback, however, only low level landscape exists.

The proposal includes a landscape plan which provides 12 Banksia Trees within the front setback, with low level shrubs and ground covers surrounding. This scheme will compliment the surrounding sites. Whilst the front setback is smaller than the buildings to the north and south, the building is of high quality and compliments the other buildings in the business park, some of which are much taller than the proposed site (noting the proposal is compliant with the 11m height limit).

It is also important to note that the proposal retains more trees within the setback presenting to Mona Vale Road when compared to the adjoining two sites. This is important for both biodiversity and visual appearance of the site from Mona Vale Road. Therefore, whilst the front setback to Minna Close is numerically non-compliant, the overall outcome of the development is acceptable on balance.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment: As above, sufficient landscaping is proposed within the front setback to compliment the surrounding business park fronting Minna Close and generous amounts of canopy trees are retained fronting Mona Vale Road (a highly used public road).

- *To achieve reasonable view sharing.*

Comment: The non-compliance does not result in view sharing impacts.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **E1 Preservation of Trees or Bushland Vegetation**

The application seeks to the removal of a total of 0.37 ha of Duffy's Forest EEC including 155 trees. The area of tree removal is contained within the SP4 Zoning of the land which is anticipated for development within the Business Park. All trees in the area zoned C2 Environmental are retained at the rear of the site.

The removal of the trees has been assessed by Council's Biodiversity Officer and Landscape Officer, both of which agree the tree removal is acceptable having regard to the zoning and development potential of the land. The application will be subject to Biodiversity Offset Credits as outlined within the submitted Biodiversity Development Assessment Report, see full details within the Biodiversity Referral Response earlier within this report.



Subject to the biodiversity credits required, which form a condition of consent, the proposal is acceptable with regard to tree removal.

### **E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat**

A Biodiversity Development Assessment Report has been provided with the application which makes an assessment of the impacted Duffy's Forest EEC within the site. Council's Biodiversity Team have made referral comments at the beginning of this report which deal with the assessment against the DCP and NSW Biodiversity Conservation (BC) Act 2016. Subject to Biodiversity Offset Credits which will be conditioned, the proposal is acceptable.

### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

### **POLICY CONTROLS**

#### **Northern Beaches Section 7.12 Contributions Plan 2022**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$127,358 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$12,735,818.

#### **Housing and Productivity Contribution**

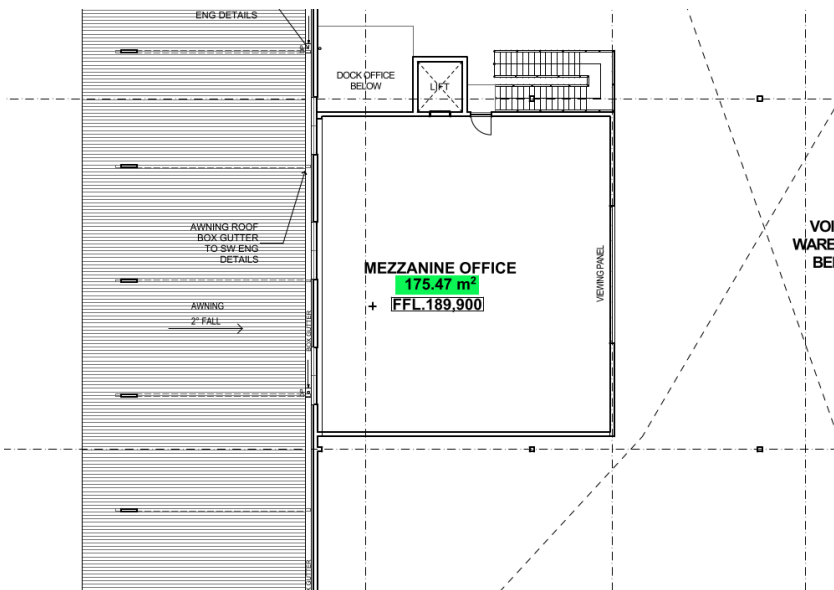
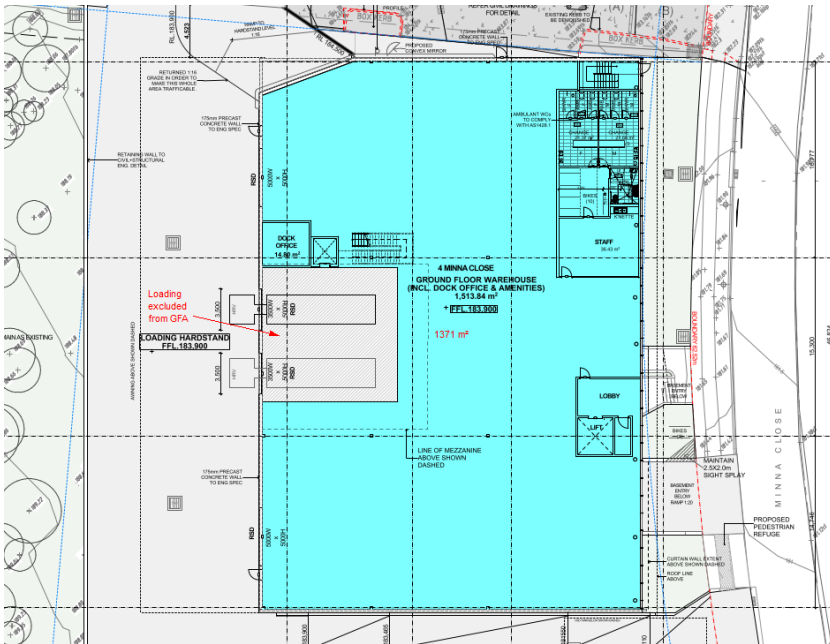
Part 2 Development for which contribution is require and determination of contribution, Division 2 Housing and productivity contribution amounts, Clause 7 Base component.

This Clause details the base component amounts that apply to the calculation of the housing and productivity contribution, as set out in the following table:

| Region         | HPC class of development              | Amount   | HPC unit                |
|----------------|---------------------------------------|----------|-------------------------|
| Greater Sydney | Residential subdivision               | \$12,000 | new dwelling lot        |
|                | Residential strata subdivision        | \$10,000 | new strata dwelling lot |
|                | Non-strata multi-dwelling development | \$10,000 | new non-strata dwelling |
|                | Commercial development                | \$30     | square metre of new GFA |
|                | Industrial development                | \$15     | square metre of new GFA |

#### Comment:

The subject site is an industrial development and is sited within the Greater Sydney region. As such, the contribution is based on the new industrial floor area. When calculating the industrial Gross Floor Area as defined by the LEP, the total amount of industrial GFA is 1371m<sup>2</sup> ground floor (excluding areas used for loading, as definition of GFA) and 175.47m<sup>2</sup> of Mezzanine Office, totaling 1546.47m<sup>2</sup>. As such, the contribution payable is \$23,197.05 based on the industrial rate of \$15 per square metre of new GFA.



## CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2023/1763 for Construction of a warehouse and distribution centre with associated office, including tree removal on land at Lot 502 DP 875858, 4 Minna Close, BELROSE, subject to the conditions printed below:

## Terms and Reasons for Conditions

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

## GENERAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

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

| Approved Plans      |                 |                               |                        |              |
|---------------------|-----------------|-------------------------------|------------------------|--------------|
| Plan Number         | Revision Number | Plan Title                    | Drawn By               | Date of Plan |
| DA000               | B               | Cover Page                    | SRHA Architecture      | 24/04/2024   |
| DA002               | B               | Site Plan                     | SRHA Architecture      | 24/04/2024   |
| DA100               | B               | Basement Plan                 | SRHA Architecture      | 24/04/2024   |
| DA101               | B               | Ground Floor Plan             | SRHA Architecture      | 24/04/2024   |
| DA102               | B               | First Floor Plan              | SRHA Architecture      | 24/04/2024   |
| DA103               | B               | Roof Plan                     | SRHA Architecture      | 24/04/2024   |
| DA110               | C               | Tree retention and deep soil  | SRHA Architecture      | 24/04/2024   |
| DA200               | B               | Elevation 01                  | SRHA Architecture      | 24/04/2024   |
| DA201               | B               | Elevation 02                  | SRHA Architecture      | 24/04/2024   |
| DA300               | B               | Section 01                    | SRHA Architecture      | 24/04/2024   |
| DA301               | B               | Section 02                    | SRHA Architecture      | 24/04/2024   |
| DA600               | B               | Materials Schedule            | SRHA Architecture      | 24/04/2024   |
| 202403_4_MINNA_A0.4 | 02              | Landscape Plan Basement       | Ben Kaye Garden Design | March 2024   |
| 202403_4_MINNA_A0.4 | 02              | Landscape Plan Ground Floor   | Ben Kaye Garden Design | March 2024   |
| DAC000              | B               | COVER SHEET AND LOCALITY PLAN | AT&L                   | 17/04/2024   |
| DAC001              | B               | GENERAL NOTES                 | AT&L                   | 17/04/2024   |
| DAC002              | B               | EXISTING SITE PLAN            | AT&L                   | 17/04/2024   |
| DAC003              | B               | GENERAL ARRANGMENT PLAN       | AT&L                   | 17/04/2024   |

|        |   |                                           |      |            |
|--------|---|-------------------------------------------|------|------------|
| DAC004 | B | BULK EARTHWORKS PLAN                      | AT&L | 17/04/2024 |
| DAC010 | B | SITE SECTIONS                             | AT&L | 17/04/2024 |
| DAC020 | B | SITEWORKS AND STORMWATER DRAINAGE PLAN    | AT&L | 17/04/2024 |
| DAC025 | B | SITEWORKS AND STORMWATER DETAILS SHEET 1  | AT&L | 17/04/2024 |
| DAC026 | B | SITEWORKS AND STORMWATER DETAILS SHEET 2  | AT&L | 17/04/2024 |
| DAC027 | B | SITEWORKS AND STORMWATER DETAILS SHEET 3  | AT&L | 17/04/2024 |
| DAC030 | B | PAVEMENT PLAN                             | AT&L | 17/04/2024 |
| DAC042 | B | OSD PLAN AND SECTIONS                     | AT&L | 17/04/2024 |
| DAC045 | B | STORMWATER DRAINAGE LONGITUDINAL SECTIONS | AT&L | 17/04/2024 |
| DAC050 | B | STORMWATER DRAINAGE CATCHMENT PLAN        | AT&L | 17/04/2024 |
| DAC055 | B | MUSIC CATCHMENT PLAN                      | AT&L | 17/04/2024 |
| DAC060 | B | SEDIMENTATION AND EROSION CONTROL PLAN    | AT&L | 17/04/2024 |
| DAC065 | B | SEDIMENTATION AND EROSION CONTROL DETAILS | AT&L | 17/04/2024 |

| Approved Reports and Documentation                            |                |                               |                  |
|---------------------------------------------------------------|----------------|-------------------------------|------------------|
| Document Title                                                | Version Number | Prepared By                   | Date of Document |
| Waste Management Plan                                         | 1.1            | Auswide Consulting            | June 2023        |
| Geotechnical Assessment P2208709JR01V01                       | 1              | Martens                       | 28/08/22         |
| Bushfire Risk Assessment 4Min-01                              | 1              | Bushfire Consulting Australia | 18/04/2023       |
| BCA Assessment Report 2022/0027 R1.3                          | R1.3           | Steve Watson & Partners       | 28/11/2023       |
| Noise Impact Assessment 20E-22-0008-38122-0                   | 00             | Vipac                         | 26/07/2022       |
| Arboricultural Impact Assessment Report 240326_4 Minna CI_AIA | 2              | Urban Arbor Pty Ltd           | 26/03/2024       |
| Biodiversity Development Assessment Report                    | 2.0            | Land Eco Consulting           | 30/04/2024       |

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

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

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

## 2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general

advice, within the following:

| Other Department, Authority or Service | EDMS Reference            | Dated           |
|----------------------------------------|---------------------------|-----------------|
| Ausgrid                                | Ausgrid Referral Response | 2 January 2024  |
| Rural Fire Service                     | RFS Referral Response     | 10 January 2024 |

(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.

### 3. Approved Land Use

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a warehouse or distribution centre, in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

*warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.*

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

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

### 4. Prescribed Conditions

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

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

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and 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 Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and

- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

## 5. **Traffic Management**

Traffic management procedures and systems must be in place and practiced during the course of the project 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.

Note: A plan of traffic management is to be submitted to and approved by the Northern Beaches Council Traffic Team.

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

## 6. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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



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

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

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

#### 7. **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.

### FEES / CHARGES / CONTRIBUTIONS

#### 8. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$127,358.18 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$12,735,818.00.

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

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

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

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

## 9. Security Bond

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

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

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

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

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

## 10. Housing and productivity contribution - Development consents

- The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

| Contribution Type                                                   | Amount             |
|---------------------------------------------------------------------|--------------------|
| Housing and Productivity Contribution                               | \$23,197.05        |
| Strategic Biodiversity Component and/or Transport Project Component | Nil                |
| <b>Total:</b>                                                       | <b>\$23,197.05</b> |

- The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

***highest PPI number***

***consent PPI number***

where—

***highest PPI number*** is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

***consent PPI number*** is the PPI number last used to adjust HPC rates when consent was granted.

***June quarter 2023 and PPI*** have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

- The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

| Development                                                                                                                                                                                  | Time by which HPC must be paid                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Development consisting only of residential subdivision within the meaning of the HPC Order                                                                                                   | Before the issue of the first subdivision certificate                      |
| High-density residential development within the meaning of the HPC Order for which no construction certificate is required                                                                   | Before the issue of the first strata certificate                           |
| Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building | Before the issue of the first strata certificate                           |
| Manufactured home estate for which no construction certificate is required                                                                                                                   | Manufactured home estate for which no construction certificate is required |

4. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
5. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
  - a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
  - b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.
6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

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

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

##### **Drainage Works**

As security against any damage or failure to complete the construction of stormwater drainage works required as part of this consent a bond of \$40,000.00.

##### **Crossing / Kerb & Gutter / Footpath Works**

As security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent a bond of \$30,000.00.

##### **Security Bond**

As security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site a bond of \$50,000.00.

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

Reason: Protection of Council's infrastructure.

## BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

### 12. **Amended Landscape Plans**

Amended Landscape Plans shall be issued to the Principal Certifier prior to the issue of a Construction Certificate to include the following details:

- a) the nominated *Grevillea linearifolia* shall be substituted with a species suited to the microclimate (sun and shade), capable of attaining a similar size and form,
- b) all nominated trees (*Banksia serrata*) at 200 litre pot size shall be pre-ordered to ensure delivery to site as per the tree schedule.

Certification shall be submitted to the Principal Certifier that these amendments have been documented.

Reason: Landscape amenity.

### 13. **Preparation of Biodiversity Management Plan**

A Biodiversity Management Plan (BMP) is to be prepared by the Project Ecologist in accordance with the Biodiversity Requirements for Development Applications available on Council's website.

The BMP is to be provided via email to Council's Biodiversity Planning Team via email at [biodiversity.planning@northernbeaches.nsw.gov.au](mailto:biodiversity.planning@northernbeaches.nsw.gov.au) and to the Principal Certifier prior to the issue of the commencement of works.

Reason: To protect native vegetation, wildlife and habitats.

### 14. **Compliance with Ecologist's Recommendations – Pre-construction**

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report (Land Eco Consulting, November 2023) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

### 15. **No Clearing of Vegetation**

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

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

Reason: To protect native vegetation.

### 16. **Installation of Nest Boxes**

A minimum of 15 nest boxes suitable for a range of fauna species are to be installed in retained trees / throughout the trees within areas of retained native vegetation / on the site.

In accordance with the Biodiversity Development Assessment Report (Land Eco Consulting, November 2023), if possible, the hollows to be removed are to be carefully salvaged within the bushland to be retained within the Subject Property. However, if hollow salvage is not possible, each hollow should be replaced with a nest box.

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods).

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To maintain wildlife habitat.

### 17. **Like for like credit retirement conditions - Ecosystem credit retirement conditions**

Prior to issue of the relevant Construction Certificate the class and number of ecosystem credits in Table 1 must be retired to offset the impacts of the development.

The requirement to retire credits outlined in Table 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by Biodiversity

#### Conservation Fund (BCF) Charge System.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and to the Principal Certifier prior to release of construction certification.

Evidence will be in the form of:

- A copy of the confirmation email (from the BOS Credits team) to show that the correct type and number of credits have been retired, and from a relevant IBRA sub-region as per the offset rules, or
- If paid into the Biodiversity Conservation Fund, a copy of the section 6.33 statement.

Table 1 Ecosystem credits required to be retired – like for like

| Impacted Plant Community Type                          | TEC                                                              | Number of ecosystem credits | Containing HBT |
|--------------------------------------------------------|------------------------------------------------------------------|-----------------------------|----------------|
| 3593 - Sydney Coastal Sandstone Bloodwood Shrub Forest | Duffys Forest Ecological Community in the Sydney Basin Bioregion | 17                          | YES            |

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

#### 18. 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 at&I, project number 22-1016, dated 17.04.2024. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

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

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

The recommendations 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 Certifier prior to the issue of the construction certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

#### 20. Erosion and Sediment Control Plan

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

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points

- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: Protection of the receiving environment.

## 21. Detailed Design of Stormwater Treatment Measures

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the AT&L Stormwater Plan including 22-1016-DAC020 rev C, 22-1016-DAC025 rev B, 22-1016-DAC026 rev B, 22-1016-DAC027 rev B, 22-1016-DAC042 rev B, 22-1016-DAC045 rev B, 22-1016-DAC050 rev B dated 17-04-2024, AT&L report Stormwater Management dated 17 May 2023 and Council's Water Management for Development Policy.

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

Reason: Protection of the receiving environment.

## 22. Car Parking Standards

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

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

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

## 23. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

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.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
  - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
  - Demonstrate that direct access from a public space/road is not viable for each stage of works.
  - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
  - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
  - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.



- How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
- If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
- A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
  - Compare the post-construction report with the pre-construction report,
  - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
  - Should any damage have occurred, identify remediation actions taken.
  - Be submitted to Council with the Occupation Certificate.
- 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 any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public 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.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

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

#### 24. **Loading and Service Vehicle Access**

Truck access will only be permitted using the designated two-way driveway located at the southern end of the site operating under a traffic signal system. A sign post is required at the vehicular entry point indicating the location of the loading dock. Minimum dimensions for loading and service areas are to comply with AS2890.2:2002 with regards to length, width and vertical clearance. All trucks must enter and exit the site in a forward direction, with only one reverse manoeuvre permitted to access the loading dock.

Plans showing compliance with the distances and the swept path diagrams are to be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

Architectural Plans and Engineering Drawings are to be updated showing the location of the Traffic Signal System and any associated infrastructure.

Reason: To ensure compliance with Australian Standards and that the Traffic Signal System is integrated within the construction works.

#### 25. **Vehicle Access & Parking**

All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. To ensure the gradient requirements and height clearances are satisfied, a driveway profile must be prepared for all internal ramps showing ramp lengths, grades, surface RL's and overhead clearances, taken from the crest of the ramp to the base. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

Plans prepared by a suitably qualified Engineer shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

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

#### 26. **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 Principal Certifier prior to the issue of the Construction Certificate.

Reason: To maintain pedestrian safety.

#### 27. **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.

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 Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

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

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to

Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of drainage and vehicle crossing works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer. The design must include the following information:

1. Stormwater connection from site to Council's stormwater infrastructure. The design is to include the following information:

- (i) Construction of a new pit on Council's 675mm pipe with grate and a minimum 1.2 m lintel.
  - (ii) The new pit is to be located a minimum of 1.0 metres from any existing or proposed vehicle crossings and clear of all utility services.
  - (iii) Provide a longitudinal section of proposed connection showing all crossing services.
2. Design of all vehicle crossings into site, generally in accordance with approved plans and in accordance with Traffic Engineer comments contained within the development consent.

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 Certifier prior to the issue of the Construction Certificate

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

#### 29. **Pre-Construction Stormwater Assets Dilapidation Report**

The Applicant is to submit a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at: <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The pre-construction / demolition Dilapidation Report must be submitted to Council for approval and the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

#### 30. **Pre-Commencement Dilapidation Report**

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

The dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifier prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

#### 31. **Engagement of Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with Biodiversity Development Assessment Report (Land Eco Consulting, November 2023).

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

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

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

Reason: To protect native vegetation and wildlife.

**32. Compliance with Standards**

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

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

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

**33. Sydney Water "Tap In"**

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

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

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

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

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

**34. Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

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

- a) all parts of section 11. Tree Protection Requirements, including sign-off for item 11.5,
- b) section 12. Construction Hold Points for Tree Protection,

All tree protection measures specified must: be in place before work commences on the site; be maintained in good condition during the construction period; and remain in place for the duration of the construction works. The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed under section 11 and section 12 of the approved Arboricultural Impact Assessment for the protection of the existing trees have been carried out satisfactorily to ensure no impact to the health of the trees. Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

**35. Tree Removal Within the Property**

This consent approves the removal of existing prescribed trees on the subject site as identified in the approved Arboricultural Impact Assessment. A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

**36. Temporary Protection Fencing – Exclusion Zones**

Prior to the commencement of any onsite building works or commencement of vegetation clearance/modification, the boundary between the vegetation proposed for retention within the proposed BMP area and the eastern boundary of the construction area as shown on Plan Number DA110A is to be surveyed and marked clearly on the ground.

A temporary 2.0 metre steel mesh fence is to be erected on the surveyed boundary between the natural bushland zone and the construction area for the duration of construction work.

After construction has been completed the temporary fence is to be removed and replaced by the permanent fence.

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

Reason: To ensure that the vegetation in the restricted development area is protected during and after construction.

**37. Utilities Services**

Prior to the commencement of demolition works, written evidence of the following service provider requirements must be provided to the Principal Certifier:

- a) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity,
- b) a response from Sydney Water as to whether the proposed works subject to this consent would affect any Sydney Water infrastructure, and whether further requirements need to be met, and
- c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of demolition works.

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

**38. Work Zones and Permits**

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

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

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

**39. Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier 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.

Properties: 3 and 5 Minna Close Belrose

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier 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 Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

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 Certifier prior to the commencement of any works on site.

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

**40. Tree and Vegetation Protection**

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

- i) all trees within the site not approved for removal,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

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

Reason: Tree and vegetation protection.

**41. Compliance with Ecologist's Recommendations – During Construction**

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report (Land Eco Consulting, November 2023) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

**42. Pre-clearance Survey - Certified by Project Ecologist**

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife by the Project Ecologist prior to its removal. If native wildlife is found within habitat to be removed, the animal is to be safely relocated by the Project Ecologist to a suitable location.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to any Occupation Certificate.



Reason: To protect native wildlife.

43. **Wildlife Protection**

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

Reason: To protect native wildlife.

44. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

45. **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.

46. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

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

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

Reason: Protection of the receiving environment.

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

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

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

48. **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.

49. **Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

50. **Survey Certificate**

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

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

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

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

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

**51. Property Boundary Levels**

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

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

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

**52. Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

**BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

**53. Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**54. Landscape Completion**

Landscape works are to be implemented in accordance with the approved Amended Landscape Plans, and inclusive of the following conditions:

- a) tree, shrub and groundcover planting shall be installed as indicated on the approved Amended Landscape Plans, unless otherwise imposed by conditions,
- b) the nominated *Grevillea linearifolia* shall be substituted with a species suited to the microclimate (sun and shade), capable of attaining a similar size and form,
- c) all nominated trees (*Banksia serrata*) at 200 litre pot size shall be pre-ordered to ensure delivery to site as per the tree schedule.

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

Reason: Environmental amenity.

**55. Condition of Retained Vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained in the approved Arboricultural Impact Assessment, including the following information:

- a) certification of arboricultural works under section 11 and section 12 of the approved Arboricultural Impact

Assessment,

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

Reason: Tree and vegetation protection.

**56. Protection of Habitat Features**

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

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

Reason: To protect wildlife habitat.

**57. Temporary Protection Fencing – Exclusion Zones**

Removal of the temporary mesh construction fencing is to be certified by the Project Ecologist and submitted to the Principal Certifier prior to issue of an Occupation Certificate.

Reason: To protect native vegetation.

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

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

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

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

**59. Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)**

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

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

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

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

**61. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

**62. Certification for the Installation of Stormwater Treatment Measures**

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

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

Reason: Protection of the receiving environment.

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

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

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

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

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

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

**64. Stormwater Treatment Measures Operation and Maintenance Plan**

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

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

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

Additionally for vegetated devices:

  - b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
  - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
3. Maintenance schedule and procedure - ongoing
  - a) Activity description, and duration and frequency of visits
  - b) Routine maintenance requirements

- c) Work Health and Safety requirements
- d) Waste management and disposal
- e) Traffic control (if required)
- f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

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

Reason: Protection of the receiving environment.

65. **Works as Executed Drawings - Stormwater Treatment Measures**

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

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

Reason: Protection of the receiving environment.

66. **Loading Dock Management Plan**

A Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by the Principal Certifier prior to the issue of any Occupation Certificate.

The Plan will need to demonstrate how the loading dock will be managed and how safe servicing arrangements including waste collection will be undertaken. The management plan shall include a requirement for truck access to only be permitted using the designated two-way driveway located at the southern end of the site operating under a traffic signal system.

Reason: to ensure the loading dock is managed appropriately and that tenants are aware of the conditions of use.

67. **Disabled Parking Spaces**

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

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

Reason: To ensure compliance with Australian Standards.

68. **Shared Zone Bollard**

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

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

Reason: To ensure compliance with Australian Standards.

69. **Traffic Signal System for access to loading facilities**

The applicant is to provide a traffic signal system to manage truck access along the internal road between the entry driveway and the loading dock area, designed to warn drivers about to enter the driveway of any conflicting vehicle approaching.

The signal system must;

- be clearly visible from the driveway entrance and loading dock areas,

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

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

Reason: To ensure that heavy vehicles are not required to reverse from the site and to avoid queuing along the driveways.

#### 70. **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 Certifier prior to the issue of an Occupation Certificate.

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

#### 71. **Reinstatement of Kerb**

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

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

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

#### 72. **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), and Civil 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 Certifier prior to the issue of an Occupation Certificate.

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

#### 73. **Certification of Off Street Parking Works**

The Applicant shall submit a certificate from a suitably qualified person certifying that the parking facility was constructed in accordance within this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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



Reason: Compliance with this consent.

**74. Post-Construction Dilapidation Report**

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

Reason: To ensure security against possible damage to Council property.

**75. Permanent Bushland Protection Fencing**

The extent of the endangered vegetation area must be fenced after the removal of the temporary fencing and prior to occupation. The fence shall conform to the specification for bush protection fencing consisting of 1150mm high galvanised hinge joint fencing (8/115/30) (Stocktite or similar) fixed to fence with 3x strands 3.15mm galvanised fencing wire. Posts are to be capped, 50mm round galvanised pipe at 3m centres. End posts are to be stayed with galvanised pipe stay every 15m. Inline stays are to be fixed to 50mm post. Posts are to be concreted into the ground.

Reason: To ensure protection of the endangered ecological community within the site.

**76. Waste Management Confirmation**

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

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

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

**77. 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 Amended Landscape Plans and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

**78. Compliance with Ecologist's Recommendations – Ongoing**

All impact mitigation measures specified in the approved Biodiversity Development Assessment Report (Land Eco Consulting, November 2023) are to be implemented at the appropriate stage of development.

Successful establishment/initiation of ongoing biodiversity measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

**79. Maintenance of Stormwater Treatment Measures**

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

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

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

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

Reason: Protection of the receiving environment.

**80. Landscaping adjoining vehicular access**

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1,140mm

Reason: To maintain unobstructed sight distance for motorists.

**81. Annual Reporting - Biodiversity Management Plan**

At the end of each calendar year, the annual report prepared by the Bushland Management Contractor in accordance with the Biodiversity Management Plan, is to be sent to Council's Biodiversity Planning Team via email at [biodiversity.planning@northernbeaches.nsw.gov.au](mailto:biodiversity.planning@northernbeaches.nsw.gov.au)

Reason: To ensure compliance with the Biodiversity Management Plan

**82. Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Saturday – 8am to 5pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

**83. Loading and Unloading**

All loading and unloading of vehicles and the delivery of goods must be carried out wholly within the site.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity.

In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**Jordan Davies, Principal Planner**

The application is determined on 29/05/2024, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**