

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No:	DA2019/0081
Development:	Demolition works and construction of four separate multi dwelling housing incorporating an existing heritage building
Site:	Lot 1 in DP 115705 and Lot D in DP335027 otherwise known as 12 Boyle Street and 307 Sydney Road Balgowlah

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

Date of determination: 26 October 2021

Date from which consent takes effect: 26 October 2021

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 1 in DP 115705 and Lot D in DP335027 otherwise known as 12 Boyle Street and 307 Sydney Road Balgowlah

The conditions of consent are as follows:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Drawing No.	Dated
Drawings Prepared by Site Image Architects	
Drawing List, Drawing Number DA-001 Rev I	24/08/2021
Location Plan, Drawing Number DA-101 – Rev D	24/08/2021
Site Plan, Drawing Number DA-103 – Rev G	24/08/2021
Lower Ground Plan, Drawing Number DA-201 – Rev I	24/08/2021
Upper Ground Plan, Drawing Number DA-202 – Rev M	24/08/2021
Level 1 Plan, Drawing Number D-203 – Rev G	24/08/2021
Roof Plan, Drawing Number D-204 – Rev F	24/08/2021
East Elevation Building 2, 3 & 4, Drawing Number DA-301 – Rev J	24/08/2021
West Elevation Building 2 & 4, Drawing Number DA-302 – Rev J	24/08/2021
North and South Elevation Building 4, Drawing Number DA-303 – Rev H	24/08/2021
North, South & West Elevations Building 2 & 3, Drawing Number DA-304 – Rev H	24/08/2021
Section A-A, Drawing Number D-401 Rev F	24/08/2021
Section B-B Driveway Section, Drawing Number DA-402 – Rev F	24/08/2021
Section C-C, Drawing Number D – Rev D	24/08/2021
Schedule of Materials & Finishes, Drawing Number DA-601 Rev B	24/08/2021
Basix stamped plans 0004058830 25 August 2021 and Certificate 981179M_06	27/08/2021
Drawings Prepared by Woolacotts Engineers:	
Stormwater Management Plan – Ground Floor Job 18-11 Drwg. SW1 Amendment E	25/08/2021
Stormwater Management Plan – Lower Ground Floor Job 18-11 Drwg. SW2 Amendment D	25/08/2021
Erosion and Sediment Control Plan and details Job 18-11 Drwg. SW3 Amendment D	25/08/2021

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
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Alterations and additions and construct residential flat building 12 Boyle Street and 307 Sydney Road Balgowlah	3 July 2019	Transport Roads and Maritime Services
Statement of Heritage Impact	8 February 2021	Architectural Projects
Updated Traffic and Parking Assessment; Issue J	August 2021	Transport and Traffic Planning Associates

Assessment of Traffic and Parking Implications		Transport and Traffic Planning Associates
Addendum Letter to Arboricultural Impact Assessment (2517AIA) Reflecting Revised Plans	19 May 2021	Tree Wise Men
Report to Sun Property Ground Australia Pty Ltd on Geotechnical Investigation for Proposed Residential Development at 307 Sydney Road and 12 Boyle Street, Balgowlah NSW; and supplementary investigation	21 December 2018 25 August 2021	JK Geotechnics

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
000 Coversheet - Revision O	26/08/2021	Site Image
101 Landscape Plan - Revision R	26/08/2021	Site Image
501 Landscape Details – Issue F	24/08/2021	Site Image

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

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

2. **Compliance with Geotechnical Report**

The development must be carried out in compliance with all recommendations and requirements of the Geotechnical report "*Report to Sun Property Ground Australia Pty Ltd on Geotechnical Investigation for Proposed Residential Development at 307 Sydney Road and 12 Boyle Street, Balgowlah NSW*" dated 21 December 2018 and Supplementary Investigation dated 25 August 2021 prepared by JK Geotechnics excluding general advice.

Reason: To ensure the work is carried out in accordance with the supporting documentation.

3. **Prescribed Conditions**

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

- (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

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

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

Reason: Legislative requirement.

4. General Requirements

- (a) Unless authorised by Council:
 - Building construction and delivery of material hours are restricted to:
 - 1 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 1 8.00 am to 1.00 pm inclusive on Saturday,
 - 1 No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 1 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) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) 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.
- (d) 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.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) 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.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
- Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

5. **No Building or Structure to encroach Sydney Road**

All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Sydney Road boundary.

Reason: To ensure compliance with RMS requirements

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$66,056.66 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 2021. The monetary contribution is based on a development cost of \$6,605,666.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part)

remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

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

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

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

7. **Security Bond**

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

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

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

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

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

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

8. **On Slab Landscape Works**

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate,

i) indicating the proposed method of waterproofing to the concrete slabs and planters to which soil and planting is being provided,

ii) indicating soil type, plant species, irrigation, services connection, maintenance activity schedule and soil depth compliant with iii) below:

iii) the following minimum soil depths are required to be provided:

-300mm for lawn and groundcovers

-600mm for shrubs

-1 metre for trees

iv) certification shall be provided by a structural engineer that the roof garden planter is designed structurally to support the 'wet' weight of landscaping (materials, soil and established planting).

Reason: to ensure appropriate and secure waterproofing and drainage is installed to direct water flow into the drainage system, and away from habitable areas.

9. Amendments to the approved plans

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

- a) The stair, foyer and lift within Building 4 providing access to Unit 3 of that building shall be included on the title for Unit 3 and for its exclusive use.
- b) A 2.5m length of privacy screen to a height of 1.8m above the level of the adjoining balcony, shall be provided on the inside edge of the planter to the south of Townhouse 2, Building 3, opposite the window to the living room.
- c) A privacy screen to a height of 1.8m above FFL shall be provided for the full length of the northern side of the terrace to the east of Townhouse 2, building 3.
- d) A privacy screen to a height of 1.7m above the FFL of the stair access to unit 1, Building 4 shall be provided along the western side of that access, commencing at the landing at RL 43.4 and extending northwards, terminating at the northern end of the landing at RL 44.95.
- e) Deleted
- f) The louvre privacy treatment to the west facing windows and balconies of Building 4 shall be fixed and designed so as to prevent overlooking of the adjoining property, 10 Boyle Street.
- g) All east facing windows to Building 4 (other than the northernmost Bedroom of Unit 1) shall be privacy screened using fixed vertical louvers angled at 45 degrees in a south easterly direction so as to restrict overlooking of the adjoining property, such screens to have a minimum height of 1.7m above FFL.
- h) A fixed privacy screen to a minimum height of 1.7m above FFL is to be provided for the full length of the eastern end of the southern terrace/balconies of Units, 1, 2 and 3 Building 4.
- i) All privacy screens are to be constructed as frosted glass or fixed louvres (with the angle of fixing being no more than 45 degrees from the window/opening plane and designed so as to restrict overlooking of the adjoining property).
- j) The western wall to the living area of Unit 3, Building 4 as well as the adjoining balcony, shall be setback further from the western boundary so as to align with the stairwell and bedroom at the northern end of this Unit.
- k) The overall height of Building 3 is to be reduced 300mm through a reduction in floor to ceiling heights across both levels.

- l) The stair along the west side of Building 4 shall be constructed as a cantilevered structure, with required supporting piers/wall being set back a minimum 500mm from the west edge of the stair tread so as to enhance soil volume for the adjacent planting bed.
- m) All development (including demolition and fencing) is to be contained wholly within the lot boundaries.
- n) A traffic light system is to be provided at the base of the driveway at RL 43.6 providing priority to ingressing vehicles.
- o) The lift door to the basement level Dwg 201 be amended to hinge from the south.
- p) The lift door to the upper ground level Dwg 202 and level1 Dwg 203 be amended to hinge from the east.

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

- q) The landscaping proposed that reaches a height greater than 4m between the southern most boundary and the proposed building is to be amended to a species that reaches a maximum height of 4m.
- r) Two evergreen trees, with a mature height not exceeding 5 metres, are to be provided in the planter between buildings 2 and 4.
- s) The 'replacement tree' located to the north east of Townhouse 2, Building 3 is to be of a species with a maximum mature height of 4 metres.
- t) The Agave and Mexican lily planting proposed in the 600mm deep soil zone adjacent to Boyle Street shall be replaced with a hedge species (lilly pilly, viburnum or similar) and maintained at a minimum height of 1.8mm above the adjoining footpath level.
- u) The planter to the south of Townhouse 2, Building 3 shall be planted with a hedge species maintained at a minimum height of 1 metre above the top of the planter wall.
- v) An open style fence to an average maximum height of 1 metre above footpath level shall be provided on the Boyle Street frontage, and it is to be designed consistent with MDCP controls under MDCP 4.1.10.
- w) Each of the following planters is to be supplemented with the planting of one tree having a mature height between 2.5m and 3.5m:
 - i)The triangular planter immediately west of the stone wall and the opening into Building 4;
 - ii)The planter opposite, at the south east corner of Townhouse 2, Building 3.
- x) The deep soil landscaped area to the west of the entry path to Unit 3, Building 4, (that is, opposite the stairwell to Unit 3 and the office to Unit 2), shall be planted with a hedge species along its full length, maintained at a minimum height of 1.6m above the level of the adjoining footpath/accessway.
- y) A minimum soil depth of 600mm is to be achieved over the full length of the landscape areas to the west and east of Building 4 and over the width of that planting strip, as indicated on the approved landscape drawings. If excavation is required in order to achieve this depth, on the western side this must be undertaken in accordance with a methodology and design prepared by a qualified structural engineer in order to ensure

that no damage occurs to the dry stone wall adjacent. No constructed planter may be placed adjacent to dry the stone wall and above the level of its base.

- z) The low shrub planting to the east of Building 4, adjacent to the northernmost bedroom of Unit 1, shall be replaced with 'CC' (Bottle Brush).
- aa) The 1 metre high open metal palisade fencing to the east of Building 4 shall be of sufficient visual permeability to enable views through to the landscape planting beyond.
- bb) A planter, having the following dimensions, shall be provided along the full length of the western side of the balcony to Unit 3, Building 4 and this shall be planted and maintained with low groundcovers not exceeding 300mm height;
 - top edge of planter RL48;
 - maximum soil depth of 350mm;
 - width (measured west-east) 600mm;
 - balustrade to ensure BCA compliance to be placed on the inside edge of the planter.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

10. **On-site Stormwater Detention Compliance**

Certification of Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Northern Beaches Council's MANLY SPECIFICATION FOR ON-SITE STORMWATER MANAGEMENT 2003 and the concept drawing by Woolcaotts Consulting Engineers, drawing number SW1E and SW2D dated 25.08.2021. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

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

11. **Pump-Out System Design for Stormwater Disposal**

The design of the pump-out system for Stormwater disposal will be permitted for drainage of hard surfaces areas such as driveways and basement pavement areas only, and must be designed in accordance with AS/NZS 3500. Engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for the discharge of Stormwater from the excavated parts of the site.

Shot

12. **Vehicle Driveway Gradients**

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure suitable vehicular access to private property

13. **Tanking of Basement Level**

The basement area is to be permanently tanked. Details of the tanking are to be prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Water. The bore license must be obtained prior to commencement of dewatering works. All requirements of the NSW Office of Water are to be complied with and a copy of the approval must be submitted to the Principal Certifying Authority. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

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

14. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

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

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

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

Reason: To provide public and private safety.

15. **Structural Integrity Methodology Report**

A report and drawings by a qualified structural engineer must be undertaken after the further borehole investigations required by the approved Geotechnical Report (Authored by GK Geotechnics dated 21 December 2018 and supplementary report dated 25 August 2021) are completed.

The report must reference the approved geotechnical report and its recommendations, details of the construction methodology, and the design of the basement and all excavated works.

The report must also include a statement by its author that the required design and methodology will protect the retained heritage buildings from materially significant structural damage.

The report is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the protection of the structural integrity and condition of the retained heritage buildings during excavation, construction works and in the long term.

16. **Vehicle Crossings Application**

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

17. **Heritage Photographic Survey**

A black and white photographic survey of the existing building at 12 Boyle Street, in accordance with the guidelines of the Heritage Council, is to be submitted in an unbound report format. The report shall contain:

(a) A front cover marked with:

- (i) the name/location of the property;
- (ii) the date of the survey;
- (iii) the name of the Company or persons responsible for the survey.

(b) A layout plan of the existing building; identifying rooms and features shown in the photographs.

(c) Photographs of the interior, exterior, and streetscape view of the building, labelled to indicate their location in relation to the layout plan and elevations of the building; and a set of negatives. All photographs are to be mounted in acid-free photographic corner mountings and photographs are to be fixed into acid-free corner mounting.

(d) Where colour is a feature of the building (for example, the building features stained glass, leadlight or polychrome brickwork), additional colour photographs (with negatives) are to be included in the photographic survey report.

These documents are to be provided to Council's historical archives.

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

Reason: To provide a historical record of heritage significant works on the site for archival purposes.

18. **Deleted.**

19. **Heritage photographic archival record**

The following is to be provided on the existing building at 307 Sydney Road:

(a) A layout plan of the existing building; identifying rooms and features shown in the photographs.

(b) Photographs of the interior, exterior, and streetscape view of the building, labelled to indicate their location in relation to the layout plan and elevations of the building; and a set of negatives. All photographs are to be mounted in acid-free photographic corner mountings and photographs are to be fixed into acid-free corner mounting.

These documents are to be provided to Council's historical archives.

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

Reason: To provide a historical record of a heritage item, an example of modern style

architecture, prior to the proposed construction of alterations and additions.

20. **Heritage photographic archival record (Dry Stone Wall)**

The following is to be provided on the existing stone wall at 307 Sydney Road:

- (a) A detailed layout plan, including photographs from each side along the length of the wall.

These documents are to be provided to Council's historical archives.

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

Reason: To provide a historical record of a heritage item, an example of modern style architecture and dry stone wall, prior to the proposed construction of alterations and additions.

21. **Heritage Architect**

A suitably qualified and experienced heritage architect must be nominated for this project. The nominated heritage architect must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values.

The nominated heritage architect must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

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

Reason: Appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with the approval.

22. **Heritage Methodology Report**

A report is to be prepared by the Heritage Architect indicating the detailed methodology of dismantling and re-erecting the stone wall at 307 Sydney Road. The report will include the selected tradesperson/s who will undertake the works, their relevant experience.

The Report is to be submitted to Council's Heritage Officer for satisfaction prior to the issue of the Construction Certificate.

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

Reason: Appropriate heritage advice is provided to confirm works are undertaken in accordance with the approval.

23. **Certification of Stormwater Drainage impacts on Paths and Retained Vegetation**

The approved stormwater drainage concept drawings by Woolacotts Consulting Engineers, (drawing number SW1E and SW2D dated 25 August 2021) are to be reviewed and approved by the Heritage Architect to ensure drainage works will not damage or disturb existing paths or the roots of any retained trees or shrubs on the site.

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

the issue of the Construction Certificate.

Reason: To ensure appropriate heritage advice is provided to confirm works are undertaken in accordance with this approval.

24. **Palm transplantation**

A transplantation feasibility report including a site specific Transplant Method Statement prepared by a professional tree transplant company for the transplantation of the Canary Island Date Palm (Tree 16) and Tree Aloe (Tree 21), is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

25. **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 Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

- i "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- i 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.

26. **Adaptable accommodation requirements**

The internal plans are to be amended to include the provision of two adaptable units in accordance with clause 3.6.3.1 Accessible (Adaptable) Accommodation Requirements of the Manly DCP 2013.

Amended plans demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide a reasonable proportion of residential units that are designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.

27. **Pre-construction dilapidation survey**

Prior to any construction a photographic survey of adjoining properties 307, 305 Sydney Road including the driveway, 14 Boyle Street and 10 Boyle Street and any other property determined by the appointed geotechnical engineer to be within the zone of influence of the proposed excavation/construction works must be undertaken.

The survey report must detail the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to Council/Accredited Certifier prior to the issue of a Construction Certificate.

This survey is to be prepared by an appropriately qualified person. The respective owners of the adjoining properties should be asked to confirm that the dilapidation reports represent a fair record of actual conditions.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council/Accredited Certifier that

all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Reason: Protection of adjoining properties

28. Design and Construction of Gutter and Crossing (Sydney Road)

The design and construction of the gutter crossing on Sydney Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

Reason: To ensure appropriate construction of infrastructure.

29. Sight Distances

Sight distances from the proposed vehicular crossings to vehicles on Sydney Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing/wall must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.

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

Reason: To minimise traffic hazards.

30. Waste and Recycling Requirements

Details demonstrating compliance with Manly Development Control Plan – 4.8 Waste Management, including the required Northern Beaches Waste Management Plan, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with Manly Development Control Plan – 4.8 Waste Management, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided. (DACWTC01)

31. Visitor Spaces Located Behind Security Shutter/Door.

The installation of any security roller shutter for parking areas shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Certifying Authority prior to the release of the Construction Certificate.

32. Vehicular manoeuvring paths.

Vehicular manoeuvring paths must be provided to demonstrate all vehicles can enter or depart the site in a forward direction without encroaching on any other occupied car parking spaces. The demonstration drawings provided need to show that there is no encroachment when the adjoining spaces are occupied at their extremities. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Drawings must be submitted with the Construction Certificate application. In this regard a reduction in parking numbers to the minimum required under the Manly Development Control Plan 2013 could be considered to ensure adequate turning space is available for all users.

33. Construction Traffic Management Plan. As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:-

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

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

34. Public Liability Insurance - Works on Public Land

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

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

35. Tree removal

In consideration of the assessment of tree health and condition, the following existing trees are approved for removal, based on the recommendations of the Arboricultural Impact Assessment report dated March 2018, and the Addendum Letter dated 28 January 2019, both prepared by Tree Wise Men: tree, T3, , T12, T13, T14, T15, T18, T19, T20 and T22.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**36. Heritage Architect**

The appointed heritage architect must document all works to 307 Sydney Road, the stone wall to, 12 Boyle Street and the associated gardens by attending site on a regular basis and keeping a diary of these site visits. These documented site visits are to be included with the Final Report to that the heritage assets of the work have been undertaken in accordance with the approval and best practice.

Reason: To ensure construction, conservation and repair of significant fabric follows best heritage practice.

37. Specialist Tradespeople

All work to, or affecting, significant heritage fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: To ensure construction, conservation and repair of significant fabric follows best heritage practice.

38. Removing, Handling and Disposing of Asbestos

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

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

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

39. Property Boundary Levels

The property boundary levels shall match the existing levels except where modified for the vehicular crossing. The applicant shall design and construct having regard for the existing 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 Certifying Authority.

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

40. Vehicle Crossings

The provision of one vehicle crossing 5.5 m metres wide at Boyle Street in accordance with Northern Beaches Council Drawing No A4-3330/2 NH and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

41. **Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

42. **Protection of Adjoining Property - Excavation**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.

Reason: To ensure private and public safety

43. **Tree and vegetation protection**

A) Existing trees and vegetation shall be retained and protected as follows:

i) all trees and vegetation within the site as identified for retention in the Arboricultural Impact Assessment report dated March 2018, and the Addendum Letter dated 28 January 2019, both prepared by Tree Wise Men (T1), excluding exempt trees under the relevant planning instruments or legislation,

ii) trees proposed for transplanting: T16 and T21,

iii) all trees and vegetation located on adjoining properties, and particularly T5 to T11, and T24,

iv) all road reserve trees and vegetation, including T24 along Boyle Street, and trees along Sydney Road.

B) Tree protection shall be generally undertaken as follows:

i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and the recommendations of the Arboricultural Impact Assessment report dated March 2018, and the Addendum Letter dated 28 January 2019,

ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,

iii) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an Arborist. Details including photographic evidence of works

undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,

iv) to minimise the impact on trees and vegetation to be retained and protected, 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) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a Project Arborist on site,

vi) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,

vii) excavation for stormwater lines is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, to provide for root protection measures,

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

ix) 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 AS 4970-2009, x) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

Reason: to retain and protect significant planting on development and adjoining sites.

44. **Project Arborist**

A AQF Level 5 Project Arborist, qualified in Horticulture is to be engaged to supervise and certify tree protection works in accordance with AS4970- 2009 Protection of Trees on Development Sites, and in accordance with Attachment D: Tree Protection Requirements and Attachment E: Tree Protection Plan, as documented in the Arboricultural Impact Assessment report dated March 2018, and the Addendum Letter dated 28 January 2019, both prepared by Tree Wise Men.

Details shall be submitted to the Certifying Authority prior to the Occupation Certificate.

Reason: to ensure tree protection is provided and maintained.

45. **Re-use of Recovered Stone**

Original dry stone and laid stone wall elements that are recovered from the site where approved for removal are to be re-used within the site wherever possible as landscaping elements as directed by the heritage architect.

Reason: To ensure construction, conservation and repair of significant fabric follows best heritage practice.

46. **Maintenance of the Existing Grounds and Gardens**

All existing gardens within the subject site are to be maintained, including watering, during the construction works.

Reason: To retain and protect planting on development and adjoining sites.

47. **Pruning**

No consent is granted for pruning of trees or vegetation on the adjoining properties

Reason: To retain and protect adjoining vegetation.

48. **Survey**

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

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

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

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

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

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

49. **Road Occupancy Licence**

A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Sydney Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

Reason: To minimise impacts on traffic.

50. **Demolition and construction vehicles**

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Sydney Road.

Reason: To minimise traffic conflicts.

51. **Waste/Recycling Requirements (Materials)**

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

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

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

52. **Landscape works**

Landscaping is to be implemented in accordance with the landscape plans 000 (O), 101 (R), 501 (F) and 502 (I), as prepared by Site Image, inclusive of the following conditions:

- i) native tree planting shown on the plans shall be planted in ground area containing at least 3m x 3m soil area, and shall be planted at least 3 metres (small trees) or 5 metres (medium to large trees) from any structures or underground utilities
- ii) a total of 21 trees, as scheduled on the landscape plans, shall be planted on site,
- iii) all planting shall conform to the pot sizes as listed on the plant schedule on plan 000 (C).

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the amended landscape plan and the conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

53. **Heritage Architect**

The appointed heritage architect must provide a report to the satisfaction of council that the heritage assets of the work have been undertaken in accordance with the approval and best practice.

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

Reason: To certify that construction, conservation and repair of significant fabric follows best heritage practice.

54. **Authorisation of Legal Documentation Required for Onsite Detention**

The original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land.

55. **Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land.

56. **On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council.

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

Reason: To ensure stormwater disposal is constructed to Council's satisfaction.

57. **Positive Covenant and Restriction as to User for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.

58. **Consolidation of Lots or Restrictive Covenant**

Lot D in DP 335027 & Lot 1 in DP 115705 must be consolidated as one (1) allotment and

registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land & Property Information Service (NSW Department of Lands). Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure development is not constructed over property boundaries

58A The stair, foyer and lift within Building 4 providing access to Unit 3 of that building shall be included on the title for Unit 3 and for its exclusive use. No connection may be made which allows the use of this foyer/lift/stair by any of the other units in this building.

59. **Garbage and Recycling Facilities**

Door to waste storage area on Boyle St access is to be a minimum of 4200mm clear width to enable any one bin to be removed without having to remove other bins.

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

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

Reason: To prevent pollution of the environment and to protect the amenity of the area. (DACPLF03)

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

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines

(https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-01.pdf).

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

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

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

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

Reason: To ensure consistent numbering for emergency services access.

61. **Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

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

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

62. **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 Certifying Authority prior to the issue of the Interim / Final 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 Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

63. **Post-construction dilapidation survey**

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining premises, 305 Sydney Road including the driveway, 14 Boyle Street and 10 Boyle Street, or any other property determined by the appointed geotechnical engineer for a Pre-construction dilapidation survey is to be provided to the Principal Certifying Authority.

If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to an Occupation Certificate being issued.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent. In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council/Accredited Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant’s and adjoining owner’s interest for it to be as full and detailed as possible)

Reason: Protection of adjoining properties

64. **Waste and Recycling Facilities Certificate of Compliance**

The proposal shall be constructed in accordance with Manly Development Control Plan – 4.8 Waste Management.

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

Reason: To ensure waste and recycling facilities are provided. (DACWTF01)

65. Waste/Recycling Compliance Documentation

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

Reason: To ensure waste is minimised and recycled. (DACWTF02)

66. Positive Covenant for Waste Services

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities (DACWTF03)

67. Authorisation of Legal Documentation Required for Waste Services

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

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

Reason: To create encumbrances on the land. (DACWTF04)

68. Basement Garage Traffic Signal System.

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

The signal system must;

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

Details of the system, including the system operation, components and placement within the development, must be specified by a practising Traffic Engineer. This engineer is to submit a

compliance certificate to the Certifying Authority that the system has been installed and operating as designed, in accordance with the requirements of this condition, prior to the issue of any Occupation Certificate issued for the development.

69. Convex Mirror at conflict points within the car park.

One (1) convex mirror is to be installed and maintained at the ramp intersection with the aisle to the townhouse parking. One (1) convex mirror is to be installed and maintained at the intersection of the unit parking area and the ramp. One (1) convex mirror is to be installed and maintained opposite the internal stair access to address the pedestrian access safety with the carpark. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

70. Allocation of parking spaces (strata title).

All carparking spaces are to be assigned to individual units. . All residential units must be assigned a minimum of one parking space.

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

71. Landscape maintenance

All landscape components are to be maintained for the life of the development. A maintenance program is to be established. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species to maintain the landscape theme of the landscape plan.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

72. Environmental and priority weed control

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

Reason: preservation of environmental amenity.

73. Area to be kept Clear at All Times

The opening leading to the parking area for Townhouse 1 and 2 is to be kept permanently open with no gate or door and the area between the car parking spaces for these townhouses is to be maintained as common property.

The strata plan by-laws are to ensure that the driveway between the parking spaces for TH1 and TH2 is to be available for use by Unit 1-3 Building 4 for the purposes of turning and for waiting only.

Reason: To minimize traffic conflicts

74. Vehicular Access

The development is to comply with the following:

A traffic light system is to be operating with a traffic light system at the base of the driveway at RL 43.6 at all times.

All vehicles are to enter and exit the site in a forward direction.

All vehicles are to be wholly contained on site before being required to stop.

Reason: To minimise traffic conflicts.

75. **Resident Parking Scheme.** The building/strata manager is to ensure that all residents/tenants are aware that this building will not be eligible for any future Resident Parking Scheme as the parking provisions are deemed compliant with necessary local and state legislation.
76. **Visitor Parking.** The visitor parking is to be accessible at all times, and a sign post erected at the vehicular entry point(s) of the development indicating the location of the visitor parking.
77. **Sight lines within carparks.** The required sight lines to pedestrians and other vehicles in and around the carpark and entrance are not to be obstructed by landscaping or signage.