



NOTICE OF DETERMINATION

Application Number: DA2019/1190

APPLICATION DETAILS

Applicant Name and Address: Urbis Pty Ltd
Level 8 123 Pitt Street
SYDNEY NSW 2000

Land to be developed (Address): Lot 7069 DP 1058602 and Lot 1 DP 114027 and Lot 1 DP 651395 and Part Lot 1 DP 784268 and Lot 6 DP 785409 and Lot B DP 966128 9999 Pittwater Road BROOKVALE

Proposed Development: Construction of a new grandstand and Centre of Excellence

DETERMINATION – APPROVED

Consent Authority: Sydney North Planning Panel

Made on (Date): 29 July 2020

Consent to operate from (Date): 29 July 2020

Consent to lapse on (Date): 29 July 2027

Details of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:



If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.



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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A_0301 (Revision M)	03.07.2020	Hassell Ltd
A_0400 (Revision F)	03.07.2020	Hassell Ltd
A_0500 (Revision G)	03.07.2020	Hassell Ltd
A_0501 (Revision A)	03.07.2020	Hassell Ltd
A_1000 (Revision N)	03.07.2020	Hassell Ltd
A_1001 (Revision N)	03.07.2020	Hassell Ltd
A_1002 (Revision N)	03.07.2020	Hassell Ltd
A_1003 (Revision N)	03.07.2020	Hassell Ltd
A_1200 (Revision F)	03.07.2020	Hassell Ltd
A_2000 (Revision J)	03.07.2020	Hassell Ltd
A_3000 (Revision N)	03.07.2020	Hassell Ltd

Engineering Plans		
Drawing No.	Dated	Prepared By
SKC01 (Revision P4)	02.07.2020	Taylor Thomson Whitting (NSW) Pty Ltd
SKC05-2 (Revision P12)	02.07.2020	Taylor Thomson Whitting (NSW) Pty Ltd
SKC15 (Revision P5)	02.07.2020	Taylor Thomson Whitting (NSW) Pty Ltd
SKC21 (Revision P3)	02.07.2020	Taylor Thomson Whitting (NSW) Pty Ltd
CS100 (Revision P6)	03.07.2020	LCI Consultants (Australia) Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Aboriginal Objects Due Diligence Assessment	16.10.2019	Urbis Pty Ltd
Arboricultural Impact Assessment	23.10.2019	Tree Management Strategies



Building Code of Australia Report	21.10.2019	McKenzie Group Consulting
Building Services Utility Report	21.10.2019	LCI (Australia) Pty Ltd
Civil Development Application Report	22.10.2019	Taylor Thomson Whitting (NSW) Pty Ltd
Energy Performance Report	21.10.2019	LCI (Australia) Pty Ltd
Fire Safety Engineering Letter of Support	21.10.2019	LCI (Australia) Pty Ltd
Flora and Fauna Assessment Report	16.10.2019	SLR Consulting Australia Pty Ltd
Geotechnical and Hydrogeological Investigation	25.09.2019	JK Geotechnics
Heritage Impact Statement	20.03.2020	Urbis Pty Ltd
Noise Impact Assessment	21.10.2019	Pulse Acoustic Consultancy Pty Ltd
Preliminary Construction Management Plan	15.10.2019	SLR Consulting Australia Pt Ltd
Stage 1 and Stage 2 Environmental Site Assessment	10.10.2019	JK Environments
Statement of Environmental Effects	October 2020	Urbis Pty Ltd
Traffic Impact Assessment	21.10.2019	Taylor Thomson Whitting (NSW) Pty Ltd
Water Sensitive Urban Design Strategy	21.10.2019	LCI (Australia) Pty Ltd
Waste Management Plan	16.10.2019	SLR Consulting Australia Pty Ltd

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

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. Use of the development

The proposed development is to be used at all times so as to ensure it falls within the definition of a “recreation facility (major)” as defined in Warringah Local Environmental Plan 2011 and ancillary uses thereto.

Reason: To ensure that the use of the development is permissible under the relevant planning controls.

3. Approved signs

Approval is granted for the following wall signs:



- West elevation (EBR.101): Building identification sign: Wall sign measuring 3600mm x 700mm reading “[Sponsor Name] Centre of Excellence”.
- East elevation (EBR.102): Building identification sign: Wall sign measuring 3600mm x 700mm reading “[Sponsor Name] Centre of Excellence” and MWSE logo measuring 2400mm x 2200mm.
- South elevation (EBR.103): Building identification sign: Wall sign measuring 18500mm x 500mm reading “[Honorific Name] Stand”.
- South elevation (EBR.G01): Business identification sign: Wall sign measuring 1800mm x 900mm reading “Sea Eagles”.
- North elevation (EBR.104): Business identification sign: Wall sign measuring 3000mm x 1400mm reading “Sea Eagles”.

Reason: To clarify and confirm the size and content of these particular signs.

4. Ribbon board not approved

The proposed ribbon board is not approved.

Reason: Insufficient detail has been provided of the size and nature of the ribbon board to enable any approval to have the necessary degree of certainty.

5. Signs not to be illuminated

None of the approved signs are to be illuminated.

Reason: Insufficient detail has been provided of the nature of sign illumination to enable any approval to have the necessary degree of certainty.

6. Time limit on sign approvals

Approval for signs EBR.101 and EBR.102 expires after 15 years from the date of this development consent.

Reason: Time limitation on approval pursuant to clause 14 of State Environmental Planning Policy No. 64 – Advertising and Signage.

7. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) 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.

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

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

Reason: Legislative Requirement

8. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

- (j) 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.

9. Hours of operation

The hours of operation of the Centre of Excellence are to be restricted to:

- Monday to Friday – 7.00am to 10.00pm
- Saturday and Sunday – 10.00am to 10.00pm

Reason: To confirm the details of the application and to ensure that amenity of the surrounding locality is maintained.



10. Maintenance of the Playing Field

The management and ongoing maintenance of the Brookvale Oval playing field surface rests with Manly Warringah Sea Eagles.

Reason: To confirm the ongoing obligation of the Manly Warringah Sea Eagles to the maintenance of the playing surface.

10A. Use of the development

The proposed development is to be used at all times so as to ensure it falls within the definition of a “*recreation facility (major)*” as defined in Warringah Local Environmental Plan 2011 and ancillary uses thereto.

Reason: To ensure that the use of the development is permissible under the relevant planning controls.

FEES / CHARGES / CONTRIBUTIONS

11. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$295,130.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$29,513,000.00.

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

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

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Road, Dee Why and at Council’s Customer Service Centres or, alternatively, on Council’s website at www.northernbeaches.nsw.gov.au.

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

12. Construction, Excavation and Associated Works Bond (Drainage works)



The applicant is to lodge a bond of \$200,000 with Council as security against any damage or failure to complete the upgrade and diversion of the Council's existing stormwater drainage line.

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

Reason: Protection of Council's infrastructure.

13. Construction, Excavation and Associated Works Bond (Maintenance for civil works)

The developer/applicant must lodge with Council a maintenance bond of \$50,000 for the upgrade/diversion of the Council drainage line. The maintenance bond will only be refunded upon completion of the twelve-month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing written practical completion.

Reason: To ensure adequate protection of Council infrastructure.

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

14. Fire Safety

The matters raised in the Fire Engineering Report prepared by LCI (Australia) Pty Ltd dated 21/10/19 and in the BCA Report by McKenzie Group dated 21/10/19 are to be addressed as part of the assessment of the Construction Certificate.

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

Reason: To ensure adequate provision is made for fire safety and for building occupant safety.

15. Public swimming pools and spa pools plans

Detailed plans and specifications must be provided to the Certifying Authority prior to the issue of the Construction Certificate complying with the relevant and current guidelines including:

- Public Health Act 2010
- Public Health Regulation 2012

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

16. Medical rooms not to be available to the general public



No members of the general public are to be treated within the proposed medical rooms at any time (including during events).

Reason: To ensure that the premises will comply with public health licensing and approval standards as required by the regulatory operator, NSW Health.

17. Noise - Design

Recommendations within the acoustic assessment by Pulse Acoustic Consultancy Pty Ltd (Report Reference: Brookvale Oval Redevelopment – Noise Impact Assessment 21 October 2019) being incorporated in material and design of the building works.

Reason: To reduce noise to neighbouring receivers.

18. Contaminated Land Requirements

Prior to the issue of any Construction Certificate a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and submitted to Council for review and approval. The plan shall detail:

- a) How all the requirements and / or recommendations contained within the Contamination Report entitled Stage 1 and Stage 2 Environmental Site Assessment for Proposed Brookvale Oval Redevelopment (Ref: E32596BDrpt) prepared by JK Environments Pty Ltd and dated 10 October 2019 are to be implemented including identified data gaps;
- b) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;
- c) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (24 hours a day), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Northern Beaches Council and the Principal Certifying Authority.
- d) Measures to prevent any potential pollution or public health risk from stockpiles of potentially contaminated soil. Recommendations made for potentially contaminated fill in accordance with conditions 18(c) must be actioned in accordance with condition 18(b) or removed for disposal within 48 hours.
- e) All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results



and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

- f) Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:
- 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the (*) site at (*), to the subject premises.
 - Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall suitable for the use on the land.
 - Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Principal Certifying Authority (prepared in accordance with the Department of Environment & Climate Change's guidelines).

Reason: Protection of the environment, SEPP 55 compliance.

19. On-site Stormwater Detention Details

The Applicant is to provide stormwater drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's former Warringah On Site Detention specification and generally in accordance with the concept drainage plans prepared by TTW, job number 191326, drawing number C05-2 Issue B, C21 Issue C. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) or RPENG (Civil) accreditation.

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

Reason: To ensure appropriate provision for the disposal of stormwater in accordance with Council policy.

20. Section 68 Local Government Act 1993 approval – upgrade of Council's existing 600mm stormwater line

The applicant is to submit a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the proposed re-diversion and upgrade of Council's existing stormwater drainage line.

The engineering plans are to be generally in accordance with the civil design approved with the Development Application and plans reference - Job number 191326 Drawing C05-2, C16-C, C17-A, C21-C, C30-A, dated 29/5/20. The Engineering plan and design is also to be in accordance with Council's Water



Management Policy and Council's specification for engineering works - AUS-SPEC #1.

The design must be in accordance with the following requirements:

- (a) Prepared and submitted on 4 A1 size sheets, undertaken by a consulting Civil Engineer with NER or RPENG civil qualifications. The design is also to be certified by designer in accordance with Council's Auspec One Design Specification.
- (b) Approved and stamped by Council prior to the issue any Construction Certificate for the development works.
- (c) Upon completion of the works, the applicant is to provide to Council of copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also, the applicant is to provide Council in an approved format details of all public infrastructure created as part of the stormwater drainage upgrade works (Reference is made to Council's website for approved format details)
- (d) All Civil Engineering works for the stormwater drainage re diversion are to be fully supervised by the consultant responsible for the design, and on completion of the works a compliance certificate is to be provided to Council certifying that the approved plans, any relevant conditions of the consent and the Stormwater Drainage section 68 Local Government Act approval and Council's standard specification for engineering work - Auspec 1 has been complied with.
- (e) A DRAINS Hydrological and Hydraulics Model is to be submitted to support the Engineering Plans. The re diverted drainage line is to be designed for a 1 in 20-year Average Recurrence Interval. The minimum size of the upgraded drainage is to be a 900mm Reinforced Concrete Pipe as specified in the approved development application drainage plans.
- (f) All junction inlet pits are to be cast in-situ concrete pits in accordance with Council's standard engineering details.
- (g) The inlet Pit 01-a is to feature heel safe grates and is to be located within the existing pedestrian/maintenance vehicle access way in a suitable location acceptable to Council. Hydraulic calculations are to be provided demonstrating that the 6m x 1.2m inlet grate caters for the design stormwater flow up to a 1 in 100-year AEP storm event.
- (i) The final location of the 900mm upgraded stormwater line is to minimise the impacts on the existing retained heritage trees. An arborists report is to be provided with this application to support the location of the stormwater line whilst minimising impacts on the listed heritage trees.

The drainage application form can be found on Council's website at www.northernbeaches.nsw.gov.au > Council Forms > Stormwater Drainage Application Form.



The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating that the Section 68 Drainage approval has been obtained are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that Councils stormwater drainage infrastructure is reconstructed in accordance with Councils Water Management policy.

21. Pre-commencement Dilapidation Report

The applicant must prepare and submit a pre-commencement 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 pre-construction / demolition dilapidation report must be submitted to Council 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.

22. Working on and Access to Reserves Permit

Works (undertaken by principal contractors working without Council supervision) on Land under Council's care control and management require a "Working on Reserves" permit prior to commencement. Applications can be obtained from Council's website or the Parks and Recreation business unit.

The applicant shall provide a detailed plan indicating access routes and designated areas that are the subject of the Reserves Permit application.

Reason: public safety and the protection of Council infrastructure.

23. Heritage Listed Trees

- a) The heritage listed trees not indicated for removal on the approved plans are to be protected from damage during construction. Heritage trees include Trees numbered 1 to 26, 31 to 35, 47 to 61 and 71 to 75 as identified in the Arboricultural Impact Assessment date 23-10-19 prepared by Tree Management Strategies.
- b) Details of the method of protection of the trees must be submitted by the Project Arborist to Council and the Certifying Authority prior to the issue of the Construction Certificate.
- c) Annotated photographs of the trees, with particular emphasis on the lower part of the trees, must be submitted to by the Project Arborist to Council



and the Certifying Authority prior to the commencement of any building work.

Reason: To ensure appropriate tree protection measures are adopted to preserve significant community assets.

24. Tree Protection Plan

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

- a) A Tree Protection Plan shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures to protect the following trees:
 - i) Trees numbered 1 to 35 and 47 to 75 as identified in the Arboricultural Impact Assessment date 23-10-19 prepared by Tree Management Strategies
- b) The Tree Protection Plan shall be prepared by a Consulting Arborist with minimum qualifications AQF Level 5 in arboriculture incorporating the following:
 - i. layout of the development, including existing and proposed underground services,
 - ii. location of all trees identified for retention, including extent of canopy,
 - iii. access routes throughout the site for construction activity,
 - iv. location of tree protection fencing / barriers,
 - v. root protection in the form of mulching or boards proposed within the tree protection zone,
 - vi. irrigation provision during works
 - vii. nutrient supplements (such as stem injection, liquid fertilisers) prior to and during works,
 - viii. trunk and branch protection within the tree protection zone,
 - ix. location of stockpile areas and materials storage,
 - x. Inspection hold points
 - xi. other general tree protection measures.
- c) All tree protection methods are to be in accordance with AS4970-2009 Protection of Trees on Development Sites

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

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

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

26. Green Travel Plan

The Applicant shall prepare a Green Travel Plan to promote the modal shift figures adopted as part of the traffic report. The applicant shall submit the report to Council for review and approval prior to the issue of a construction certificate.

Reason: To achieve the modal shift figures adopted as part of the proposal.

27. Motorcycle parking provision

The applicant shall provide 9 motorcycle parking spaces in compliance with the Australian Standards AS2890.1:2004. The location of the motorcycle parking spaces is to be identified and submitted to Council for approval prior to the issue of the Construction Certificate.

The locations are not to result in the loss of approved landscape areas or community facilities or the loss of access to other parking or servicing areas on site. The locations of the motorcycle parking spaces is not to result in any hazard to traffic or pedestrians.

Reason: To provide adequate motorcycle parking spaces for the staff and patrons.

28. Bicycle parking provision

The applicant shall provide 13 high to medium security level bicycle parking to comply with Council's Development Control Plan 2011. The location of the bicycle parking spaces is to be identified and submitted to Council for approval prior to the issue of the Construction Certificate.

The locations are not to result in the loss of approved landscape areas or community facilities or the loss of access to other parking or servicing areas on site. The locations of the bicycle parking spaces is not to result in any hazard to traffic or pedestrians.

Reason: To comply with Council's DCP.

29. 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.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Specify that, due to the proximity of the site adjacent to St Augustine's school, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- 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; and
- The location and operation of any on site crane.

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

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

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. Confirming appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner’s property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

30. 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:

- “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.

31. Revised Landscape Plan and undergrounding of power lines

The landscape plan (Drawing A_0500, Revision G, dated 03/07/2020 by Hassell) is to be revised and submitted to Council for approval prior to the issue of the Construction Certificate.

The amended plan is to provide for the planting of the 11 x *Lophostemon confertus*. Such trees to be located to the north of the proposed Centre of Excellence are to replace the proposed 8 x *Banksia* and 7 x *Callistemon* shown on the landscape plan. The trees are to be evenly spaced, have a minimum 200 Litre pot size, and are to be protected by a permanent tree guard of either metal or timber to facilitate establishment.

The powerlines at the northern end of the proposal, between the building and path to the north, are to be undergrounded. This is to be shown on the plans submitted for the Construction Certificate.

Reason: To best maintain the integrity of the heritage item.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

32. 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.

33. Construction Management Plan

- a) Prior to commencement of works on site, a Construction Management Plan, based on the scope of works area as defined in the Proposed Demolition Site Plan dated 10/02/2020 prepared by APP and the



Demolition Plan drawing No. A_0400 revision F dated 03/07/2020 by Hassell, and shall be issued to Council and the Certifying Authority for approval, inclusive of appropriate environmental site management measures that must be in place and incorporating the following throughout demolition and construction:

- i) access to and from the site during construction and demolition,
 - ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting,
 - iii) methods of loading and unloading machinery and building materials,
 - iv) location of storage materials, excavation and waste materials,
 - v) methods to prevent material being tracked off the site onto surrounding roadways,
 - vi) erosion, sediment and dust control measures, and
 - vii) protection of existing trees and vegetation including the tree protection zone, in accordance with AS 4970-2009 Protection of Trees on Development Sites.
- b) The northern portion of Brookvale Oval containing the public park and Brookvale Pre-School, including all associated vehicular and pedestrian access provisions, shall remain open to Council and to the public, including vehicular access provisions along Federal Parade and Pine Avenue, except as permitted under clause c) below, and pedestrian footpaths through the public park. All other areas beyond the scope of works area as defined in the Proposed Demolition Site Plan dated 10/02/2020 prepared by APP and the Demolition Plan drawing No. A_0400 revision F dated 03/07/2020 by Hassell shall remain open to Council and the public.
- c) Any delivery onto Land under Council's care control and management from Pine Avenue is limited to Saturday only, and shall be managed by fencing to separate delivery activity from the public. Deliveries utilising Pine Avenue are restricted to: 8.00 am to 1.00 pm inclusive on Saturday.
- d) 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.
- e) Construction materials must not be stored on Land under Council's care control and management. Safe pedestrian access free of trip hazards must be maintained at all times on or adjacent to any public access routes connected to Land under Council's care control and management.
- f) During works, the site management measures set out in the above must remain in place and be maintained until the completion of works.

Reason: public safety, public access, and environmental protection.

34. Removal of Trees on Land under Council's care control and management



Prior to the commencement of work,

- a) written notification is to be provided to Council giving a minimum of 7 days' notice prior to undertaking the removal of any trees approved for removal,
- b) removal of approved trees is to be undertaken by a qualified Arborist with minimum level 5 AQF qualifications with suitable public liability insurance.

Reason: management of public environmental assets.

35. Works on Land under Council's care control and management

No works are to be carried out on Land under Council's care control and management without the written approval of the Council.

Note: Separate approval from Council is required for access driveways, paths, stairs, connections to underground utilities (stormwater, gas, sewer, electricity, telecommunications etc.), and landscaping works on Land under Council's care control and management.

Reason: management of public environmental assets.

36. Tree trunk, branch and root protection

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

- i) all trees and vegetation within and adjacent to the site, nominated on the plans and as recommended in the Arboricultural Impact Assessment prepared by Tree Management Strategies dated 23-10-19 & the approved Tree Protection Plan shall be protected during all construction stages.
- ii) all other trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

B) Tree protection shall be 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 according to the Arboricultural Impact Assessment prepared by Tree Management Strategies dated 23-10-19 and the approved Tree Protection Plan
- ii) any tree roots exposed during excavation with a diameter greater than 25mm within the TPZ must be assessed by the Project Arborist. Details including photographic evidence of works undertaken shall be submitted by the Project Arborist to the Certifying Authority,
- iii) 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,



- iv) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorized by the Project Arborist on site,
- v) all structures are to bridge tree roots greater than 25mm diameter unless directed by the Project Arborist on site,
- vi) should either or both iv) and v) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures provided. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites.

37. Project Arborist

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the Arboricultural Impact Assessment prepared by Tree Management Strategies dated 23-10-19, approved Tree Protection Plan and AS4970-2009 Protection of trees on development sites.
- iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation proposed for retention on the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

38. Requirement to Notify about New Contamination Evidence

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment.

39. Compliance with the Contamination Management Plan

The requirements of the Contamination Management Plan required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of any interim / final occupation certificate.

Reason: Protection of the environment, SEPP 55 compliance.

40. Waste/Recycling Requirements (Waste Plan Submitted)



During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled "Centre of Excellence and Grandstand Waste Management Plan" and dated 16 October 2019.

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

41. 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.

42. 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.

43. Progress Certification (Stormwater drainage upgrade works)

The applicant shall provide written certification by a suitably qualified engineer upon completion and/or as and when requested by the Council for the following stages of works:

- (a) Silt and sediment control facilities
- (b) Laying of stormwater pipes and construction of pits
- (c) Clean-up of site, and of adjoining Council roadway and drainage system.

(**To be tested by a recognised N.A.T.A. approved laboratory).

Details demonstrating compliance are to be submitted to the Council prior to issue of the occupation certificate.

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

44. Civil Works Supervision

The Applicant shall ensure all council stormwater drainage upgrade works approved in the Section 68 Local Government Act drainage approval are supervised by an appropriately qualified and practising Civil Engineer with NER (civil) or RPENG (civil) accreditation.



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

45. Council stormwater drainage line upgrade works

- (a) The upgrade and re diversion of councils existing 600mm stormwater drainage is to be constructed in accordance with the Section 68 Drainage Approval required by the Local Government Act 1993.

The upgraded stormwater drainage line is to be a minimum 900mm RCP pipe and is to include all approved drainage inlet pits. The works are to include the installation of a 6m x 1.2m wide stormwater inlet grate to be located within the property where practical.

- (b) The drainage works are also to include to provision of an overland flow path as approved. The overland flow path is to feature appropriate signage indicating its use.
- (c) Council is to inspect the all pipework prior to back filling and all stormwater inlet pit formwork prior to pouring of concrete to ensure the works are in accordance with Section 68 approval.

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

Reason: To ensure adequate provision of Council stormwater infrastructure.

46. Notification of Inspections (Stormwater infrastructure works to be handed over to Council)

Council's Development Engineer is to be given 48 hours' notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of all stormwater gully and inlet pits

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification.

Reason: To ensure new Council infrastructure is constructed in accordance with Auspec 1 Council's design specification and engineering standards.

47. No Access through Land under Council's care control and management

Site access is not approved for delivery of materials nor construction of the development through Land under Council's care control and management that



are beyond the designated areas as defined in the "Working on Reserves" permit.

Reason: public safety, landscape amenity and tree protection.

48. Storage of Materials Prohibited on Land under Council's care control and management

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in Land not included in the approved Construction Management Plan under Council's care control and management is prohibited.

Reason: public safety and environmental protection.

49. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees.

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 Certifying Authority.

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

51. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

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

52. Public swimming pools and spa pools fit out

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from a suitably qualified professional that the design, construction and fit out of the public swimming pools and spa pools are compliant with the relevant and current guidelines including:

- Public Health Act 2010
- Public Health Regulation 2012

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

53. Registration of public swimming pools and spa pools

All public swimming pools and spa pools must be registered with the Appropriate Regulatory Authority prior to Occupation Certificate being issued.



Reason: Public swimming pools and spa pools are required to be registered with the Appropriate Regulatory Authority.

54. Noise - Fit out

The Certifier shall be satisfied that the recommendations contained within acoustic assessment by Pulse Acoustic Consultancy Pty Ltd (Report Reference: Brookvale Oval Redevelopment – Noise Impact Assessment 21 October 2019) have been implemented in the design and construction of the premises.

Reason: To ensure that offensive noise is not created from plant and equipment.

55. Positive Covenant for encapsulated contamination

A covenant must be registered on the title of the land, giving notice of the former use, level of site contamination and its former location on the land.

A covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from of any contaminants or for any works required by Council or any State or Federal Department/Authority.

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

Reason: Environmental Protection.

56. Compliance with Contamination Management Plan

Prior to the issue of any interim / final occupation certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the Contamination Management Plan have been complied with throughout excavation, demolition and development work stages. The certification shall also include:

- a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
- c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.



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

Reason: Protection of the environment, SEPP 55 compliance.

57. Garbage and Recycling Facilities

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.

58. 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.

59. Stormwater Drainage Upgrade Works – Council's drainage line

The stormwater drainage upgrade works to Councils existing drainage line are to be certified as compliant with the Section 68 Local Government Act Drainage approval and Councils Auspec 1 design specification and policies by a suitably qualified engineer with NER or RPENG Civil accreditation.

Additionally, "work as executed plans" in Councils approved format are to accompany the certification prepared by a certified practicing surveyor.

Compliance certification provided by the engineer needs to state the works are generally in accordance with the approved plans. The Compliance certificate is be submitted to the Principal Certifying Authority /Council prior to the issue of any Occupation Certificate.

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

60. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details



overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

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

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

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

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

61. Post-Construction Dilapidation Report (Major Development)

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.

62. Positive covenant and restriction as to user - Overland Flowpath

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 stormwater overland flow path 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 the overland flow path structure is to be submitted.

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details



overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

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

Reason: To ensure adequate management of the stormwater overland flow path.

63. Dilapidation Report for Land under Council's care control and management

A dilapidation report established at the commencement of the works shall contain a survey of pre-existing land features including photographic record of the Land under Council's care control and management adjoining the development, detailing the physical condition of items such as, but not exclusively limited to, physical assets such as crossovers, driveways, footpaths, utilities, furniture, play equipment, trees, gardens, lawn areas, bushland, and any rock outcrops.

This dilapidation report shall be submitted to Council and the Certifying Authority prior to commencement of works, and shall be the basis for rectification of any damage to Council's assets prior to the issue of the Occupation Certificate.

Any damage to these assets during the works must be replaced like for like to the satisfaction of the Certifying Authority, and shall be subject to acceptance by Council.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: protection of Council's assets.

64. Landscape completion Certification

- a) 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 approved landscape plan, as amended by Condition 31 and any conditions of consent.
- b) 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 established and maintained in accordance with the approved landscape plan, as amended by Condition 31 and any conditions of consent

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



65. Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- a) Compliance to Arborist recommendations for tree protection and excavation works.
- b) Extent of damage sustained by vegetation as a result of the construction works.
- c) Any subsequent remedial works required to ensure the long-term retention of the vegetation.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites.

66. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To maintain public amenity.

67. Undergrounding of Power lines

The powerlines at the northern end of the proposal, between the building and path to the north, are to be undergrounded.

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

Reason: To best maintain the integrity of the heritage item.

68. Mitigation of heritage impacts

The recommendations of the Heritage Impact Statement by Urbis dated 22/10/2019 are to be implemented, including:

- Planting of trees required by conditions **Error! Reference source not found.** and 67 of this consent are to be undertaken in conjunction with students, teachers and the extended community associated with Brookvale Public School. Consideration could also be given to engaging members of the Manly Warringah Sea Eagles team and club in the commemorative plantings.



- Wood from removed heritage trees is to be reused for artwork, woodwork or seating on site.
- The collection of seed or cuttings to regrow trees to ensure the “Terra” or heritage value of the trees is conserved. Trees that are regrown are to be planted in the local area as replacement street trees or in parks.
- Interpretative signage to be provided in an appropriate location detailing the heritage significance of the site and the heritage-listed trees.

Reason: To mitigate the heritage impacts of the proposal.

68A Mitigation of heritage impacts

The recommendations of the Heritage Impact Statement by Urbis dated 22/10/2019 are to be implemented, including:

- Planting of trees required by conditions 31 and 67 of this consent are to be undertaken in conjunction with students, teachers and the extended community associated with Brookvale Public School, if feasible. Consideration could also be given to engaging members of the Manly Warringah Sea Eagles team and club in the commemorative plantings.
- Wood from removed heritage trees is to be reused for artwork, woodwork or seating on site.
- The collection of seed or cuttings to regrow trees to ensure the “Terra” or heritage value of the trees is conserved. Trees that are regrown are to be planted in the local area as replacement street trees or in parks.
- Interpretative signage to be provided in appropriate location detailing the heritage significance of the site and the heritage-listed trees.

Reason: To mitigate the heritage impacts of the proposal.

68B. Tree Planting Certification

The Project Arborist is to certify that all new and replacement trees are of the required species, container size, planting locations and planting standards, and have been grown and supplied by a recognised nursery complying to AS2303 “Tree stock for landscape use” 2018.

Reason: To mitigate the heritage impacts of the proposal.

ONGOING CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

69. Sharps waste management

All commercial premises that require the use of sharps must provide adequate sharps waste disposal facilities. Such premises must be provided with sharps waste disposal containers on site that adequately contain all sharps waste produced and is compliant with AS 4031 – 1992 - Non-reusable containers for the collection of sharp medical items used in health care areas.



Reason: To ensure adequate provisions are made for the safe disposal, collection and transport of used sharp objects and to minimise to risk of infectious waste to public health.

70. Clinical Waste Contractor

All clinical waste produced by the premises is to be transported to and disposed of within an appropriately licenced waste facility through a contract with a suitably qualified waste contractor.

Reason: Responsible disposal management of clinical waste.

71. Landscape maintenance

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity.



Review of Determination

You may request Council review the determination of the application under Section 8.2 of the Environmental Planning & Assessment Act 1979. The review must be determined within 6 months.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

If you are dissatisfied with this decision Section 8.7 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Signed on behalf of the consent authority

Signature _____

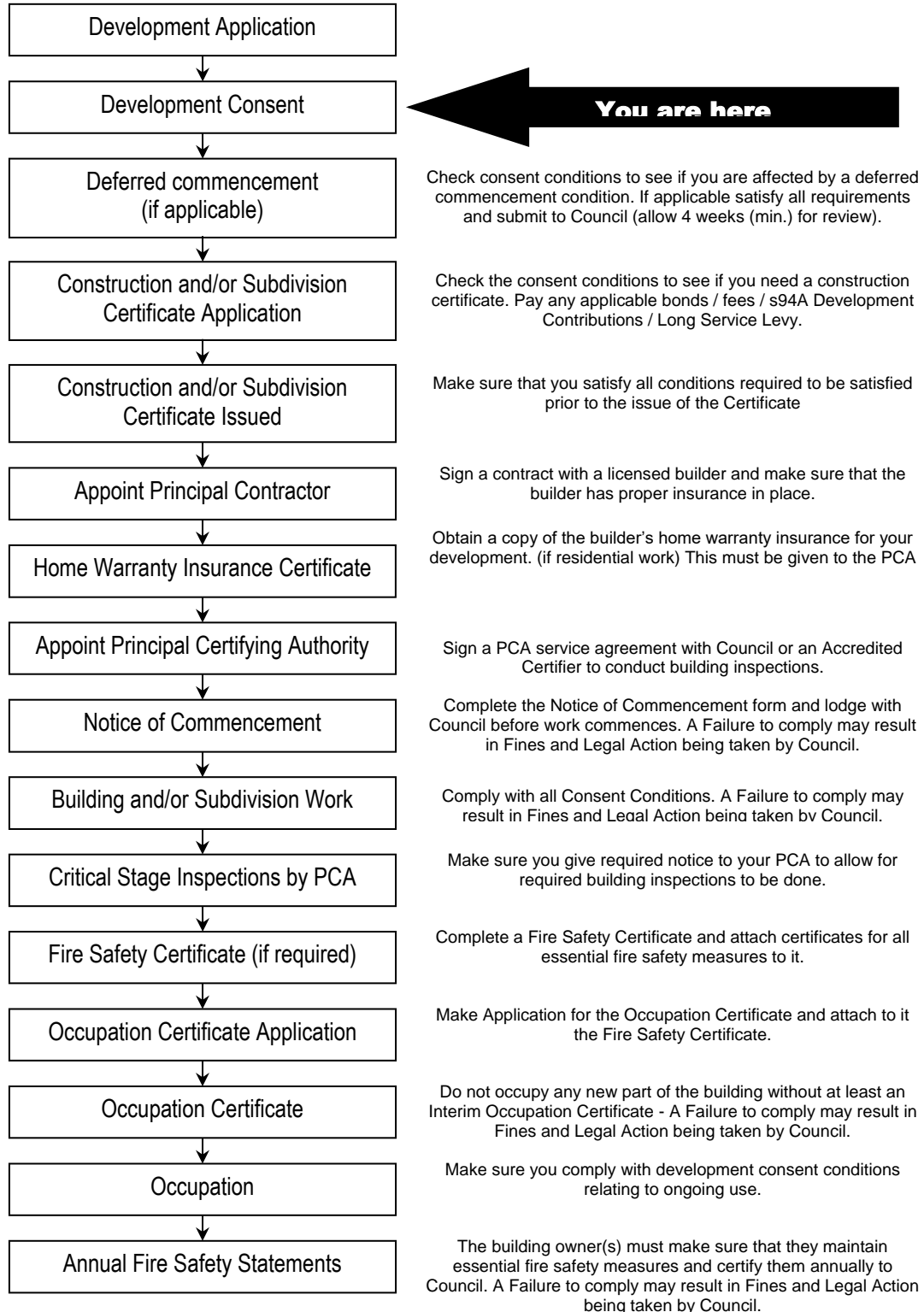
Name Peter Robinson
 Executive Manager, Development Assessment

Date 10 August 2020

NOTE: Signed by Northern Beaches Council in accordance with the EP&A Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel.



Where are you in the development process?





General Advice

The attached Notice of Determination includes conditions of consent which must be complied with.

(Note: A failure to comply is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)

Building Certification

The Environmental Planning and Assessment Act 1979 provides that:

- Building work cannot occur unless a construction certificate has been issued;
- Occupation of building works cannot occur unless an occupation certificate has been issued
- Subdivision cannot be registered until a subdivision certificate has been issued
- Mandatory Inspection for building work must be completed

Please refer to process chart for more detail.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)

Certification Services

Construction Certificates / Occupation Certificate / Subdivision Certificates / Strata Certificate, can be issued by Council or an accredited private certifier (Note: Council must be the Principal Certifying Authority (PCA) for subdivisions).

Council is well placed to provide Certification Services. Council can issue Construction Certificates and act as your Principal Certifying Authority at competitive rates. Please visit our web site www.northernbeaches.nsw.gov.au or speak to our Customer Service Officers if you have any further questions about our Certification Services or if you wish to use Council as your certifier.

Charges Associated with the Development Consent

All bonds, fees, Development Contributions, Long Service Levy detailed within the Notice of Determination are required to be paid prior to the issuing of any Construction Certificate.

Acceptable Form of Security Bonds

Council will accept bank guarantee (in a form acceptable to Council) in lieu of cash and is required prior to the issue of a construction certificate.

Modifications to the consent

If you seek to make any changes to the development (which may include internal / external configuration of the building, variation to facades, site layout or any changes to the proposed operation or use), the modifications *will* require the submission and approval of an application to modify the development consent prior to the issuing of a Construction Certificate and prior to the works being carried out.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action being taken, and orders for demolition.)

Other Matters not detailed within the Notice of Determination

The Notice of Determination does not stipulate every requirement that must be completed to satisfy New South Wales and Commonwealth legislation.

You should check, as may be relevant, with other authorities including but not limited to:

- Workcover NSW for work safety and asbestos requirements
- Sydney Water – Quick Check Agent for the provision of water and sewer services
- Energy & Gas suppliers for utility services
- Department of Fair Trading for advice about builders and licensing



- Building Professionals Board* for advice about private certifiers
- NSW Roads and Traffic Authority* for works on state roads only
- Human Rights and Equal Opportunity Commission* for access issues
- NSW Land and Property Information Service* for Land Title matters
- Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;

Model

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

Trade waste agreement

A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

Waste collection

Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the *Protection of the Environment Operations Act 1997*. Records must be kept of all waste disposal from the site.

Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the approved Waste Management Plan.

Aboriginal Heritage

If in undertaking excavation or works and any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

On-Site Sewage Management System

This approval does not authorise the installation or operation of a new or modification of an existing on-site wastewater management system. An On-Site Sewage Management System must not be installed or operated unless an 'Approval to Install an On Site Sewage Management System' is obtained from Northern Beaches Council.

Cost of Works

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

Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

Tree preservation

Where tree work has not been approved by this Development Consent the developer is notified that a general Tree Preservation Order applies to all trees in the Warringah Local Government Area. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, transplanting, injuring, or wilful destruction of such trees except without the prior written consent of Council.

Storage bins on footpath and roadway

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.

Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:



- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place.

- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained.

Road Opening Permit

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

Special Permits

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time.

- Permit for on-street mobile plant**
Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.
- Hoarding Permit**
Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.
- Storage of building materials and building waste containers (skips) on Council's property**
Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.
- Kerbside restrictions, work zones**
Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Other permits may include out of construction hours permits.



Licensing requirements for removal of bonded asbestos

Anyone who removes, repairs or disturbs bonded asbestos must hold a bonded or a friable asbestos licence, or a demolition licence in accordance with Workcover requirements and the Occupational Health and Safety Act 2000.

Pool Access

Access to pools are required to be restricted by a child resistant barrier in accordance with the regulations prescribed in all relevant Acts, Regulations and Australian Standards including:

- Swimming Pools Act 1992
- Swimming Pools Regulation 2008
- Australian Standard AS1926 Swimming Pool Safety
- Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

It is your responsibility as a land owner to ensure any fencing is maintained.

Dewatering

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Department of Water and Energy. The bore license must be obtained prior to commencement of dewatering works.

Requirement to Notify about New Contamination Evidence

Any new information revealed during works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to Council and the Principal Certifying Authority.

Flood Evacuation Plan

If your site is on flood prone land you may wish to consider the preparation of a flood evacuation plan.

Generally a Flood Evacuation Plan would be prepared by suitably qualified Engineer (e.g. Hydraulic) with a number of years experience in flood management and who is eligible for Membership to the Australian Institute of Engineers.

Some matters that you may wish to consider (but not limited to) include:

- (i) a route of evacuation to higher ground and / or point of shelter
- (ii) depth of water for a Possible Maximum Flood event surrounding the building
- (iii) details of 'last chance' evacuation water levels / times for evacuation prior to floodwaters surrounding the building
- (iv) provide details of flood warning systems and protocols
- (v) details of how this information will be distributed and people educated for users of the site.

You may seek to discuss this with the State Emergency Service of NSW.

Utility Service Requirements

Where development requires the installation of, or the relocation of utility services being (but not limited to) gas, water, electricity and telecommunications, the installation of, or the relocation of utility services shall be conducted in accordance with the requirements of the relevant service provider / authority (unless stipulated by any other condition of the consent or will result in damage to threatened or endangered species defined under the Threatened Species Conservation Act).

Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This does not prevent any requirement to comply with the Protection of the Environment Operations Act.



Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 - 1997 Control of the obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

OTHER MATTERS

Child Care Centres

A license to operate a child care centre must be obtained from the NSW Department of Community Services prior to the commencement of the use of the child care centre.

Disability Access

This decision does not ensure compliance with the Commonwealth Disability Discrimination Act 1992. Applicants are strongly advised to investigate their requirements under that Act

Food Premises

Food premises are required to comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standards.

The proprietor of a food business must notify the NSW Food Authority of the details of the business. Notification may be done either online at www.foodnotify.nsw.gov.au or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

Wheel washing facility

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council's roads. The wheel wash facility shall be constructed prior to any truck movements occurring. Water from the wheel wash facility must not cause pollution. Any direction of Council with regard to cleaning trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

Monitoring State of Roadways

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

Storage of Dangerous Goods

Prior to the storage of any "dangerous goods" on the premises, a copy of a license obtained from the Chemical Safety Branch of Work Cover Authority must be submitted to Council.

Storage of Flammable and Combustible Liquids

Flammable and combustible liquids must be stored in accordance with Australian Standard 1940 The Storage and Handling of Flammable and Combustible Liquids.

Noise and Vibration

The premises, including operation of vehicles, shall be conducted so as to avoid offensive noise or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

Hairdressing/Beauty Treatment/ Skin penetration Requirements

The premises must comply with the following requirements before the commencement of business:

1. A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap and paper towel.
2. The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
3. The premises must be provided with washing, drainage, ventilation and lighting that are



adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.

4. The floor coverings must be smooth and impervious.
5. All furniture, shelves and fittings must be constructed of, or covered with a material that is smooth, impervious to moisture and capable of being easily cleaned.
6. Adequate lockers must be provided for the storage of employees clothing and personal effects.
7. The premises must be provided with facilities that are adequate for the purpose of storing of hairdressing/beauty treatment/skin penetration appliance and utensils.
8. The premises must be provided with a sink sullied with hot and cold water for washing equipment.

Food Premises Construction Requirements

The food premises must comply with the following specific construction requirements:

Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);

9. Walls in food preparation and wash up areas must be finished with a smooth and impervious surface to a height of at least 2 metres.
10. Hand wash basins must be provided with warm water delivered through a common spout with taps that are hands free operation;
11. Coving with a radius of 25mm must be provided between all floor and wall joints in food handling areas;
12. The open space between the top of the coolroom and the ceiling must be fully enclosed and kept insect and pest proof;
13. The coolroom must be able to be opened from the inside with out a key and fitted with an alarm that can only be operated from within the coolroom;
14. The doors to the toilet air lock and toilet compartment must be tight fitting and self closing;
15. The rear external door must be self closing or be provided with a fly screen that is self closing;
16. Where cooking or extensive heating processes or such other processes as may be specified are carried out in food preparation areas, an approved mechanical ventilation system shall be installed and operated in accordance with AS 1668 part 1 & 2.

Legionella Control

Cooling towers, warm water systems, water cooling systems must be registered with the Council. Details of registration are to be provided to the Council prior to operation.