



**Land and Environment  
Court**  
of New South Wales

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DX 264, Sydney

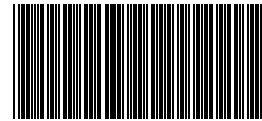
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Your Ref:



D0001HOAFJ

8 November 2021

### NOTICE OF ORDERS MADE

Case number	2020/00283826
Case title	Platinum Property Advisors No 1 Pty Ltd ATF The Trustee for Platinum Property Advisors No 1 Trust v Northern Beaches Council

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On 8 November 2021 the following orders (and/or directions) were made:

The Court Orders:

- (1) Appeal upheld;
- (2) Development consent is granted to development application number DA2020/0393 for demolition of existing structures, construction of a mixed use development comprising retail uses and shop top housing containing 49 dwellings, basement car park for 238 vehicles, landscaping and a public square at lot 1 in Deposited Plan 1199795 known as 28 Lockwood Avenue, Belrose subject to the conditions in Annexure A.
- (3) The exhibits other than exhibits A, B, C, D and 1 be returned.

For the Registrar

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA2020/0393

**Development:** Demolition of existing structures and construction of a mixed-use development comprising of retail uses and shop top housing containing 49 dwellings, basement car parking for 238 vehicle spaces, landscaping and a central public square.

**Site:** Lot 1 DP 1199795 otherwise known as 28 Lockwood Avenue, Belrose.

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

**Date of determination:** 8 November 2021

**Date from which consent takes effect:** 8 November 2021

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 1 DP 1199795 otherwise known as 28 Lockwood Avenue, Belrose.

The conditions of consent are as follows:

**Northern Beaches Council ats Platinum Property Advisors No 1 Pty Ltd ATF The Trustee for Platinum Property Advisors No 1 Trust**

LEC Case No. 2020/283826

DA2020/0393 – No. 28 Lockwood Avenue, Belrose

**WITHOUT PREJUDICE CONDITIONS**

**DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**

**1. Approved Plans and Supporting Documentation**

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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Site Plan, DA102, Revision G	2 September 2021	DKO Architecture
Demolition Plan, DA103, Revision D	2 September 2021	DKO Architecture
Basement 4, DA200, Revision I	2 September 2021	DKO Architecture
Basement 3, DA201, Revision I	2 September 2021	DKO Architecture
Basement 2, DA202, Revision K	2 September 2021	DKO Architecture
Lower Ground Floor, DA203, Revision K	6 October 2021	DKO Architecture
Ground Floor, DA204, Revision L	6 October 2021	DKO Architecture
Level 1, DA205, Revision J	2 September 2021	DKO Architecture
Roof, DA206, Revision I	2 September 2021	DKO Architecture
Elevations – Sheet 1, DA300, Revision G	2 September 2021	DKO Architecture
Elevations – Sheet 2, DA301, Revision H	2 September 2021	DKO Architecture
Elevations – Sheet 3, DA302, Revision G	2 September 2021	DKO Architecture
Sections – Sheet 1, DA400, Revision F	2 September 2021	DKO Architecture
Sections – Sheet 2, DA401, Revision F	2 September 2021	DKO Architecture
Sections – Sheet 3, DA402, Revision C	2 September 2021	DKO Architecture
Unit Mix, DA510, Revision F	2 September 2021	DKO Architecture
Adaptable Unit Locations, DA511, Revision F	2 September 2021	DKO Architecture
Liveable Unit Locations, DA512, Revision F	2 September 2021	DKO Architecture
Adaptable Unit Plans, DA513, Revision E	2 September 2021	DKO Architecture
Liveable Unit Plans, DA514, Revision E	2 September 2021	DKO Architecture
Liveable Unit Plans, DA515, Revision E	2 September 2021	DKO Architecture
Excavation Plan, DA516, Revision D	2 September 2021	DKO Architecture
<b>Landscape Plans - Endorsed with Council's stamp</b>		
Landscape Plan, Sheet 1, Revision E	19 April 2021	Paul Scrivener
Sections, Sheet 2, Revision E	19 April 2021	Paul Scrivener
Planting Plan, Sheet 3, Revision E	19 April 2021	Paul Scrivener
Level 1 Detail Plan, Sheet 4, Revision E	19 April 2021	Paul Scrivener
Lower GF Plan, Sheet 5, Revision E	19 April 2021	Paul Scrivener
Site Analysis, Sheet 6, Revision E	19 April 2021	Paul Scrivener
<b>Concept Stormwater Plans - Endorsed with Council's stamp</b>		

<b>Architectural Plans - Endorsed with Council's stamp</b>		
Basement 4 Stormwater Drainage Plan, Sheet D01, revision A	27 November 2019	MYD. Consulting Engineers
Basement 3 Stormwater Drainage Plan, Sheet D02, revision A	27 November 2019	MYD. Consulting Engineers
Basement 2 Stormwater Drainage Plan, Sheet D03, revision A	27 November 2019	MYD. Consulting Engineers
Lower Ground Floor Stormwater Drainage Plan, Sheet D04, revision A	27 November 2019	MYD. Consulting Engineers
Ground Floor Stormwater Drainage Plan, Sheet D05, revision A	27 November 2019	MYD. Consulting Engineers
Roof Stormwater Drainage Plan, Sheet D08, revision A	27 November 2019	MYD. Consulting Engineers
Stormwater Drainage Sections and Details – Sheet 1, Sheet D16, revision A	27 November 2019	MYD. Consulting Engineers
Stormwater Drainage Sections and Details – Sheet 2, Sheet D17, revision A	27 November 2019	MYD. Consulting Engineers
Erosion And Sediment Control Plan – Sheet 1, Sheet D20, revision A	27 November 2019	MYD. Consulting Engineers
Erosion And Sediment Control Plan – Sheet 2, Sheet D21, revision A	27 November 2019	MYD. Consulting Engineers

- (b) The following Approved Supporting Documents are relied upon in this consent:

<b>Reports / Documentation</b>		
<b>Report</b>	<b>Dated</b>	<b>Prepared By</b>
Access Report, Issue B	1 September 2021	Vista Access Architects
Acoustic Report	9 September 2021	Acoustic, Vibration and Noise
BASIX Certificate 1061176M-03	10 September 2021	ECOMODE Design
Construction and Demolition Waste Management Plan, Revision B	2 April 2020	Elephant Foot
BCA Design Compliance Assessment	15 September 2021	BCA Vision
Fire Engineering Services Advice, Version D	6 September 2021	Holmes Fire
Materials Classification Report	1 April 2020	Atlas Geotechnical Services
Operational Waste Management Plan, Revision G	6 September 2021	Elephant Foot
Tree Impact Assessment Report	19 April 2021	Mark Bury Consulting
Geotechnical Investigation Report	16 September 2021	Atlas Geotechnical Services

- (c) The development must be carried out in compliance (except as amended by any other condition of consent) with 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 the consent authority.

## 2 Prescribed Conditions (Demolition)

- (a) 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 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
  - (ii) 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.

- (b) 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

- (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.

Reason: Legislative Requirement.

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

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

Other Department, Authority	EDMS Reference	Dated
Ausgrid	Responses Ausgrid Referral	Undated and received by Council on 2 June 2020 and 18 January 2021
Water NSW	<ul style="list-style-type: none"> <li>• WaterNSW – Referral – Cover Letter Reference No: IDAS1141580</li> <li>• WaterNSW – Referral – GTAs Reference No: IDAS1141580</li> </ul>	<p>22 September 2021</p> <p>22 September 2021</p>

The GTA issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for a Water Supply Work approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.

**(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.

#### 5. 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:

- 8.00am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission the Notice of Commencement to Council, a copy of

the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

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

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

Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

Reason: To ensure that works do not interfere with reasonable amenity expectations of



residents and the community.

**6. No approval for signage**

This consent does not authorise the erection of any signage at the subject site.

Reason: To ensure the outcome anticipated by this development consent.

**FEES / CHARGES / CONTRIBUTIONS**

**7. Construction, Excavation and Associated Works Security Bond (Crossing / Kerb)**

The applicant is to lodge a Bond of \$200,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent.

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.

**8. Construction, Excavation and Associated Works (Security Bond)**

A bond of \$50,000 as security against damage to Council's roads fronting and adjoining the site caused by the transport and disposal of materials and equipment to and from the site.

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.

**9. Development Contributions**

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan. The following monetary contributions are applicable:

<b>Northern Beaches Council Contributions Plan 2019</b>		
Contribution based on a total development cost of <b>\$41,965,259.00</b>		
<b>Contributions</b>	<b>Levy Rate</b>	<b>Payable</b>
Total Section 7.12 Levy	0.95%	\$398,669.96
Section 7.12 Planning and Administration	0.05%	\$20,982.63
<b>Total</b>	<b>1%</b>	<b>\$419,652.59</b>

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

This fee must be paid prior to the issue of the construction certificate. Details demonstrating compliance are to be submitted to the certifying authority.

Reason: To provide for contributions in accordance with Northern Beaches Council Contributions Plan 2019.

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

### 10. Building Code of Australia Requirements and Fire Safety Measures

The Building Code of Australia works and measures to the proposed building as detailed and recommended in the BCA Design Compliance Assessment prepared by BCA Vision, dated 15 September 2021, Report Ref No. P19179 (4) are to be carried out in full to the building.

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 Health, Amenity, access and Fire safety for building occupant health and safety.

### 11. Building Code of Australia Access Requirements

The Building Code of Australia works and access measures to the building as detailed and recommended in the Access Report prepared by Vista Access Architects dated 1 September 2021, Report Ref No. 19210 are to be carried out to the building.

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 Access for building occupant safety.

### 12. On Slab Landscape Works

- a) Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.
- b) Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.
- c) The following soil depths are required to support landscaping as proposed:
  - i) 300mm for lawn
  - ii) 600mm for shrubs
  - iii) 1m for small trees
- d) Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: to ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

### 13. Planter Boxes in the Road Reserve

The planter boxes in the road reserve of Lockwood Avenue are to be deleted from the architectural plans and replaced with ground level planting as indicated on the landscaped plans dated 19 April 2021 as prepared by Paul Scrivener.

Planting is not to obstruct the entry/exit ways of the residential bin storage room at the Lockwood Avenue level.

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

Reason: To maintain consistency between plans, to minimise structures within the public domain and to facilitate waste management.

#### **14. Tree Protection Plan**

- a) A Tree Protection Plan shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- b) The Tree Protection Plan shall be prepared by an Arborist with minimum 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) trunk and branch protection within the tree protection zone,
  - vii) location of stockpile areas and materials storage,
  - viii) Inspection hold points,
  - ix) other general tree protection measures.
- c) Tree protection methods are to be in accordance with AS4970-2009 Protection of Trees on Development Sites

Reason: Tree protection.

#### **15. Roundabout Treatment on Glenrose Place**

Plans demonstrating the detail design of the proposed roundabout in conjunction with the proposed and existing vehicular access points at the cul-de-sac shall be submitted to Council's traffic team for review and for obtaining approval through Local Traffic Committee. The roundabout shall be designed by a qualified engineer in compliance with the relevant standards and is to include a swept path analysis for all vehicles ingressing and egressing the existing and proposed access points using the roundabout.

Reason: To prevent vehicular conflicts in the cul-de-sac.

#### **16. Visitor Spaces Located Behind Security Shutter/Door**

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

Reason: To ensure visitor car parking is accessible to visitors.

#### **17. Separation between Driveways**

A plan showing a minimum of 2.0 metre wide separation between multi-access driveways (entry and exit driveway) shall be submitted to and approved by the accredited certifier prior to the issue of the Construction Certificate.

Reason: To improve pedestrian safety.

#### **18. 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. Detail demonstrating compliance with this condition are to be submitted to the Accredited Certifier prior to the issue of a construction certificate.

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

#### **19. Construction Traffic Management Plan**

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

The CTMP must address following:-

- The proposed phases of construction works on the site, and the expected duration of each construction phase;
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- Make provision for all construction materials to be stored on site, at all times;
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Five (5) days notification must be provided to

adjoining property owners prior to the implementation of any temporary traffic control measure with the exception for any temporary road closure, for which a minimum Fourteen (14) days notification must be provided.

- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- Proposed protection for Council and adjoining properties;
- The location and operation of any on site crane; and

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.

## **20. Waste and Recycling Requirements**

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

**Note:** If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

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

## **21. On-site Stormwater Detention Details**

The Applicant is to submit stormwater drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT POLICY for DEVELOPMENT, and generally in accordance with the concept drainage plans prepared by MYD Consulting Engineers, drawing number MYD Consulting Engineers, dated D00-D005, D16, D17. 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) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. In reference to the DRAINS model parameters in accordance with the former Warringah Council "On Site Stormwater Detention Technical Specification" the Pre-developed condition is to be state of nature is 100% pervious. The DRAINS model is to be amended accordingly and may result in the increase in the size of the on-site stormwater detention tank. A letter is to be issued to the Certifying Authority stating that these requirements have been met.
- 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

## **22. Vehicle Driveway Gradients**

The Applicant is to ensure driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent.

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

Reason: To ensure suitable vehicular access to private property.

## **23. Tanking of Basement Level**

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

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

## **24. Shoring of Council's Road Reserve (Temporary road anchors)**

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining properties with engineering drawings, detailing the proposed shoring works for their consideration and approval.

Written approval from Council under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that owner's consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

## **25. 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.

## **26. 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 for written approval and the written approval is then to be submitted to the Certifying Authority 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.

## **27. Utilities Services**

Prior to the issue of the construction certificate, written evidence is to be submitted to the certifying authority from all relevant utility suppliers that satisfactory arrangements have been made for the approved development to be connected to all required services.

Reason: To ensure that service have been provided as required by this Consent.

## **28. Underground Services**

All services for the proposed dwellings/lots are to be located underground. The location of any trenching for underground services is to take into account future/proposed landscaping. Details demonstrating compliance with this requirement are to be submitted to the certifying authority prior to the issuance of the construction certificate.

Reason: To protect services and minimise visual clutter.

## **29. Compliance with Standards**

The development is required to be designed and 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.

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

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, stormwater assets etc). In relation to stormwater infrastructure, the report must be prepared in accordance with Council's *Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset*. 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.

Reason: Protection of Council's and Private Parties' Infrastructure during construction.

## **31. BASIX Requirements**

BASIX affected development must comply with the schedule of BASIX commitments specified within the BASIX Certificate referenced in Condition 1 of this consent. Details demonstrating compliance are to be included on the plans/specifications is required prior to the issue of the construction certificate.

Reason: Legislative requirement.

## **32. Sydney Water**

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. The appropriately stamped plans must then be submitted to the Certifying Authority prior to the issuance of the construction certificate demonstrating the works are in compliance with Sydney Water requirements.

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

## **33. Sydney Water**

A Section 73 Compliance Certificate under the provisions of the Sydney Water Act, 1994 must be obtained from Sydney Water. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](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 Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

### **34. Liveable Housing**

Prior to the issuance of the construction certificate, a suitably qualified accessibility consultant is to provide written certification to the certifying authority to confirm that all 11 “liveable” apartments (and access thereto) have been designed to meet the Silver Level requirements of the Liveable Housing Design Guidelines.

Reason: To provide liveable housing options.

### **35. Residential Apartment Development**

Prior to the issuance of the construction certificate, a statement by the qualified designer is to be submitted to the certifying authority to verify that the plans and specifications of the development achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles.

Reason: Legislative requirement.

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

### **36. Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected, including:
  - i) all trees and vegetation not indicated for removal on Site Analysis Plan, Sheet 6, Issue E dated 19.4.2021 prepared by Paul Scrivener Landscape,
  - ii) all trees and vegetation located on adjoining properties,
  - iii) all road reserve trees and vegetation not approved for removal.
- b) Tree protection shall be undertaken as follows:
  - i) tree protection shall be in accordance with the approved Tree Protection Plan and 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 the Project Arborist,
  - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
  - 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 the Project Arborist on site,
  - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with the Project Arborist including advice on root protection measures,
  - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree

- protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- 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) The Certifying Authority must ensure that 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. Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

Reason: tree and vegetation protection.

### **37. Project Arborist**

- a) A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with the approved Tree Protection Plan and Australian Standard 4970-2009 Protection of Trees on Development Sites.
- b) The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.
- c) 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.
- d) All tree protection measures specified 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.

- e) 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: 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.

Reason: Tree protection.

### **38. Property/Reserve Boundary Identification**

Prior to commencement of work, the property/reserve boundary is to be surveyed by a registered surveyor and such boundary is to be clearly marked on site.

Reason: Property/reserve management.

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

- a) 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.
- b) 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.

### **40. Works on Land Owned or Managed by Council**

- a) No works are to be carried out on Land owned or managed by Council without the written approval of the Council.
- b) Unless identified by the development consent, 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.
- c) Should any problems arise with regard to the existing trees on public land during the construction period, the Project Arborist is to immediately Contact Council's Tree Services section and resolve the matter to Council's satisfaction.

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 owned or managed by Council.

Reason: protection of Council's assets.

**41. 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.

Any contaminated material must be dealt with according to SEPP 55 requirements.

Reason: To protect human health and the environment.

**42. No Access Through Land Owned or Managed by Council**

Site access is not approved for delivery of materials nor construction of the development through adjacent Land owned or managed by Council.

Reason: Public safety, landscape amenity and tree protection

**43. Storage of Materials on Land owned or managed by Council Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in Land owned or managed by Council is prohibited.

Reason: Public safety and environmental protection

**44. 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 Construction and Demolition Waste Management Plan dated 2 April 2020 by Elephants Foot.

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

**45. 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.

**46. 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.

**47. 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.

#### **48. Vehicle Crossings**

The Applicant is to construct:

- 1) One vehicle commercial crossing 6.0 metres wide (Loading Bays) in accordance with Northern Beaches Council Drawing No A4-3330/ normal profile and the driveway levels application approval. Please note the construction of the commercial vehicle crossing is to be aligned to avoid the nearest street tree at the back of the existing kerb and gutter.
- 2) A standard vehicle crossing 3.6m wide to serve the basement car parking in accordance with Northern Beaches Council Drawing A4-3330/normal profile. 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.

#### **49. Footpath reconstruction (Glenrose Place, Glen Street and Lockwood Avenue)**

The applicant shall construct full width segmental paving for all frontages of the development. The footpath paving works are to be in accordance with the following:

- a) All footpath works are to be constructed in accordance with Councils standard engineering specifications and the same pattern/type of footpath paving in the adjoining Glenrose shopping centre (Glen street frontage). The works are to include reconstruction of any pedestrian ramps not in accordance with Councils specifications.
- b) Council is to inspect the formwork prior to pouring of concrete prior to placement of pavers to ensure the works are in accordance with Councils standard engineering specifications. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any occupation certificate.

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

#### **50. Submission Roads Act Application for Civil Works in the Public Road (Pedestrian and Traffic Management Facilities)**

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of the required pedestrian crossing facilities/roadworks as follows:

- Construction of a pedestrian refuge island on Glen Street at its intersection with Lockwood Avenue. A minor offset from the intersection can be considered acceptable subject to the swept path analysis to justify the location of the refuge island slightly away from the intersection.
- The existing pedestrian crossing on Lockwood Avenue outside the development frontage is to be replaced by a raised pedestrian crossing located approximately where the existing crossing is. The raised pedestrian crossing shall be accompanied by kerb blisters on both sides similar to the existing raised pedestrian crossings on Glen Street along Glenrose shopping village's frontage.
- The above pedestrian facilities are to be lit in compliance with Australian Standards.
- Construction of a roundabout within Glenrose Place in accordance with the approved plans.

The engineering plans are to be submitted to Council's traffic team for review and also approved by Council's Local Traffic Committee prior to the issue of the construction certificate.

A pre-construction stage road safety audit shall be undertaken by an external auditor to ensure the safe location of the design for the raised pedestrian crossing on Lockwood Ave.

The pedestrian crossing facilities and roundabout works are to be constructed at no cost to Council and generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified NER or RPENG accredited civil engineer.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

The Section 138A Roads Act approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and minimise vehicle traffic and pedestrian conflicts.

#### **51. Dust during works**

Measures shall be documented and be undertaken to minimise any dust created as a result of excavation, vehicle movements and construction so as not to impact on neighbouring premises or create air pollution at any time.

Reason: To prevent air pollution from dust and comply with legislation.

#### **52. Construction Traffic Management Plan**

The Construction Traffic Management Plan (CTMP) required by this consent is to be implemented and adhered to throughout the construction phase of the development on site.

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

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### **53. Access and Egress**

Prior to the issue of any interim or final Occupation Certificate details demonstrating implementation and compliance with Part D of the Building Code of Australia – 'Access & Egress' are to be provided to the Principal Certifier.

Reason: To ensure adequate provision is made for Access & Egress for building occupant health and Safety

### **54. Fire Safety Matters**

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

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

### **55. 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 and inclusive of 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.

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

### **56. 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:

- a) compliance to any Arborist recommendations for tree protection generally and during 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: Tree protection.

## 57. Required Planting

Trees, shrubs and groundcovers shall be planted in accordance with Planting Plan Sheet No.3, Issue E, dated 19.4.2021 prepared by Paul Scrivener Landscape.

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 environmental amenity.

## 58. Street Tree Planting

a) Street trees shall be planted in accordance with the following schedule:

No. of trees	Species	Location
5	<i>Eleaocarpus reticulatus</i>	Glenrose Place as indicated on the Landscape Plan
5	<i>Tristaniopsis laurina</i>	Lockwood Ave/Glen St road reserve forward of the property

b) All street trees shall be a minimum planting size of 75 litres, or as otherwise conditioned, and shall meet the requirements of Natspec - Specifying Trees.

c) All street trees shall be planted into a prepared planting hole 2m x 1m x 600mm depth, or as otherwise conditioned, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained and watered until established, and shall be located at least 2.0 metres from any structures including driveways, kerbs, and paths and generally in alignment with other street trees.

Reason: To maintain environmental amenity.

## 59. Post Construction Dilapidation Report of Land Owned or Managed by Council

a) Rectification works to Council's assets shall be contained in a Post Construction Dilapidation report submitted to Council prior to the issue of the Occupation Certificate.

b) 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.

## 60. Removal of All Temporary Structures/Materials and Construction Rubbish

a) 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.

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



Reason: To protect reserve amenity and public safety.

#### **61. Construction of Roundabout on Glenrose Place**

To prevent conflicting vehicle flows at the cul-de-sac given the proposed vehicular access arrangements being located on the cul-de-sac at the end of Glenrose Place opposite the entry and exit driveway to Glenrose Village, the applicant shall construct a roundabout at the cul-de-sac at no cost to Council prior to obtaining any Occupation Certificate.

Reason: To prevent vehicular conflicts in the cul-de-sac

#### **62. Loading Dock Management Plan**

A Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by Council's traffic Engineer prior to the issue of any Occupation Certificate. The Plan will need to demonstrate how loading dock will be managed to ensure that there will be only one vehicle entering and exiting the loading dock access in any period and how safe servicing arrangements including waste collection will be undertaken without interrupting general traffic. Vehicle queuing on public road(s) is not permitted.

The Loading Dock Management Plan is to be prepared in accordance with the information provided in the traffic report, and is to include but not to be limited to the following:

- The operation of the combined loading dock and exit vehicular access using traffic signal system.
- The largest vehicle accessing the loading area is a 12.5m length Heavy Rigid Vehicle
- All trucks to access the site in forward entry / forward out manoeuvre.
- The loading facility to be managed amongst the tenancies under a Loading Dock Management Plan with the loading times to be prohibited after 3pm on weekdays, after 10am on Saturdays and all day on Sundays.
- All waste collection is to be undertaken using the loading area.

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

#### **63. Access to Loading Facilities**

The applicant is to provide appropriate signal systems at the entry to the loading docks to indicate that a respective loading dock is in use. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To prevent vehicular conflict at combined loading dock and exit vehicular access.

#### **64. Pedestrian Crossing Facilities**

The applicant shall construct the following pedestrian crossing facilities to improve pedestrian safety around the site prior to obtaining Occupation Certificate, at no cost to Council

- Construction of a pedestrian refuge island on Glen Street at its intersection with Lockwood Avenue. A minor offset from the intersection can be considered acceptable subject to the swept path analysis to justify the location of the refuge island slightly away from the intersection.

- The existing pedestrian crossing on Lockwood Avenue outside the development frontage is to be replaced by a raised pedestrian crossing located approximately where the existing crossing is. The raised pedestrian crossing shall be accompanied by kerb blisters on both sides similar to the existing raised pedestrian crossings on Glen Street along Glenrose shopping village's frontage.
- The above pedestrian facilities are to be lit in compliance with Australian Standards.

Detail plans are to be prepared by a qualified civil / traffic engineer in compliance with relevant standards. The plans are to be submitted to Council's traffic team for review and obtaining Local Traffic Committee and to be constructed prior to the issue of any Occupation Certificate.

A pre-construction stage road safety audit shall be undertaken by an external auditor to ensure a safe location of the design for the raised pedestrian crossing on Lockwood Ave outside the site.

Reason: To minimise the impact on pedestrian safety around the site.

#### **65. Bicycle Facilities**

Bicycle parking location / spaces are to be in accordance with Part C, C3 (A) Bicycle Parking and End of Trip Facilities of Warringah DCP 2011, Requirement 4.

The end of trip facilities must be provided for the non-residential component.

The plans demonstrating the details are to be provided to Council's transport team for approval.

Reason: To comply with Warringah DCP.

#### **66. Footpath and Shared Path Construction**

Minimum of 3.0m wide shared path, in accordance to Council's standard specifications, shall be constructed along all property frontages to Council's satisfaction and at no cost to Council. Details demonstrating compliance are to be submitted to Council's traffic team prior to the issue of any Occupation Certificate.

Reason: To provide pedestrian access to and from the property.

#### **67. Allocation of parking spaces (strata title)**

Car parking spaces are to be allocated as follows:

- Residential units: 65 spaces.
- Residential visitors: 10 spaces.
- Retail: 163 spaces.

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

Reason: To ensure that appropriate car parking is provided for the occupants and visitors of the development.

#### **68. Stacked Parking Spaces (residential)**

Stacked parking spaces are to be assigned as the same residential unit which blocks in the parking spaces.

Reason: To ensure that appropriate car parking is provided for the residents of the development.

#### **69. Garbage and Recycling Facilities**

All internal walls of the waste rooms 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.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

#### **70. Waste and Recycling Facilities Certificate of Compliance**

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

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

Reason: To ensure waste and recycling facilities are provided.

#### **71. 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.

#### **72. Positive Covenant for Council and Contractor Indemnity**

A positive covenant shall be created on the title of the land prior to the issue of an Interim/Final Occupation Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

#### **73. Authorisation of Legal Documentation Required for Waste Services**

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or

the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

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

Reason: To create encumbrances on the land.

#### **74. Post-Dilapidation Report**

The applicant is to engage a suitably qualified person to prepare a post-dilapidation report of the condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, stormwater assets etc) following the completion of works. Any noted damage is to be rectified by the applicant, to the satisfaction of Council, prior to the release of the security bond. The post construction dilapidation report must be submitted to the Council for review and the certifying authority prior to the issue of the occupation certificate.

Reason: To ensure all assets are left in a serviceable state or repaired to ensure ongoing serviceability of the asset.

#### **75. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes, Councils Warringah water management plan and the approved construction certificate plans by a suitably qualified civil engineer with NER accreditation. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

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

#### **76. 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.

## **77. Post-Construction Road Reserve Dilapidation Report**

The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must have been carried out in accordance with the provisions of the Building Code of Australia.

**Note:** Where by Council is not the Principal Certifying Authority, Refund of the trust fund deposit will also be dependent upon receipt of a final Occupation Certificate by the Principal Certifying Authority, Post Construction Dilapidation Report and infrastructure inspection by Council.

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

## **78. Section 73 Compliance Certificate**

Prior to the issuance of the occupation certificate, a copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act 1994 is to be submitted to the certifying authority.

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

## **79. Liveable Housing**

Prior to the issuance of the occupation certificate, a suitably qualified accessibility consultant is to provide written certification to the certifying authority to confirm that all 11 "liveable" apartments (and access thereto) have been constructed in accordance with the Silver Level requirements of the Liveable Housing Design Guidelines.

Reason: To provide liveable housing options.

## **80. External Finishes**

Prior to the issuance of the occupation certificate, written certification is to be provided by the project architect that the finishes of the as-built development are consistent with those nominated in the amended External Materials & Finishes Palette required by this consent.

Reason: To ensure that the as-built finishes of the development are consistent with the high-quality finishes approved.

## **81. 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.
- Truck delivery times and methods of control to manage the sequencing of the loading docks.

- Waste management.

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

Reason: To ensure no vehicle conflicts within the basement carpark and to ensure that waste management is satisfactorily provided for.

## **82. Operational Management Plan (Waste)**

An Operational Management Plan (Waste) is required to be prepared and submitted to Council for approval detailing the operation of residential waste management.

The Owners Corporation will be responsible for the rotation of empty and full residential bins between the residential bin room at Basement Level 2 and the bin holding room at the Ground Floor Level adjacent to Lockwood Avenue.

All full residential bins for servicing must be placed in the residential bin holding room prior to 6.00am on the scheduled day of collection as nominated by Council.

Reason: To ensure that waste management is satisfactorily provided for.

## **83. Roundabout Treatment**

The roundabout treatment on Glenrose Place is to be constructed in accordance with the approved plans at no cost to Council prior to the issue of an occupation certificate.

Reason: To prevent vehicular conflict and ensure road safety.

## **84. BASIX Requirements**

Prior to the issuance of the occupation certificate, certification is to be provided to confirm that the commitments identified in the BASIX Certificate referenced in Condition 1 of this consent have been fulfilled.

Reason: Legislative requirement.

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

### **85. Shopfronts Facing Streets**

All shopfronts facing street frontages are to be used as shop displays. All pedestrian entrances to shops on street frontages are to be maintained as pedestrian entrances accessible to the public.

Reason: To ensure that street frontages are activated.

### **86. Separate Approval for Use of Retail Areas**

The use of all retail areas is to be the subject of a separate development application.

Reason: To ensure that impacts associated with the future use of the building are assessed and appropriately mitigated and managed.

### **87. Units LG.07, LG.08 and LG.09 To Be Single Dwellings**

Units LG.07, LG.08 and LG.09 are to each be used as a single dwelling.

Reason: To ensure that the future use of the units is in accordance with the approved development and prevent the separate occupation of the separate levels of the dwellings.

#### **88. 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.

#### **89. Outdoor Dining**

Any outdoor dining proposed to be located on Council's footpath shall be the subject of a separate application to Council. The *Outdoor Dining Area Application and Guide* are available on Council's website.

Reason: To ensure outdoor dining is appropriately regulated under the provisions of the Roads Act 1993 and Council policy.

#### **90. Mechanical Servicing**

The applicant is to include a Section 88E instrument on the title permitting Council to provide direction as to the repair/maintenance of any mechanical devices including the traffic signal system and turntable. In the instance where the building manager does not comply with the direction of Council, or fails to address repair/maintenance requirements in a timely manner, Council reserves the right to undertake the repairs and all fees associated will be borne by the building manager.

Reason: To ensure the mechanical services are maintained in a serviceable state at all times.

#### **91. Resident Parking Permits**

Any residents and/or tenants of the subject site are not eligible for resident parking permits. This condition is to be provided on the property Title.

Reason: To ensure the tenants are aware that they are not entitled to a permit regardless if they are within a Resident Parking Scheme (RPS).

#### **92. Commercial Waste and Recycling Storage**

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed.

#### **93. Plant Equipment**

Air-conditioning units and other plant equipment shall not be located on roof forms or in any

location that will be visible from the public domain.

Reason: To avoid additional visual clutter.

#### **94. Parking**

All parking spaces are to be maintained free of obstruction and used solely for the parking of vehicles.

Reason: To ensure that off-street parking is maintained for the life of the development.

#### **95. Liveable Housing**

Eleven (11) apartments are to be maintained in accordance with the Silver Level Liveable Housing Design Guidelines.

Reason: To provide liveable housing.

#### **96. Operational Management Plan (Waste) - Implementation**

The approved Operational Management Plan (Waste) is to be implemented.

All full residential bins for servicing must be placed in the residential bin holding room prior to 6.00am on the scheduled day of collection as nominated by Council.

The service access door to the residential bin holding room must remain unlocked from 6.00am to 6.00pm on the scheduled day of collection via the use of a timer lock.

Reason: To ensure that waste management is satisfactorily provided for.

#### **97. Noise impacts (Roof Terrace)**

As recommended by the Acoustic Report prepared by Acoustic, Vibration and Noise dated 9 September 2021:

- Access to the communal roof top terrace is restricted to day and evening hours only (ie 7:00am- 10:00pm)
- Signs are to be installed advising that access to the rooftop is only permitted during the Day & Evening

Reason: To protect the acoustic amenity of neighbouring properties.

#### **98. Loading and Unloading**

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

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

#### **End of Conditions**