

## RESIDENTIAL DEVELOPMENT – S96 (1A) APPLICATION ASSESSMENT REPORT

<b>Modification Application Number:</b>	MOD2019/0307
<b>Development Application Number:</b>	DA2018/1332
<b>Planner:</b>	Catriona Shirley
<b>Property Address:</b>	Lot 100 DP 1114910, 207 Forest Way Belrose NSW 2085 Lot 7 DP 807906, 199 Forest Way Belrose NSW 2085
<b>Proposal Description:</b>	Modification of Development Consent DA2018/1332 granted for construction of major additions to Glenaeon Retirement Village
<b>Recommendation:</b>	APPROVED
<b>Clause 20 Variation:</b>	No
<b>Proposal in Detail:</b>	<p>The application is made pursuant to Section 96(1A) of the Environmental Planning &amp; Assessment Act 1979.</p> <p>The modification application seeks approval for the staging of the construction and the occupation of the approved development.</p> <p>As detailed by the applicant staging is necessary due to the overall scale and size of the development. The staging is necessary to enable works to progress in a timely manner without any unnecessary delays to construction / occupation timing for the different components of the approved development.</p> <p>These components include the relocation of Glenaeon Retirement Village residents that occupy the part of the village to be demolished, the purchase of 199 Forest Way, the purchase of biodiversity credits, and the different construction schedules for different components of the approved development.</p> <p>The modification enables work to commence and progress in stages, which is considered appropriate and necessary in this circumstance.</p> <p>This modification seeks to modify all conditions that relate to development's construction and occupation timing. All conditions with references to a 'Construction Certificate' or 'Occupation Certificate' are proposed to be modified by preceding these references with the term 'relevant' to enable staging of construction and occupation as necessary.</p> <p>The following conditions that are sought to be modified under this modification application :are as follows:</p> <ul style="list-style-type: none"><li>• Conditions 3 – 6;</li><li>• Conditions 13 – 28;</li><li>• Conditions 32 – 37;</li><li>• Conditions 41 – 46;</li><li>• Conditions 58 – 60;</li><li>• Conditions 69 – 88;</li></ul>

- Conditions 90 – 104; and
- Conditions 10, 48, 51, 64, 111, 115 and 116.

## History and Background:

The site known as 207 Forest Way, Belrose was the subject of Development Consent (No.1982/116), dated 1 October 1982 for:

The use of the site as “Housing for aged persons, incorporating 100 self-care units being 92 single storey, semi-detached and 8 single storey detached 1, 2, or 3 bedroom villas; part single part two storey building containing 50 bed nursing home and 50 unit aged persons hostel; two storey administration and community centre”. The development consent was acted upon and a number of other modifications associated with the aged care use were subsequently issued by the former Warringah Council, which included:

- *Housing for aged and disabled persons incorporating 140 self-care units, a 50 unit aged persons hostel with associated administrative and community centre (12 July 1984, 31 January 1985 and 20 February 1986).*
- *Housing for aged and disabled persons incorporating 137 self-care units, 51 aged persons hostel building with 2 bed rehabilitation ward, and an administrative and community centre building (5 December 1989).*

The above consent was issued by Council under the provision of former State Environmental Planning Policy No 5 (SEPP 5).

SEPP No.5 (Amendment 1), was gazetted on 7th October 1983, with the effect, inter alia, of prohibiting housing for aged or disabled persons on land which is not within or adjoining land zoned for urban uses. The above consent was granted because the development application was lodged before the gazettal of SEPP 5 (Amendment 1), and therefore saved by the saving provision at that time.

Following that approval, the Village expended through time and there has been a number of Development Applications lodged and approved by Council.

- A Pre-Lodgement meeting PLM2016/0125 was held on the 20 December 2016 for part redevelopment of the existing Glenaeon Retirement Village site at 207 Forest Way and the Construction of three storey building for Housing for Older People or People with a Disability at 199 Forest Way.
- A Pre-Lodgement meeting PLM2017/0060 was held on the 23 June 2017 for the rezone the site and Glenaeon Village to align with the Council Prepared Planning Proposal at Gateway and increase the height on Glenaeon to 11m under Warringah LEP 2011. This approach was not supported by Northern Beaches Council.
- A Pre-Lodgement meeting PLM2018/0145 was held on the 2 August 2018 to discuss the final plans prior to the lodgement of the Development Application.
- Application DA2018/1332 for the demolition works and construction of major additions to Glenaeon Retirement Village, including self-contained dwellings and a new residential care facility on a neighbouring lot, with associated car parking, landscaping and public road modifications was approved by the Sydney North Planning Panel on the 1 May 2019.

- Modification DA2019/0308 to modifying the DA consent (DA2018/1332) for the Section 7.12 levy is currently being assessed by Northern Beaches Council.

#### Modification Report Reference

Title	Date	Prepared By
Report regarding status of Social Housing Provider	19 June 2019	Felicity Rourke

Report Section	Applicable – Yes or No
Section 1 – Code Assessment	Yes
Section 2 – Issues Assessment	Yes
Section 3 – Site Inspection	N/A

<b>Notification Required:</b>	No	N/A
<b>Submissions Received:</b>	-	-
<b>Cost of Works:</b>	\$34,745,447.00 (amended total approved in Mod2019/0308)	
<b>Section 94A Applicable:</b>	No	<b>TOTAL:</b> N/A

Section 96(1A) EPA ACT 1979	
Section 96(1A) (a) – Is the Modification to consent of Minimal Environmental impact?	Yes
Section 96(1A) (b) – Would the consent as proposed to be modified be substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was previously modified?	No
Section 96(1A) (c) & (d) – Has the application been on Public Exhibition?	Yes
Have you considered any submissions?	Yes
Section 96 (3) – Have you considered such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application	Yes

#### SECTION 1 – CODE ASSESSMENT REPORT

#### ENVIRONMENTAL PLANNING INSTRUMENTS

#### Warringah Local Environmental Plan 2000

<b>Locality:</b>	B2 Oxford Falls Valley
<b>Development Definition:</b>	Housing for older people and people with a disability (Seniors Housing)
<b>Category of Development:</b>	Category 2

#### **Desired Future Character Statement:**

*"The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.*

*Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.*

*The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged. A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.*

*Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.."*

#### **Is the proposed modification consistent with the Locality's Desired Future Character Statement?**

The assessment of the modified application concludes there is no change to development, thus there is no change to the consistency with the locality's Desired Future Character or the General Principles of Development Control under WLEP 2000.

#### **BUILT FORM CONTROLS**

There are no proposed changes to the built form controls as a result of this modification.

#### **GENERAL PRINCIPLES OF DEVELOPMENT CONTROL**

There are no proposed changes to the General Principals of Development as a result of this modification.

#### **SCHEDULES**

Schedule	Applicable	Compliant
<b>Schedule 5 State Policies</b>	Yes	Yes
<b>Schedule 8 Site analysis</b>	Yes	Yes
	Yes	Yes

Schedule	Applicable	Compliant
Schedule 16 – Principals and Standards for Housing for Older People or People with Disabilities		

#### OTHER RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS:

STATE ENVIRONMENTAL PLANNING POLICIES, REGIONAL ENVIRONMENTAL PLANS			
POLICY	ASSESSMENT	YES / NO / N/A	COMPLIES
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP)	Is the proposal for housing for older people or people with disabilities?	Yes	Yes

#### EPA REGULATION CONSIDERATIONS:

Regulation Clause	Applicable	Manageable by conditions
Clause 54 & 109 (Stop the Clock)	N/A	N/A
Clause 92 (Demolition of Structures)	N/A	N/A
Clause 92 (Government Coastal Policy)	N/A	N/A
Clause 93 & 94 (Fire Safety)	N/A	N/A
Clause 94 (Upgrade of Building for Disability Access)	N/A	N/A
Clause 98 (BCA)	N/A	N/A

#### REFERRALS

No external or internal referrals where required to be undertaken.

APPLICABLE LEGISLATION/ EPI'S /POLICIES:	
EPA Act 1979	Yes
EPA Regulations 2000	Yes
Local Government Act 1993	Yes
SEPP Infrastructure	Yes

<b>APPLICABLE LEGISLATION/ EPI'S /POLICIES:</b>	
WLEP 2000	Yes
WDGP 2000	Yes

<b>Section 4.15 Assessment</b> In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.  The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:	
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument – Have you considered all relevant provisions of any relevant environmental planning instrument?	Yes
Section 4.15 (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	N/A
Section 4.15 (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	N/A
Section 4.15 (1) (a)(iia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	N/A
Section 4.15 (1) (a) (iv) - Have you considered all relevant provisions of any Regulations?	Yes
Section 4.15 (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	N/A
Section 4.15 (1) (c) – Is the site suitable for the development?	N/A
Section 4.15 (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	N/A
Section 4.15 (1) (e) – Is the proposal in the public interest?	Yes

## **SECTION 2 – ISSUES**

### **PUBLIC EXHIBITION**

The subject application was not required to be publically exhibited in accordance with the EPA Regulation 2000 and Development Control Plan as the proposed modifications are minor, relate to modifying non-design consent conditions only, and are of a nature and scale that are of minimal environmental impact.



### SECTION 3 – SITE INSPECTION ANALYSIS



#### SUBJECT SITE

Glenaeon Village is an existing retirement living community located at 207 Forest Way, Belrose (Lot 100 DP1114910) that predominately consists of independent living units. Serviced apartments are also provided, together with community facilities such as a pool, gym and community centre.

The site has an approximate 270m frontage to Forest Way and a bus shelter is located along this frontage that is serviced by a regular public bus service.

The site at 199 Forest Way site is located immediately south of the Glenaeon Village site on the opposite side of Glenaeon Avenue. This site has an approximate area of 1.2 hectares and frontage to Forest Way of 80m. A two storey dwelling house with various outbuildings currently exists on the site. The site has a moderate fall from Forest Way to the rear boundary of the site where an unformed road is located.

The surrounding area in which the subject properties are located is characterised by mixed forms of development. The sites are located north of the residential urban area of Belrose extending to Wyatt Avenue, which includes:

- To the north of the broader Glenaeon site, large residential lots.
- To the east of the site, predominately bushland as well as large residential lots that form part of Oxford Falls.
- To the south of the site is another aged care development.
- To the west of the site is large nursery and further to the west is the Belrose Waste Management Facility.

#### Site constraints and other considerations

Bushfire Prone?	Yes
Flood Prone?	No
Affected by Acid Sulphate Soils	No

#### Site constraints and other considerations

Located within 40m of any natural watercourse?	Yes
Located within 1km landward of the open coast watermark or within 1km of any bay estuaries, coastal lake, lagoon, island, tidal waterway within the area mapped within the NSW Coastal Policy?	No
Located within 100m of the mean high watermark?	No
Located within an area identified as a Wave Impact Zone?	No
Any items of heritage significance located upon it?	No
Located within the vicinity of any items of heritage significance?	No
Located within an area identified as potential land slip?	No
Is the development Integrated?	Yes
Does the development require concurrence?	Yes
Is the site owned or is the DA made by the "Crown"?	No
Have you reviewed the DP and s88B instrument?	Yes
Does the proposal impact upon any easements / Rights of Way?	No

#### SITE INSPECTION / DESKTOP ASSESSMENT:

A site inspection was not required to be undertaken.



## SECTION 4 – APPLICATION DETERMINATION

### Conclusion:

The proposal has been assessed against the relevant matters for consideration under Section 79C and 96(1A) of the EP&A Act 1979. This assessment has taken into consideration the Statement of Environmental Effects, all other documentation supporting the application. The proposal is consistent with the Warringah LEP 2000 and is supported pursuant to Section 96(1A) of the EP&A Act 1979.

### RECOMMENDATION - APPROVAL

#### That Council as the consent authority:

**APPROVE THE MODIFICATION OF THE DEVELOPMENT CONSENT** subject to the following amended and deleted conditions detailed within the associated notice of determination:

The following conditions are to be modified and are to read as follows:

#### Condition 3 Amendments to the approved plans

The following amendments are to be made to the approved plans on 207 Forest Way, Belrose:

- Building A - Plans are to be amended to wholly accommodate the footprint of Building A within the site boundary. No part of the building is to be located outside of the site boundary on Council land.
- Building D - Plans to be amended to delete Building D and that portion of the site is to be maintained as native vegetation.

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

Reason: To ensure development is constructed within the boundaries of the subject site.

#### Condition 4 Prescribed Conditions

a)	All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
b)	BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the relevant 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

#### Condition 5 General Requirements

(a)	<p>Unless authorised by Council:</p> <p>Building construction and delivery of material hours are restricted to:</p> <ul style="list-style-type: none"> <li>• 7.00 am to 5.00 pm inclusive Monday to Friday,</li> <li>• 8.00 am to 1.00 pm inclusive on Saturday,</li> <li>• No work on Sundays and Public Holidays.</li> </ul> <p>Demolition and excavation works are restricted to:</p>
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	<ul style="list-style-type: none"> <li>8.00 am to 5.00 pm Monday to Friday only.</li> </ul> <p>(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).</p>
(b)	At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and the relevant 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 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 first 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.

**Condition 6 Occupation of Seniors Housing or Housing for Persons with a disability**

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- a) seniors or people who have a disability;
- b) people who live within the same household with seniors or people who have a disability;
- c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and / or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the first Occupation Certificate.

Reason: Statutory requirements.

**Condition 10 Security Bond**

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

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

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

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

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

### Condition 13 On slab landscape planting and associated works

a)	Details shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate indicating the proposed method of waterproofing to all internal walls and slab, and drainage of the concrete 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 relevant Construction Certificate indicating the proposed soil volume, soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.
c)	The following soil depths are required in order to be counted as landscaping: 300mm for lawn 600mm for shrubs 1metre for trees

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

### Condition 14 Detailed Design of Stormwater Quality Systems

A certificate from a Civil Engineer, stating that the stormwater quality management system has been designed in accordance with the the following stormwater plans and as amended as required by this consent:

#### 199 Forest Way

1. Stormwater Drainage Plans prepared by Wood & Grieve Engineers, Project No. 30916-7, Rev. F, dated 21/01/2019
2. Site Stormwater Management Plan prepared by Wood & Grieve Engineers dated 4 February 2019.

#### 207 Forest Way

1. Proposed Detention Basin Plans, Drawing No. 256773\_CD\_SK-006 to 256773\_CD\_SK-007, Rev. 1, dated December '18.
2. Civil Infrastructure Report, Glenaeon Retirement Village prepared by Cardno dated 27 July 2018.

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

Reason: Protection of the receiving environment

### Condition 15 Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) and implemented onsite prior to commencement. The SWMP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004) and Council's Water Management Policy. The SWMP must include the following as a minimum:-

- Site boundaries and contours;
- Vehicle access points, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Location of all drains, pits, downpipes and waterways on and nearby the site;
- Planned stages of excavation, site disturbance and building;
- Stormwater management and discharge points;
- Integration with onsite detention/infiltration;
- Sediment control basin locations and volume (if proposed);
- Proposed erosion and sediment controls and their locations;
- Location of washdown and stockpile areas including covering materials and methods;
- Vegetation management including removal and revegetation;
- A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- Inspection and maintenance program;
- North point and scale. All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

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

Reason: To promote the long-term sustainability of ecosystem functions.

**Condition 16 submission Roads Act Application for Civil Works in the Public Road**

An Application for footpath reconstruction works to be approved within Council Roadway, including engineering plans is 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 and construction of 1.5m wide footpaths to the existing bus shelter on the eastern side of Forest Way and to the existing bus stop on the western footpath of Forest Way. (corner Morgan Road).

The Footpath to the bus stop on the eastern side of Forest Way is to be constructed from the Glenaeon corner to the existing signalised crossing at Morgan Road, then on then continue on the western side of Forest way to the existing Bus stop (corner Morgan Road) on an approved Council alignment.

The kerb and gutter and road pavement in Glenaeon Avenue is also to be reconstructed where it has been damaged by trees roots.

All newly constructed footpaths, road works, pedestrian ramps, driveway crossings and the bus shelter are to be generally in accordance with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and/ or Council's Minor Works Policy and other Council specifications. The relevant plans shall be prepared by a qualified structural/civil engineer. The design must include the following information: 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 Council prior to the issue of the relevant Construction Certificate.

Reason: To provide public and private safety.



**Condition 17 Vehicle Driveway Gradients**

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

Reason: To ensure suitable vehicular access to private property

**Condition 18 On-site Stormwater Detention**

An On-site Stormwater Detention system must be designed and constructed in accordance with Northern Beaches Council's current, Northern Beaches Council Water Management Policy PL850, and generally in accordance with the concept drainage plans prepared by Wood and Grieve Engineers, drawing number CD-520-01, CD-526-01, dated 21/1/19.

Detailed drainage plans are to be prepared by a qualified experienced practicing Civil Engineer, with Corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a Corporate member and has appropriate experience and competence in the related field.

The drainage plans must address the following :

- i) Minimum information requirements as specified in Councils On Site Detention Technical Specification section 3.1.3
- ii) A DRAINS model is to be prepared to verify all stormwater discharge objectives have been complied with. The discharge structure from the existing pond onto the adjoining Council road reserve is to be fully located within the property boundary. The discharge of stormwater is not to be concentrated and designed to mimic the existing flow regime.

Detailed relevant drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with Council's requirements, are to be submitted to the Principal Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

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

**Condition 19 Vehicle Crossing Application**

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

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

Reason: To facilitate suitable vehicular access to private property.

**Condition 20 Maintenance of Existing Hydrology**

The applicant must engage the services of an appropriate qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers





Register (NPER-3) to ensure that the existing hydrological regime for receiving environments immediately downstream of 199 and 207 Forest Way is maintained post development, for all storm events up to and including the 1% AEP.

The Stormwater Management Plans for 199 and 207 Forest Way must be amended to reflect the requirements of this condition.

A relevant certificate prepared by the appointed Civil Engineer shall be submitted to the Principal Certifying Authority prior to the release of the relevant Construction Certificate.

Reason: Protection of the receiving environment

#### **Condition 21 Tree Protection Plan**

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

a) A Tree Protection Plan prepared by a AQF Level 5 Arborist (or equivalent) showing the following:

- Layout of the approved development
- Location of trees identified for retention
- Extent of canopy spread
- Location of tree protection fencing / barriers (fencing in accordance with AS2470 –2009)
- General tree protection measures

b) The relevant Tree Protection Plan is to be submitted to the Principal Certifying Authority for approval prior to issue of the relevant Construction Certificate.

c) Tree protection measures identified on the plan are to be in place prior to commencement of works.

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

#### **Condition 22 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 and private properties 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 prior to the issue of the first Construction Certificate.

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

#### **Condition 23 Delineation Asset Protection Zone**

Prior to the commencement of any vegetation clearance/modification, the boundaries of the bushfire Asset Protection Zone (APZ) must be surveyed by a registered surveyor and marked on ground. Clearing of vegetation for establishing the APZ must only occur within the marked APZ boundaries. A certificate demonstrating compliance must be prepared by the project ecologist and submitted to the Principal Certifying Authority prior to issue of the relevant Construction Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

**Condition 24 Compliance with Ecologists Recommendations - Pre-Construction**

All pre-construction biodiversity-related measures specified in Table 10 of the approved ecological report (BDAR – Ver 2.2 February 2019 Keystone Ecological) and these conditions of consent are to be implemented at the appropriate stage of the development. Compliance with relevant pre-construction measures is to be certified by the project ecologist prior to issue of the relevant Construction Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls

**Condition 25 Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland biodiversity protection measures are carried out according to the conditions of consent and the BDAR and Biodiversity Management Plan. The Project Ecologist must have one of the following memberships/accreditation:

- Practicing member of the NSW Ecological Consultants Association OR
- Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016

Employment of a project ecologist is to be certified by the Principal Certifying Authority Prior to issue of the first Construction Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

**Condition 26 Preparation of Environmental Management Checklist**

A Construction Environmental Management Checklist is to be prepared and is to incorporate all measures for the protection of native vegetation, wildlife and habitats during the construction phase. Measures specified in the checklist must include all requirements of conditions of this consent addressing construction-related impacts on biodiversity. The Checklist is to be provided to the Principal Certifying Authority prior to the issue of the first Construction Certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

**Condition 27 Installation of Nest Boxes**

A minimum of 10 nest boxes suitable for species such as Kookaburra, Brushtail Possum, Ringtail Possum, microbats, small parrots are to be installed in the retained trees throughout the retained native vegetation. A relevant certificate demonstrating compliance must be prepared by the project ecologist and submitted to the Certifying Authority prior to issue of the relevant Construction Certificate.

Reason: To maintain wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls.

**Condition 28 Fencing for Wildlife Passage**

Prior to the issue of the relevant Construction Certificate, the project ecologist is to certify the working plans show new fencing (with the exception of swimming pool fencing) is

designed to be passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level, spaced at a minimum of 6m intervals.

Reason: To preserve wildlife corridors in accordance with relevant Natural Environment LEP/DCP control.

### **Condition 32 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_rights/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 relevant Construction Certificate.

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

### **Condition 33 Compliance with Standards**

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

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

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

**Condition 34 External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

**Condition 35 Sydney Water "Tap In"**

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

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

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

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

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

**Condition 36 Construction Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, the relevant Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of the relevant Construction Certificate. The CTMP must address following:

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

- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- Proposed protection for Council and adjoining properties;
- The location and operation of any on site crane; 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.

### **Condition 37 Submission of Engineering Plans (standard from Development Engineers)**

Engineering plans are to be submitted to and approved by Council and RMS. The submission is to include four (4) copies of Civil Engineering plans for the design of:

Intersection of Forest Way and Glenaeon Ave. Upgrade of Glenaeon Ave to include 2 approaching lanes and 1 departing lane. The approaching lanes shall be marked as; one (1) dedicated left turn and one (1) dedicated right turn lane. Appropriate swept paths for the largest anticipated vehicle shall be utilised to demonstrate the appropriate configuration of the lanes and widths.

These are to be generally in accordance Council’s specification for engineering works - AUS- SPEC #1 and or Council’s Minor Works Policy. Relevant details demonstrating compliance are to be submitted to Council prior to the issue of any Construction Certificate.



Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval. This must be submitted and approved prior to the release of the relevant Construction Certificate.

Reason: To ensure a suitable intersection is designed for users to turn left/right onto Forest Way from Glenaeon Ave. Also to ensure compliance with Council's specification for engineering works.

**Condition 41 Impact to Protected Native Wildlife**

Habitat for native wildlife including hollows, native vegetation, rock outcrops and riparian areas must be inspected for native wildlife prior to removal by the project ecologist. If native wildlife is found within habitat required 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. If no such incidents occur during works, a statement to that effect is to be prepared. The project ecologist is to prepare a record of any incidents or a statement that no such incidents occurred and provide this to the Principal Certifying Authority prior to issue of the relevant Occupation Certificate.

Reason: To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016.

**Condition 42 Construction Environmental Management Checklist Inductions**

All workers, including site inspectors and sub-contractors, are to be briefed on measures specified in the Construction Environmental Management Checklist through a site induction prior to workers commencing their works. Evidence of the site induction is to be documented and provided to the Principal Certifying Authority prior to issue of the relevant Occupation Certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls

**Condition 43 Delineation of the Asset Protection Zones**

Clearing of vegetation for establishing the APZ must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries. A certificate demonstrating compliance must be prepared by the project ecologist and submitted to the Principal Certifying Authority prior to issue of the relevant Occupation Certificate.

To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

**Condition 45 Provision of Construction Environmental Management Checklist**

A copy of the Construction Environmental Management Checklist is to be provided to all workers prior to commencement. A record of receipt of the Checklist is to be signed by all workers and this record is to be provided to the Principal Certifying Authority prior to issue of the relevant Occupation Certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.



**Condition 46 Vegetation Clearing Protocols**

Clearing of native vegetation is to be undertaken in accordance with the protocols and recommendations specified in the approved Biodiversity Management Plan. Details confirming compliance are to be certified by the project ecologist and submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

Reason: To protect native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

**Condition 48 Progress Certification (Road & Subdivision)**

Relevant written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by Council for the following stages of works.

- a) Silt and sediment control facilities
- b) Laying of stormwater pipes and construction of pits
- c) Pedestrian pathway sub-grade trimmed and compacted \*\*
- d) Pedestrian Base-course laid and compacted \*\*
- e) Kerb and gutter construction
- f) 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.

**Condition 51 Vehicle Crossings**

The provision of two vehicle crossing 6m and 3.5m metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ N and specifications.

An Authorised Vehicle Crossing Contractor shall construct the relevant vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

**Condition 58 Relocation of Logs and Coarse Woody Debris**

All logs and branches are to be salvaged from trees prior to any vegetation clearing and reused as fauna habitat within the retained vegetation.

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

Reason: To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls.

**Condition 59 Protection of Habitat Features**

All natural landscape features, including rock outcrops, native vegetation, soil and watercourses, are to remain undisturbed during the construction works, 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 the relevant Occupation Certificate.

Reason: To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls.

**Condition 60 Fauna and Tree Hollow re-location**

The project ecologist is to be present to:

- a) relocate any displaced fauna that may be disturbed during any tree clearance and/or construction works.
- b) direct the project arborist to salvage any tree hollows within the development area and place them within areas of retained native vegetation on the site.
- c) Certify in writing that the above has been undertaken and submit this to the Principal Certifying Authority prior to issue of the relevant Occupation Certificate.

Reason: To protect native wildlife in accordance with Sections 2.1 and 2.4 of the NSW Biodiversity Conservation Act 2016 and relevant Natural Environment LEP/DCP controls

**Condition 64 Installation and Maintenance of Sediment Control**

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

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

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

**Condition 69 Landscape completion certification**

- a) Planting is to be implemented in accordance with the approved Landscape Plans.
- b) Prior to the issue of the relevant 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.

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

**Condition 70 Condition of retained vegetation**

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

- a) Compliance to Arborist recommendations for tree protection and excavation works.



- b) Extent of damage sustained by vegetation as a result of the construction works.
- c) Any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites, and protect the existing amenity that trees and/or bushland vegetation provide.

**Condition 71 Stormwater Disposal**

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

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

**Condition 72 Certification for the Installation of Stormwater Quality System**

A certificate from a Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate, stating that the stormwater quality management system has been installed in accordance with the Construction Certificate Plans and Council's Water Management Policy.

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

Reason: Protection of the receiving environment.

**Condition 73 Positive Covenant for Stormwater Quality System**

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

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

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system.

**Condition 74 Registration of Encumbrances for Stormwater Quality System**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for stormwater quality system as to user is to be submitted.

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

Reason: To identify encumbrances on land

**Condition 75 Restriction as to User for Stormwater Quality System**

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

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

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval.

**Condition 76 Stormwater Quality Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure proposed stormwater quality system remain effective.

The Plan must contain the following:

- a) Maintenance schedule of all stormwater quality treatment devices
- b) Identification of maintenance and management responsibilities
- c) Maintenance requirements for establishment period
- d) Routine maintenance requirements
- e) Inspection and maintenance record and reporting
- f) Funding arrangements for the maintenance of all stormwater quality treatment devices
- g) Vegetation species list associated with each type of vegetated stormwater treatment device
- h) Waste management and disposal
- i) Traffic control measures (if required)
- j) Maintenance and emergency contact information
- k) Renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices
- l) Work Health and Safety requirements

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the relevant Occupation Certificate.

Reason: Protection of the receiving environment.

**Condition 77 Works as Executed Drawings - Stormwater Quality System**

Works as Executed Drawings for the stormwater quality system 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 relevant Occupation Certificate.

Reason: Protection of the receiving environment.

**Condition 78 Installation of Rainwater Tanks**

Rainwater tanks shall comply with the following:

- a) Be fitted with a first-flush device that causes initial rainwater run-off to bypass the tank and must drain to a landscaped area. The first flush device will not be permitted to connect to the stormwater system
- b) Have a sign affixed to the tank stating the contents is rainwater
- c) Be constructed or installed in a manner that prevents mosquitoes breeding, such as the use of mesh to protect inlets and overflows
- d) Have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners
- e) Pumping equipment must be housed in a soundproof enclosure
- f) Where the rainwater tank is interconnected to a reticulated water supply, it must be installed in accordance with Plumbing Code of Australia, particularly backflow/cross connection prevention requirements.

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the relevant Occupation Certificate.

Reason: To conserve potable water.

#### **Condition 79 Installation of Water Efficient Fittings**

The following Water Efficiency Labelling and Standards (WELS) Scheme rated fittings must be installed:

- a) 4 star dual-flush toilets
- b) 3 star showerheads
- c) 4 star taps (for all taps other than bath outlets and garden taps)
- d) 3 star urinals
- e) 3.5 star washing machines
- f) 4 star dishwashers

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the relevant Occupation Certificate demonstrating compliance with this condition.

Reason: To conserve potable water.

#### **Condition 80 Authorisation of Legal Documentation Required for Onsite Detention**

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

Reason: To create encumbrances on the land.

**Condition 81 Registration of Encumbrances for On-site Stormwater Detention**

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

Reason: To identify encumbrances on land.

**Condition 82 Reinstatement of Kerb**

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces

**Condition 83 Restriction as to User for On-site Stormwater Detention**

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

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

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval.

**Condition 84 On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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

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

**Condition 85 Positive Covenant and Restriction as to User for On-site Stormwater Detention**

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



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

Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

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

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

**Condition 86 Creation of Positive Covenant and Restriction as a User**

A restriction on the use of land and a positive covenant shall be created on the title of the land in respect of the installation and maintenance of on-site stormwater disposal structures. The detailed information for a restriction on the use of land and a positive covenant is shown in Northern Beaches Council's, Water Management Policy PL850. The terms of the positive covenant and a Restriction on the use of land 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 Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

**Condition 87 Post-Construction Dilapidation Report**

The applicant must prepare and submit the relevant post-construction dilapidation report prior to the issue of the relevant occupation certificate. The report must clearly detail the final condition of all property, infrastructure, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. 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: To ensure security against possible damage to Council and private property.

**Condition 88 Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the relevant Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development.

**Condition 90 Certification of Road and Footpath Reconstruction Works and Works as Executed Data**



A suitably qualified Civil Engineer shall certify that the completed footpath and road works have been constructed in accordance with this consent and the approved Section 138 Roads Act approvals. Works as Executed data certified by a registered surveyor. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

Security deposits held with Council will not be returned until Council has reviewed all work as executed documentation and agreed to practical completion of works.

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

**Condition 91 Temporary Protection Fencing – Exclusion Zones**

Removal of the temporary mesh construction fencing is to be certified by the project ecologist and submitted to the Principal Certifying Authority prior to issue of the relevant Occupation Certificate

Reason: To protect native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

**Condition 92 Certification of ongoing work**

A Bush Regeneration contract is to be entered into to ensure that works required by the Biodiversity Management Plan to occur post Occupation Certificate are adequately completed. The bush regeneration company is to provide certification of contract engagement and commencement of works to the Principal Certifying Authority prior to issue of the relevant Occupation Certificate.

Reason: To protect and maintain native vegetation and wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls.

**Condition 93 Implementation of Construction Environmental Management Checklist**

Construction is to be undertaken in accordance with the Constructional Environmental Management Checklist. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of the relevant Occupation Certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls

**Condition 94 Priority Weed Removal and Management**

All Priority weeds (as specified in Appendix 1 of the Greater Sydney Regional Strategic Weed Management Plan 2017 – 2022) on the site are to be removed and managed. Details demonstrating the removal and management of weeds are to be prepared by the project ecologist in writing and submitted to the Principal Certifying Authority prior to issue of the relevant Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds, in accordance with relevant Natural Environment LEP/DCP controls

**Condition 95 Clearing for Asset Protection Zones**

Following completion of onsite building works and clearance/modification of vegetation for establishment of the bushfire Asset Protection Zone (APZ), the project ecologist is to certify in writing that clearing of vegetation for establishment of the APZ was confined within the





marked APZ boundaries.

Certification of compliance is to be submitted to the Principal Certifying Authority prior to issue of the relevant Occupation Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

**Condition 96 Fauna and Tree Hollow re-location**

The project ecologist is to certify in writing that:

- a) they relocated any fauna that was displaced or disturbed during tree clearing and/or construction works,
- b) any tree hollows were salvaged from trees by the project arborist and placed within areas of retained native vegetation on the site.
- c) provide a written certification to the Principal Certifying Authority that the above has been undertaken prior to the issue of the relevant Occupation Certificate.

Reason: To protect native wildlife in accordance with Sections 2.1 and 2.4 of the NSW Biodiversity Conservation Act 2016 and relevant Natural Environment LEP/DCP controls.

**Condition 97 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 the proposed retained vegetation.

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

Reason: To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls.

**Condition 98 Protection of Habitat Features – Certified by Ecologist**

All natural landscape features, including rock outcrops, native vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans. Details demonstrating compliance are to be certified by the project ecologist and provided to the Principal Certifying Authority prior to issue of the relevant Occupation Certificate

Reason: To protect wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls

**Condition 99 Monitoring maintenance of Installed Nest Boxes**

All nest boxes are to be monitored and maintained during APZ management and on site monitoring events as required by the approved Biodiversity Management Plan.

A certificate demonstrating compliance must be prepared by the project ecologist and submitted to the Certifying Authority prior to issue of the relevant Occupation Certificate.

Reason: To maintain wildlife habitat in accordance with relevant Natural Environment LEP/DCP controls

**Condition 100 Removal of All Temporary Structures/Material and Construction Rubbish**

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

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

Reason: To ensure bushland management.

**Condition 101 Occupation of Seniors Housing or Housing for Persons with a Disability**

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and/or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

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

Reason: Statutory requirements.

**Condition 102 Fire Safety Matters**

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

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



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

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

**Condition 103 Signage and Linemarking – External**

Any changes to the signage and line marking on the road or road reserve requires separate approval under the Roads Act and must be obtained prior to the issue of the relevant Occupation Certificate.

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

Note: The applicant is advised that the plan will require approval by the local Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process

Reason: To ensure consistent parking amenity.

**Condition 104 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 the relevant Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

**Condition 111 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 the relevant Occupation Certificate.

Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors.

**Condition 115 Shuttle Services**

The facility shall be required to provide at least 3 shuttle services per day. A plan of management for the shuttle services shall be submitted to Council prior to the issue of the relevant Occupation Certificate.

Reason: To ensure reduced dependency on walking, as safe pedestrian facilities to the bus stop on the opposite side of Forest Way is not achievable

**Condition 116 Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the relevant Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development.

"I am aware of Council's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"



Signed

Date: 20 July 2019

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**Catriona Shirley, Acting Principal Planner**

The application is determined under the delegated authority of:



Signed

Date: 31 July 2019

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**Steve Findlay, Development Assessment Manager**