

## CONDITIONS OF APPROVAL

<b>Application Number:</b>	DA2021/0199
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<b>Land to be developed (Address):</b>	Lot B DP 402309, 4 Jacksons Road WARRIEWOOD NSW 2102 Lot 1 DP 595298, 4 Jacksons Road WARRIEWOOD NSW 2102 Lot 7 DP 455967, 4 Jacksons Road WARRIEWOOD NSW 2102 Lot 6 DP 8561, 4 Jacksons Road WARRIEWOOD NSW 2102 Lot 5 DP 8561, 4 Jacksons Road WARRIEWOOD NSW 2102 Lot 4 DP 654321, 4 Jacksons Road WARRIEWOOD NSW 2102 Lot 6 DP 737137, 4 Jacksons Road WARRIEWOOD NSW 2102 Lot 8 DP 455967, 4 Jacksons Road WARRIEWOOD NSW 2102 Lot 3 DP 8561, 2 Jacksons Road WARRIEWOOD NSW 2102 Lot 2 DP 8561, 2 Jacksons Road WARRIEWOOD NSW 2102 Lot 1 DP 8561, 2 Jacksons Road WARRIEWOOD NSW 2102 Lot 15 DP 26902, 2 Jacksons Road WARRIEWOOD NSW 2102
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<b>Proposed Development:</b>	Demolition works and construction of a community centre with associated carparking and landscaping
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## 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
DA-001-01 Site Plan	18.12.2020	Terroir
DA-002-02 Site Analysis	18.12.2020	Terroir
DA-004-04 Demolition Plan	18.12.2020	Terroir
DA-005-05 Floor Plan Proposed	18.12.2020	Terroir

DA-006-05 Elevations North & East	18.12.2020	Terroir
DA-006-51 Elevations South & West	18.12.2020	Terroir
DA-006-52 Elevations Main Hall	18.12.2020	Terroir
DA-006-53 Elevations Players Hall	18.12.2020	Terroir
DA-006-54 Elevations Activity Hall & Amenities	18.12.2020	Terroir
DA-007-40 Sections A & B	18.12.2020	Terroir
DA-007-41 Sections C & D	18.12.2020	Terroir
DA-009-09 Material Schedule	18.12.2020	Terroir
DA-010-91 Construction Methodology Plan	18.12.2020	Terroir

<b>Engineering Plans</b>		
<b>Drawing Nos.</b>	<b>Dated</b>	<b>Prepared By</b>
Pavement Plans and Details C1.04	03.05.2021	Warren Smith and Partners
Sediment and Erosion Control Plans C2.01	04.05.2021	Warren Smith and Partners
Sediment and Erosion Control Details C2.02	16.12.2020	Warren Smith and Partners
Site works Plans C4.01	04.05.2021	Warren Smith and Partners
Site Works Detail C4.51	03.05.2021	Warren Smith and Partners
Stormwater Drainage Plans, C6.00, C6.01, C6.02, C6.02 C6.03, C6.04, C6.05, C6.06, C6.07,	03.05.2021	Warren Smith and Partners

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Access Report	16.12.2020	Morris Goding Access Consulting
Acoustic Report	December 2020	Spoke Acoustics
Arboricultural Impact Assessment Report	May 2021	Earthscape Horticultural Services
BCA Assessment Report	18.11.2020	Steve Watson & Partners
Building Services Statement	18.12.2020	Floth
Flora, Fauna and Biodiversity	December 2020	ACS Environmental Pty Ltd
Geotechnical Report	5 February 2020	JKGeotechnics
Preliminary Site Investigation Report	22.01.2021	Douglas Partners
Civil Engineering Report	3 May 2021	Warren Smith Engineering Services
Environmentally Sustainable Design (ESD) Report	02.06.2020	Atelier ten
Flood Report	19.01.2021	GRC Hydro
Statement of Environmental Effects	February 2021	SJB Planning
Traffic Impact Assessment	17.12.2020	Traffix

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

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Landscape Report and Plans	20.04.2021	Aspect Studios

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	December 2020	Auswide Consulting

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 Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Response Ausgrid Referral	undated
Transport for NSW	Transport for NSW Referral response	21 April 2021

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

**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:
  - 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until

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

- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
  - (1) 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.
  - (2) 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.

- (3) 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.

## FEES / CHARGES / CONTRIBUTIONS

### 5. Amended Landscape Plan

Amended Landscape Plans to amend/add species selection is to be provided to the Certifying Authority for approval prior to the issue of a Construction Certificate and must include the following details:

- i) three of the carparking spaces along the western row of proposed parking bays (Boondah Road) are to be removed to support shade tree planting containing *Waterhousia floribunda*, and shall be the subject of a pre-order delivery at 200 litre pot container size, at least 4 metres in height with a 60mm caliper, and equally spaced with 5 parking bays in between each new tree,
- ii) all *Livistona australis* species shall be scheduled as a combination of three clear trunk sizes: 1 metre, 2 metres and 3 metres, and shall be the subject of a pre-order delivery,
- iii) all *Corymbia maculata* species nominated shall be deleted and replaced with *Eucalyptus robusta*, planted no closer than 5 metres to new buildings, and shall be the subject of a pre-order delivery at 200 litre pot container size, and at least 4 metres in height with a 60mm caliper,
- iv) all *Cupaniopsis anacardioides* tree selections shall be deleted and replaced with the following diverse species: *Backhousia myrtifolia*, *Syzygium smithii*, *Elaeocarpus reticulatus*, and *Buckinghamiana celsissima*, and shall be the subject of a pre-order delivery at 200 litre pot container size, and at least 4 metres in height with a 60mm caliper,
- v) the proposed Grassy Swathes shrubs / groundcovers listing shall contain the following species: *Danthonia tenuior*, *Themedia triandra*, *Cymbopogon refractus*, and *Dichelachne micrantha*,
- vi) the proposed Boundary Planting Trees listing shall contain the following additional specie: *Melaleuca stypheloides*,
- vii) the proposed Boundary Planting shrubs / groundcovers listing shall contain the following additional species: *Leucophyta brownii* and *Juncus usitatus*,
- viii) the proposed *Pandorea pandorana* (aggressive grower) shall be replaced with a combination of *Hardenbergia violacea* and *Clematis aristata*, to reduce ongoing maintenance requirements,
- ix) plant schedule quantities are required based on the nominated planting densities in the Landscape Plans or greater,
- x) transitional batter between the development and the existing Boondah Reserve shall be no greater than a 1 in 6 gradient,
- xi) detailed landscape plans including layout, materials, and schedules shall be provided as well



as planting plan layout details.

Certification shall be provided to the Certifying Authority that these amendments have been documented.

Reason: Landscape amenity.

## 6. **Car Parking Standards**

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

The car park area is to be constructed in line with the Shared Zone technical specification and sign posted as such.

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

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

## 7. **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 Transport Network Team prior to issue of any Construction Certificate.

Due to heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Transport Network Team prior to submission of the CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Due to the proximity of the site adjacent to Narrabeen North Public 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 practicing Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

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

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

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

#### 8. **Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

#### 9. **Fire Safety Report**

The Building Code of Australia works and fire safety measures as detailed and recommended in the Building Code of Australia Report prepared by Steve Watson and Partners dated 22/7/2020, Version 3 are to be considered 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 health and safety.

10. **Access Report**

Access and facilities to and within the building are to be provided for Persons with a Disability and are to comply with the Building Code of Australia and AS 1428.1. In this regard the Access Review Report prepared by Morris Goding Access Consulting dated 16/12/2020 is to be considered as part of the assessment of the Construction Certificate. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

11. **On-site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT FOR DEVELOPMENT POLICY, and generally in accordance with the concept drainage plans prepared by Warren Smith Consulting Engineers, drawing number C6.01 Issue 2, C6.02 Issue 2, C6.03 Issue 1, C6.04 Issue 2, C6.05 Issue 2, C6.06 Issue 2, C6.07 Issue 2, dated April 2021. 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 (NER) or RPENG (Professionals Australia) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. An additional grated drain is to be provided at the property boundary and vehicle crossing and connected into the new Boondah road kerb.
- ii. Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

12. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

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

Reason: To facilitate suitable vehicular access to private property.

13. **Acid Sulfate Soils Management Plan**

An Acid Sulfate Soils Management Plan is to be prepared by a suitably qualified geotechnical engineer and in accordance with the Acid Sulfate Soils Manual (ASSMAC, 1998) and submitted to the Council for review.

Reason: To protect the environment and private & public infrastructure.

14. **Recommendations of Acoustic Report**

Provide evidence that the recommendations made in Section 6 -Conclusions- of the acoustic report entitled "Warriewood Community Centre" prepared by Spoke Acoustics in December 2020 have been incorporated into the building design and plans that form part of the Construction Certificate.

Reason: To consider the best building materials for acoustic amenity.

**15. Engagement of Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with the Biodiversity Impact Assessment Report (ACS Environmental 2020).

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

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

Evidence of engagement of the Project Ecologist is to be provided to the Certifying Authority Prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

**16. Compliance with Standards**

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

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS2601.2001 - Demolition of Structures\*\*
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- (e) AS 4970 - 2009 'Protection of trees on development sites'\*\*
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking\*\*
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- (l) AS 1428.1 – 2009\* Design for access and mobility - General requirements for access – New building work\*\*
- (m) AS 1428.2 – 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*

\*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [www.hreoc.gov.au/disability rights /buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm). <[www.hreoc.gov.au/disability%20rights%20/buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm).>

\*\*Note: the listed Australian Standards is not exhaustive, and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

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.

17. **External Colours and Materials (Industrial, Commercial, Mixed & Apartment Buildings)**
- (a) External Glazing - The reflectivity index of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20% (expressed as a per centum of the reflected light falling upon any surface).
- (b) External Roofing - The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.
- (c) Anti Graffiti Coating - The finishes of the walls must be finished in heavy duty long life, ultra violet resistant coating with a high resistance to solvents and chemicals as an anti-graffiti coating easily cleaned by solvent wipe.

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

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

18. **Bicycle Parking and E- Bike charging provision**
- The Plan is to be updated to demonstrate provision of bicycle parking for a minimum of 10 bicycles, with suitable charging facilities provided for E-Bikes.

Reason: To provide facilities that encourage Active Transport options.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. **Project Arborist**
- A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.
- The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.
- Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.
- The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:
- i) demolition, excavation and construction works in the tree protection zone of T45 (Tallowood), and in accordance with sections 10.8, 10.9, 10.12 and 10.13 of the Arboricultural Impact Assessment,
  - ii) demolition, excavation and construction works in the tree protection zone of T1 (Sydney Blue Gum), T2 (Turpentine), T4 & T6 (Blueberry Ash), and T37 & T38 (Bangalay), and in accordance with sections 10.8 and 10.9 of the Arboricultural Impact Assessment,

- iii) excavation and construction works in the tree protection zone of T23 (Turpentine), and T32 (Bangalay), and in accordance with sections 10.8, 10.12 and 10.13 of the Arboricultural Impact Assessment,
- iv) demolition, excavation and construction works in the tree protection zone of T39 (Bangalay), T40 & T41 (Spotted Gum), and T42 (Flooded Gum), and in accordance with sections 10.8, 10.9, and 10.12 of the Arboricultural Impact Assessment,
- v) excavation and construction works in the tree protection zone of T61, T62 & T63 (Swamp Oaks), and in accordance with section 10.9 of the Arboricultural Impact Assessment,
- vi) excavation and construction works in the tree protection zone of T4 & T6 (Blueberry Ash), and T5 (Sydney Blue Gum), and in accordance with section 10.11 of the Arboricultural Impact Assessment,
- vii) all arboricultural works listed under section 10 Recommended Tree Protection Measures.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

## 20. **Tree Removal Within the Property**

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

- i) T14 & T34 (Old Man Banksia), T15 (Lillypilly), T16, T20 & T26 (Turpentine), T17 & T50 (Water Gum), T18 (Blueberry Ash), T19 (Willow Bottlebrush), T22 & T23 (Sally Wattle), T25 (Black Tea-tree), T27 & T30 (Sydney Blue Gum), T28 & T33 (Old Man Banksia), T29 (Gum), T31 (Tallowood), T35, T36 & T51 (Lillypilly), T52, T53 & T54, T56, T57, T58 & T59 (Swamp Oak), and T55 (Swamp Mahogany), all impacted by development works,
- ii) T7, T8, T11 and T12 (Blueberry Ash), and T13 (Water Gum), are trees not impacted by development works but are in poor health and condition and should be removed regardless of development.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal or pruning. For reference these trees (by species type or by height, or potential Biosecurity Risk) include the following trees impacted by development works:

- T9 Illawarra Flame Tree, T10 Camphor Laurel, T21 Tree Waratah, T46 Kaffir Plum, T47 Swamp Oak, T48 Willow Gum, T49 Italian Cypress, T65 Sally Wattle, and T66 Tuckeroo.

Reason: To enable authorised building works.

## 21. **Construction Management Plan - Council Assets**

Prior to commencement of works on site, appropriate environmental site management measures must be in place and incorporate 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.

During works the site management measures set out in the above must remain in place and be maintained until the completion of works.

Construction materials must not be stored on land owned or managed by Council. Safe pedestrian access, free of trip hazards, must be maintained at all times on or adjacent to any public access routes connected to land owned or managed by Council.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

## 22. **Installation and Maintenance of Sediment and Erosion Control**

Prior to commencement of works on site, sediment and erosion controls must be installed along the immediate downslope of the works area in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

## 23. **Removal of Trees in Land Owned or Managed by Council**

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.

## 24. **Demolition Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by an suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any



demolition work.

Due to heavy traffic congestion throughout the area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- Specify that, due to the proximity of the site adjacent to Narrabeen North Public 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 an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of 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 DTMP 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. These communications must be documented and submitted to Council prior to work commencing on site.
- Specify spoil management process and facilities to be used on site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP 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 Demolition Traffic Management Plan is submitted.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP 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.

## 25. Further Site Investigations

The following recommendations of the document "Detailed Site Investigation (Contamination)" prepared by Douglas Partners Pty Ltd, dated January 2021, numbered 99909.00, are to be undertaken prior to any site works (including demolition) commencing;



- An additional round of Land Fill Gas (LFG) monitoring, undertaken during a period of falling air pressure, with water samples taken for laboratory analysis;
- An ACM investigation prior to demolition and construction in the vicinity of BH201 to determine the extent of asbestos containing material (ACM) soil impact;
- A hazardous building material assessment;
- Preparation of an Acid Sulfate Soil Management Plan (ASSMP);
- Address the management of potential exposure to LFG contamination during excavation works;
- Preparation of an Unexpected Finds Protocol such that any finds of suspected contamination (e.g., asbestos) can be documented and managed under an appropriate management procedure; and
- Confirmation of preliminary waste classification prior to off-site disposal.

Reason: To manage contaminated materials according to relevant legislation and guidelines, to protect health.

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

### 26. Tree and Vegetation Protection

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

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,

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

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment.

The Certifying Authority must ensure that:

d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.

e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

Reason: Tree and vegetation protection.

27. **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.

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

Council proactively regulates construction sites for sediment management.

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

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

Reason: Protection of the receiving environment.

29. **Substitution of Stormwater Treatment Measures**

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must be submitted to the Principal Certifying Authority for approval prior to installation.

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

30. **Protection of Council's Public Assets**

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Existing trees shall be protected in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Should any problems arise with regard to the existing trees on public land during the construction period, the applicant is to immediately contact Council's Tree Services section and resolve the matter to Council's satisfaction.

Reason: To protect and/or restore any damaged public asset.

31. **Implementation of Demolition Traffic Management Plan**

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

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

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

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

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

33. **Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

34. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and

disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

35. **Progress Certification (Road & Subdivision)**

The applicant shall provide written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Principal Certifying Authority for the following stages of works:

- (a) Silt and sediment control facilities
  - (b) Laying of stormwater pipes and construction of pits
  - (c) Proof Roll
  - (d) Sub-grade trimmed and compacted \*\*
  - (e) Base-course laid and compacted \*\*
  - (f) Kerb and gutter construction
  - (g) Pavement
  - (h) Landscaping and vegetation
  - (i) 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 Principal Certifying Authority.

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

36. **Footpath Construction**

The applicant shall construct a 1.5m wide concrete footpath along the Boondah Road frontage in accordance with Councils standard engineering details.

- (a) All footpath works are to be constructed in accordance with a detailed design plan prepared by a suitably qualified engineer.
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Councils specifications. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

37. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

38. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 6 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal and the driveway levels application approval. 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.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

39. **Kerb and Gutter Construction**

The Applicant is to construct kerb and gutter and associated works along the entire Boondah Road frontage of the site in accordance with Northern Beaches Council Standard Engineering Drawings. Engineering plans/details are to be prepared by a design engineer with NER or RPENG accreditation. Prior to the pouring of concrete, the works are to be inspected by Council and an approval issued.

The approval is to be submitted to the Principal Certifying Authority.

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

40. **Removing, Handling and Disposing of Asbestos**

Any asbestos-containing material arising from the demolition, excavation or construction process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- How to safely remove asbestos: Code of Practice by Safe Work Australia;
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Demolition Work: Code of Practice by Safe Work Australia and Australian Standard AS2601 – The Demolition of Structures.

If asbestos-containing material is removed, capped and/or disposed, a Clearance Certificate must be provided to the Principal Certifying Authority.

Reason: For the protection of human health.

41. **Acid Sulfate Soils**

All excavation, construction and associated works must be conducted in accordance with the Acid Sulfate Soil Management Plan.

Reason: To ensure management of potential acid sulfate soils.

42. **Site Contamination – Acid Sulfate Soils**

All stockpiles of potentially contaminated soil must be stored in a secure area in a way that is not likely to cause pollution or be a public health risk.

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.

Note: The following Acts and Guidelines applied at the time of determination:

- i) Protection of the Environment Operations Act 1997;
- ii) Environment Protection Authority, *Waste Classification Guidelines* (2014);
- iii) Water Quality Australia, *National Acid Sulfate Soils Guidance* (2018); and
- iv) Acid Sulfate Soil Advisory Committee, *Acid Sulfate Soil Manual* (1998).

Reason: to protect environment and public health, comply with guidelines.

43. **Pre-clearance survey**

Habitat for native wildlife (including native and exotic trees/shrubs proposed for removal) is to be inspected for native wildlife by the Project Ecologist prior to removal. If native wildlife is found within habitat to be removed, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

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

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

Reason: To protect native wildlife in accordance with relevant biodiversity controls.

44. **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 ANY SUBDIVISION CERTIFICATE

45. **Subdivision Certificate Application (Consolidation)**

The Applicant shall submit a Subdivision Certificate Application (Consolidation) to Council for each proposed consolidation, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, four copies of the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

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

46. **Landscape Completion**

Landscaping is to be implemented in accordance with the approved Amended Landscape Plans.

Prior to the issue of an Occupation Certificate, details from a landscape architect shall be submitted to the Certifying Authority, certifying that the landscape works have been completed



in accordance with any conditions of consent.

Reason: Environmental amenity.

47. **Condition of Retained Vegetation - Project Arborist**

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 on all existing trees required to be retained, including the following information:

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

Reason: tree protection

48. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with the approved construction certificate plans and Councils water management policy for development by the design engineer. 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 appropriate provision for the disposal of stormwater arising from the development.

49. **Protection of Habitat Features**

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

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

Reason: To protect wildlife habitat.

50. **Fauna and Tree Hollow Relocation**

The Project Ecologist is to certify in writing that:

- a) any fauna that was displaced or disturbed during tree clearing and/or construction works was safely and appropriately relocated; and
- b) any tree hollows were salvaged from trees by the project arborist and placed within areas of retained native vegetation on the site.

Written certification of compliance is to be prepared by the Project Ecologist and provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To protect native wildlife.

51. **Relocation of Logs and Coarse Woody Debris – Certified by Ecologist**

All logs and branches are to be salvaged from cleared trees and reused as fauna habitat within areas of retained native vegetation on the site.

Details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect wildlife habitat in accordance with applicable biodiversity controls.

52. **Certification of Landscape Plan**

Landscaping is to be implemented in accordance with the approved Landscape Plans (Aspect Studios, 20 April 2021) and these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure compliance with relevant biodiversity controls.

53. **Replacement of Canopy Trees**

At least 63 locally native canopy trees are to be planted on site to replace protected trees approved for removal in accordance with the Landscape Plan (Aspect Studios, 20 April 2021).

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To ensure compliance with relevant biodiversity controls.

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

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

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

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

55. **Post-Construction Road Reserve 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.

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

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

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

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

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

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

Reason: Protection of the receiving environment.

58. **Removal of All Temporary Structures/Materials and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences/bunds 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 Occupation Certificate.

Reason: To protect reserve amenity and public safety.

59. **Signage and Linemarking – Implementation**

The applicant is to install all signage and linemarking, as per any Roads Act approval. These works are to be completed prior to the issue of any Occupation Certificate.

Reason: To ensure compliance with the Road Act.

60. **Signage and Linemarking - Internal**

A plan demonstrating appropriate wayfinding signage for cyclists is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: to maintain cyclist safety.

61. **Disabled Parking Spaces**

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

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

Reason: To ensure compliance with Australian Standards.

62. **Shared Zone Bollard**

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

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

Reason: To ensure compliance with Australian Standards.

63. **Operational Management Plan**

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

- Vehicle access and egress.

- Through-site circulation of vehicle movements.
- Management of car parking areas.
- The location and content of directional signage.
- Complaints management.
- Noise management addressing relevant operational recommendations contained in the Acoustic Report by Spoke Acoustics Pty Ltd dated December 2020, including hours of operation for the facility and specifically to particular halls.
- Truck delivery times and methods of control to manage the sequencing of the loading docks.
- Waste management
- Complaints management contacts details and how this will be distributed to surrounding residential premises, recording of issues, and resolution.

Details demonstrating Council's approval of the OMP to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

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

**64. 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.

**65. Compliance with recommendations of Contamination report.**

Evidence must be provided to the Principal Certifying Authority that all recommendations of the contamination report have been followed.

Reference is made to the document "Detailed Site Investigation (Contamination)" report prepared by Douglas Partners Pty Ltd, dated January 2021, numbered 99909.00. Those recommendations to have been implemented:

- An additional round of Land Fill Gas (LFG) monitoring should be undertaken during a period of falling airpressure with water samples taken for laboratory analysis prior to commencement of any building works commencing;
- An ACM investigation prior to demolition and construction in the vicinity of BH201 to determinethe extent of asbestos containing material (ACM) soil impact;
- A hazardous building material assessment should be undertaken on the site buildings prior to demolition;
- Preparation of an Acid Sulfate Soil Management Plan (ASSMP) prior to commencement of works;
- Management of potential exposure to LFG contamination during excavation works isaddressed in prior to commencing works;
- Implementation of an Unexpected Finds Protocol such that any finds of suspected contamination (e.g., asbestos) can be documented and managed under an appropriatemanagement procedure; and
- Confirmation of preliminary waste classification prior to off-site disposal.

Reason: To manage contaminated materials according to relevant legislation and guidelines, to protect health.

**66. Validation for Remediation of any contaminated land or asbestos containing materials**

If remediation of contaminated materials has occurred, a validation and site monitoring report is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997. The validation report must be reviewed and approved by an accredited Certified Environmental Practitioner, in accordance with the protocol outlined in the NSW EPA (1997) document entitled "Consultants reporting on contaminated land: Contaminated Land Guidelines", demonstrate that any remediation or remediation action plan has been followed through demolition and construction phases, and conclude that the site is suitable for its intended use.

Reason: To ensure compliance with SEPP 55, RAP, Contaminated Land Guidelines, and protection of environment and human health.

67. **Operational Flood Emergency Response Plan**

An operational flood emergency response plan must be prepared to reduce the flood risk to life for events larger than the 1% AEP event. This Plan should ensure that:

- In flood events of a sufficient magnitude to inundate the centre, that the centre is not operational and the community is not permitted to enter the site.
- There is consideration of appropriate forecast and warning mechanisms to achieve this outcome.
- The operation of the centre and potential closure of the centre due to flood risk is appropriately disseminated and communicated to all potential users.
- That the flood exposure of the centre is known and understood by all occupants of the site.

The Flood Emergency Response Plan must be prepared to the satisfaction of Council.

Reason: To reduce the potential flood risk to life associated with the operation of the community centre.

68. **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) <<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.

69. **Public Art Plan**

A detailed Public Art Plan, prepared by a suitably qualified and experienced public art consultant, consistent with the Northern Beaches Public Art Policy shall be submitted to, and approved by, Council prior to the issue of the Occupation Certificate.

Reason: To achieve public art which is consistent with Council's Public Art Policy

**70. Installation of Public Art**

The public art identified in the Public Art Plan approved for the site by Council shall be installed within 6 months of the Occupation Certificate being issued and maintained for the life of the development. Any future amendments or changes to the Public Art shall be in accordance with the relevant Public Art Policy in place at the time.

Reason: To achieve public art which is consistent with Council's Public Art Policy

**71. Compliance with recommendations of Acoustic report.**

Evidence must be provided that the following recommendations of the Acoustic Report by Spoke Acoustics, dated December 2020, have been implemented:

To the Principal Certifying Authority

- a) That the Indicative building construction elements contained in Table 8 have been reviewed and certified at the detailed design stage, by a and suitably qualified acoustic engineer.
- b) That the certified building construction elements in point a) above, have been incorporated into the construction of the building.

To Council

- c) That within 6 months of Occupation Certificate that acoustic testing be completed during recorded activities in the centre for each hall, which demonstrate the predicted noise levels have not been exceeded.
- d) Any failure to meet the predicted noise level shall result in changes to the building and/or Operational Management Plan, as recommended by a suitably qualified acoustic engineer and further acoustic testing be undertaken within 3 months of the initial testing, point c) above, until compliance is achieved.

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

**72. Landscape Maintenance**

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

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Amended Landscape Plans and any conditions of consent.

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

Reason: To maintain local environmental amenity.

**73. Protection of Habitat Features**

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



Reason: To protect wildlife habitat.

74. **Maintenance of Stormwater Treatment Measures - Major**

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

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

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

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

Reason: Protection of the receiving environment.

75. **Visitors Sign**

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

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 that visitors are aware that parking is available on site and to identify those spaces to visitors.

76. **Traffic Management**

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

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

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

77. **Fencing Height / Vegetation**

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

78. **Road Occupancy Licence (ROL) from Roads and Maritime Services**

The developer shall apply for a Road Occupancy Licence (ROL) from the RMS Transport Management Centre (TMC) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified with 'Prepare a Work Zone Traffic Management' accreditation or equivalent. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TMC.

Reason: To inform the relevant Roads Authority of proposed disruption to traffic flows.

79. **Noise of Operations**

Noise levels emitted by on-site operations must accord with the information outlined in Section 2 of the NSW EPA Noise Policy for Industry, 2017.

Reason: To enable investigation of excessive, intrusive or offensive noise for ongoing or frequent operations/uses.