

Section 4.55 (2)

Modification Application

3 Central Road, Avalon

**Submitted to Northern Beaches Council
on behalf of Avalon Central Pty Ltd**

16 June 2025

GYDE

gyde.com.au

Acknowledgment of Country



Towards Harmony by Aboriginal Artist Adam Laws

Gyde Consulting acknowledges and pays respect to Aboriginal and Torres Strait Islander peoples past, present, Traditional Custodians and Elders of this nation and the cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people. We recognise the deep and ongoing connections to Country – the land, water and sky – and the memories, knowledge and diverse values of past and contemporary Aboriginal and Torres Strait communities.

Gyde is committed to learning from Aboriginal and Torres Strait Islander people in the work we do across the country.

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Project: Modification Application

Report Version: Final

This report was reviewed by: Georgia Sedgmen

Disclaimer

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1. Introduction

This statement has been prepared for Avalon Central Pty Ltd by Gyde Consulting (Gyde) to accompany an application under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to amend development consent DA2020/0008 (original consent) which applies to 3 Central Road, Avalon.

The original consent was issued by Northern Beaches Council (Council) on 07 January 2021. The consent granted approval for:

“Demolition works and construction of a seniors housing development”.

Following the original consent, a modification has been approved by Council for the site. Refer to Section 3.1 and Table 1 for further details.

The key modifications sought under this application include:

- Simplification of the entry ramp.
- Tree removal due to infrastructure provision required, with replacement of trees provided.
- Open egress stairs enclosed for all weather protection.
- Thickening of slab at rear to prevent set down.
- 60mm to terrace level changes.
- Simplification of roof form.
- Fire resistant cladding to replaced approved metal cladding.
- Allowance for carpark exhaust duct.

Notwithstanding, the development maintains elements of the original consent including:

- The primary categorisation of the sites land use as a Seniors Housing development.
- Provision of communal open space.
- Materially the same built form envelopes including building height, FSR and general setbacks.
- Site access including waste collection points and vehicle loading and unloading.
- Provision of the pedestrian access improvements along Patterson Lane, maintaining the connectivity between Dunbar Park and Central Road.
- Retention and addition of trees to mitigate the removal of trees to accommodate the modifications to the pedestrian access from Central Road.

2. The Site

2.1 Site context

The site at 3 Central Road, Avalon, NSW 2107, is legally described as Lot 27 in DP 9151. The site is located within the suburb of Avalon and within the Northern Beaches Council Local Government Area (LGA).

The surrounding locality generally consists of a mix of residential dwellings and residential flat buildings with a range of other land uses dispersed throughout. The adjoining context of the site consists of:

To the north: To the immediate north of the site is Central Road, Maria Regina Primary School, and a number of two-storey residential dwellings. Development to the north is a well-established suburban residential area. Immediately north of the site is a bus stop that serves the 191 Avalon Beach to Taylors Point bus service.

To the east: To the immediate east of the site is Patterson Lane which provides vehicular access to a number of residential flat buildings (RRBs) and two-storey residential dwellings. The Avalon Ambulance Service and Fire and Rescue NSW Avalon Fire Station are located to the east along Central Road and Barrenjoey Road. Further east leads to Careel Creek, Des Creagh Reserve, and Avalon Beach.

To the south: To the immediate south is an unnamed pedestrian path that leads to Dunbar Park, and Avalon Parade which comprises local centre uses.

To the west: To the immediate west is a residential flat building (RFB) at 5 Central Road, Maria Regina Church, and a number of two-storey residential dwellings.

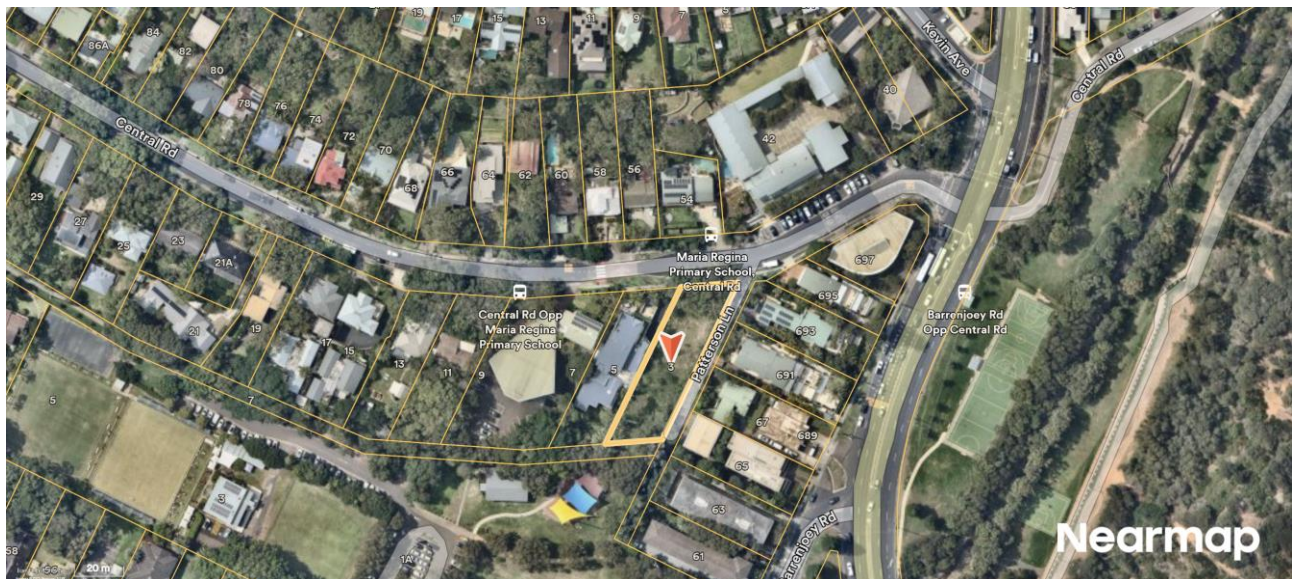


Figure 1 Aerial of the site (Source: Nearmap)

2.2 Site description

The site is irregular in shape and extends to 1,416 sqm. It is a corner site which has primary frontage to Central Road to the north, and secondary frontage to Patterson Lane to the east. An aerial view of the site is provided in **Figure 1**.

The site has a boundary of approximately 21 metres to Central Road to the north, and 52 metres to Patterson Lane to the east. The site is currently vacant with construction activities including demolition of the residential dwelling commencing to construct the original consent (and as modified).

Pursuant to the *Pittwater Local Environmental Plan 2014* (PLEP), the site is zoned R2 – Low Density Residential, refer to **Figure 2**.

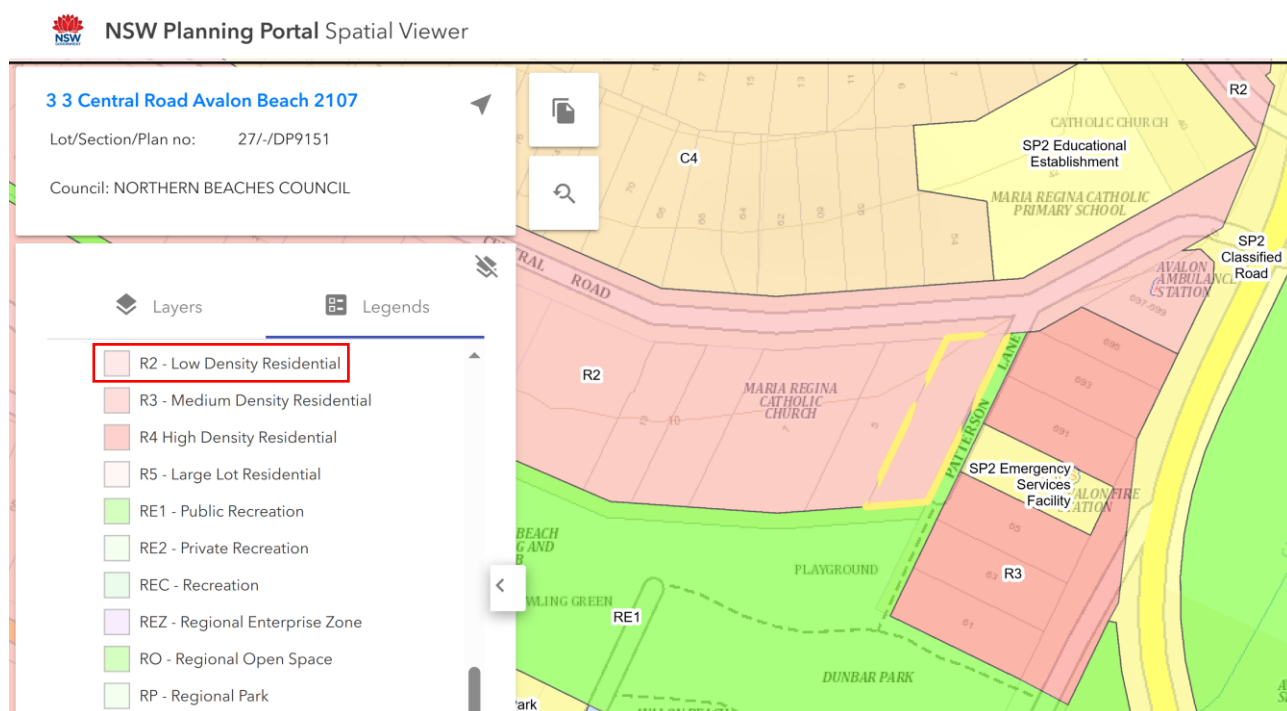


Figure 2 R2 Land Use Zoning (Source: NSW Planning Portal Spatial Viewer)

A review of the NSW Planning Portal Spatial Viewer confirms that:

- The site is not mapped as having biodiversity value, nor is it environmentally sensitive land,
- The site is not located within the area of coastal risk or vulnerability,
- The site is not bushfire prone land,
- The site is not a heritage item, or located within a heritage conservation area,
- The site is mapped as having Class 4 and Class 5 acid sulfate soils.
- The site is not mapped within the Northern Beaches Council flood hazard map.

3. Approved Development

3.1 Original consent

Development Consent No. DA2020/0008 was granted by Pittwater Council on 07 January 2021 for:

“Demolition works and construction of a seniors housing development”.

The development application granted deferred commencement development consent, included the demolition of the existing dwelling and construction of seven units for Seniors Living over 3 storeys. The approval consisted of the following:

Lower Ground Floor Plan (RL 8.61)

- Seven (7) car spaces (access from Patterson Lane)
- Individual apartment storage,
- Mechanical plant Lift access
- Apartments 1, and 2
- Pedestrian access to Patterson Lane (east)

Ground Floor Plan (RL 11.5)

- Waste storage area in northern corner of the site adjoining Central Road
- Accessible pathway accessing northern side Central Road
- Apartment 4 and 5 to the north
- Apartment 3 to the south

Level 01 Floor Plan (RL 13.1)

- Apartment 6 and 7 to the north
- Communal roof garden to the south with pergola

One metre of the frontage to Patterson Lane was dedicated as road reserve to increase the pedestrian footpath and improve pedestrian access that flows between Dunbar Park and Central Road. One apartment was deleted during the assessment phase of the proposal. A total of seven apartments have been approved.

As part of the Original Consent, a voluntary planning agreement (VPA)(VPA2021/0003) was agreed for the dedication of land accommodating the pedestrian footpath to be constructed under the development consent.

A copy of the DA2020/0008 determination is provided in Appendix A.

3.2 Modification application

Following the Original Consent, a modification has been approved by Council for the site. A copy of the modification consent is provided in Appendix B. A summary of the modifications approved are outlined below in Table 1.

Table 1 Details of previous modification application

Modification application	Details
Approved by Northern Beaches Council 10 March 2022	<p>A Section 4.55(2) Modification to Development Consent DA2020/0008 (Mod2021/0853)</p> <p>The modification sought approval to:</p> <ul style="list-style-type: none"> • Remove ramps from lift lobby to apartments. • Lower floor slab of ground floor and parking level from RL 8.610 to RL 8.400 (210mm), adjust typical floor levels, and maintain

Modification application	Details
	<p>approved building height (RL 18.050 top of parapet, RL 18.950 Top of Lift overrun).</p> <ul style="list-style-type: none"> • Adjust end of basement driveway to comply with DA condition of having 1 metre at end of dead end isle. • Adjust driveway ramp width to comply with DA condition requiring minimum width of 5 metres. • Adjust elevations to suit the above adjustments. • Provision of enclosing door from parking area to lift lobby. • Improvements to Apartment's amenities: • Minor GFA addition: increase from 797sqm to 847sqm. From FSR of 0.563:1 to FSR 0.598:1. • Provision of direct service door from waste bins enclosure to footpath. • Provision of covered/weather protected entry gate and mailboxes.

4. Proposed Modification

4.1 Overview of modification/s

The key modifications sought under this application include:

- Simplification of the entry ramp.
- Tree removal due to infrastructure provision required, with replacement of trees provided.
- Open egress stairs enclosed for all weather protection.
- Thickening of slab at rear to prevent set down.
- 60mm to terrace level changes.
- Simplification of roof form.
- Fire resistant cladding to replaced approved metal cladding.
- Allowance for carpark exhaust duct.

The proposed modifications result in the enclosing of the egress stairs and also amend what appears to be a previous miscalculation of the lift lobby area. As a result, the modification provides for an increase of the development's GFA. However, it is noted that, the overall bulk and scale of the development is not increasing.

4.2 Details of modification/s

The details of the modifications proposed in this application are provided in the amended architectural plans prepared by Cottee Parker Architects. A summary of the approved and amended development is provided in Table 2.

Table 2 Development Statistics

Statistic	Original Consent	Proposed modification
Maximum height of building	a. Highest Parapet Level: RL 18.050 b. Lowest Parapet Level RL 17.200	a. Parapet level RL 18.050
GFA	789 sqm	905 sqm
FSR	0.557:1	0.64:1
Site area	1,416 sqm	1,416 sqm
Deep soil area	493 sqm	405 sqm
Number of apartments	7 x 2-bedroom apartments	Unchanged
Number of car parking spaces	7 car parking spaces at basement level	Unchanged

4.3 Justification of the modification

The modifications proposed will not result in any additional environmental impacts and do not alter the overall built form, or intent of the development. The modifications maintain the core elements of the original consent, including:

- The primary categorisation of the sites land use as a Seniors Housing development.
- Provision of communal open space.
- Materially the same built form envelopes including building height, FSR and general setbacks.
- Site access including waste collection points and vehicle loading and unloading.

- Provision of the pedestrian access improvements along Patterson Lane, maintaining the connectivity between Dunbar Park and Central Road.
- Tree removal to accommodate the modifications to the pedestrian access from Central Road mitigated by the addition of trees.

The need for the proposed modifications emerged during the evolution of the detailed design. In light of current economic conditions and increased costs of construction and materials, the viability of the development was re-evaluated. The modifications proposed will ensure that this development can proceed accordingly. Furthermore, detailed design development identified a number of modifications required to address the Building Code of Australia (BCA) and access performance solutions, and ensure compliance with the National Construction Code (NCC).

4.4 Conditions to be modified

To facilitate the modifications in Section 4, this application seeks to modify the following condition of consent.

Table 3 Summary of proposed amendments to Conditions

Condition	Existing Condition	Proposed Condition		
Description of development	<i>Demolition works and construction of a seniors housing development.</i>	No amendments necessary.		
2	<i>Approved Plans and Supporting Documentation</i>	Updated table in Condition 2 to reflect the following amended documentation listed below.		
Document	Date	Version / Issue	Prepared by	
Access Letter	20/05/25	N/A	Accessible Building Solutions	
Acoustic Assessment	22/04/25	Revision 0	Acoustic Logic	
Arboricultural Impact Statement	19/05/25	Revision B	NSW Trees	
Architectural Drawings	19/05/25	Various	Cottee Parker Architects	
Architectural Design Verification Statement	20/05/25	N/A	Cottee Parker Architects	
BASIX Certificate and Stamped Plans	04/06/25	N/A	Gladwell Consulting	
Landscape Drawings	23/05/25	Revision 02	Place Design Group	
Stormwater Drawings	17/04/25	Revision 1	Sparks and Partners Consulting Engineers	

5. Statutory Considerations

5.1 Overview

Section 4.55(2) of the EP&A Act enables a consent authority to modify a development consent upon application being sought by the applicant or any other person entitled to the act on the consent, provided that the consent authority as part of the assessment process take into consideration the following matters:

Modification of consents

- (2) **Other modifications** - A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if -
- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
 - (c) *it has notified the application in accordance with -*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
 - (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

"(3) In determining an application for modification of a consent under this section, 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 matters prescribed under Section 4.55 are addressed below.

5.2 Substantially the same development (s.4.55(2))

"Substantially the same development" means *"essentially or materially or having the same essence"* as defined by Pearlman C.J in *Schroders Australian Property Management Ltd v Shoalhaven City Council and Anor* (1999) NSWLEC 251. Accordingly, it is the substance of the proposal relative to the substance of the development as originally approved.

For a Section 4.55(2) Modification application under the EP&A Act, the 'Substantially the Same' test is a mandatory 'threshold' requirement. It states that the consent authority may modify the consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).*

The focus of the 'substantially the same' test is on how the 'development' as modified relates to the

development as originally approved (see *Scrap Realty v Botany Bay City Council* [2008] NSWLEC 333 at [16]).

To satisfy the test, the modified development is required to be ‘essentially’ or ‘materially’ the same essence as the approved development (see *Moto Developments (No 2) v North Sydney Council* [1999] NSWLEC 280 at [55]; *Vacik v Penrith City Council* [1992] NSWLEC 8).

To identify if the proposal as modified is ‘essentially’ or ‘materially’ the same, a qualitative and quantitative comparative analysis (see *Davi Development v Leichardt Council* [2007] NSWLEC 106) of the development elements (not the circumstances of the giving of the development consent) or the resulting impacts is to be undertaken (see *Arrage v Inner West Council* [2019] NSWLEC 85 at [24]-[29]).

It should be noted that even if elements of the modifications are significant in their own way, the proposed modified development may still be substantially the same (see *Tyagrah Holdings v Byron Bay Shire Council* [2008] NSWLEC 1420 at [12]). Furthermore, a modification to alter land use may satisfy the ‘substantially the same’ test if it merely changes the detailed activities, transactions or processes which will take place, however the ‘substantially the same test’ would not likely be satisfied if the proposed modification seeks to introduce characterisation activities, transactions or processes which differ in kind from the originally approved use (*Cordina Chicken Farms Pty Ltd v Attard Racing Pty Ltd* [2015] NSWLEC 108 at [80]).

5.2.1 Applying the “Substantially the Same” test to the proposal

The proposed modifications are not considered to change the essential features of the approved development for the following reasons. The application as proposed is considered to satisfy the requisite “Substantially the Same” test for the reasons detailed below in Table 4.

Table 4 Substantially the Same test in accordance with Section 4.55(2)(a) of the EP&A Act

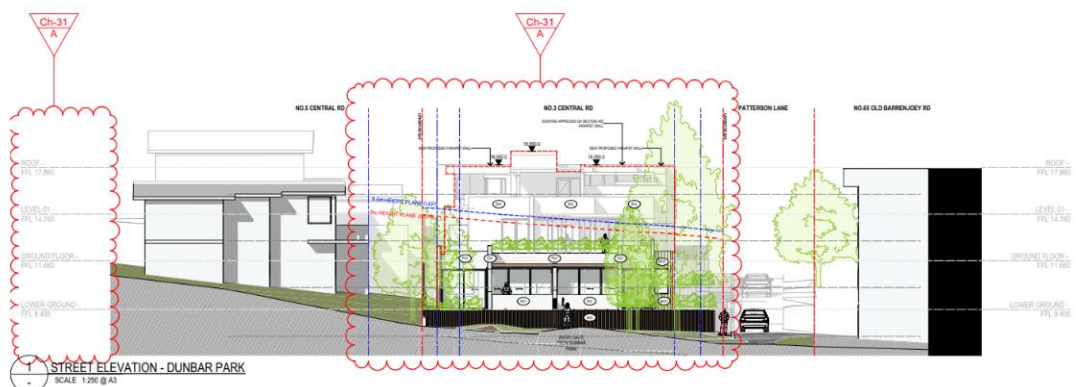
Substantially the same – consent
A Section 4.55(2) Modification Application can only be applied where an existing active Development Consent exists. As noted previously Development Consent DA2020/0008 which granted approval for the ‘ <i>Demolition works and construction of a seniors housing development</i> ’ applies to the site and has not lapsed for the purposes of the EP&A Act.
Substantially the same – land use
Development Consent DA2020/008 is a consent for a ‘seniors housing’ land use, this aspect of the approved development will not change in terms of how the development is viewed or interpreted in terms of the proposed modifications.
Substantially the same – built form
The development maintains the approved bulk and scale of the development which will cause no significant changes to the streetscape or relationship to neighbouring properties. Minor amendments are proposed to the design of the roof form and the entrance access ramp to Central Road. These modifications are minimal in nature and do not overall contribute to any potential of the built form being considered as materially different. The modifications are minor and maintain substantially the same elements as the approved. The development maintains the relationship to neighbouring properties with respect to bulk and scale. The built form of the development will remain to not cause any additional unreasonable environmental impacts such as overshadowing, visual, and acoustic privacy, traffic generation, or changes to stormwater patterns.
Substantially the same – comparative analysis
South elevation – Dunbar Park

Substantially the same – consent

Approved



Proposed

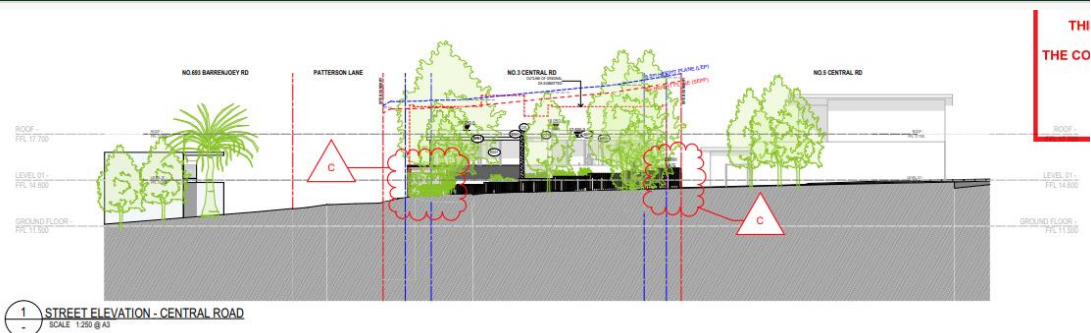


Comment

The modifications to the eastern elevation maintain a substantially the same development, with the changes to the treatment of the façade and the inclusion of the horizontal grooved cladding. Minor amendments to the parapet levels and roof form are proposed, however, the overall expression of building height is maintained as approved. No changes are proposed to the provision of access to the south to Dunbar Park. The proposed modifications. The proposed modifications are substantially the same as the approved development.

North elevation – Central Road

Approved



Substantially the same – consent

Proposed



Comment

The redesign of the landscaped access ramp to the front of the property adjoining Central Road has triggered the relocation of the main pedestrian access gate onto Central Road, further east. The modifications to the eastern elevation maintain a substantially the same development, with the changes to the treatment of the façade and the inclusion of the horizontal grooved cladding. Minor amendments to the parapet levels and roof form are proposed, however, the overall expression of building height is maintained as approved. The retention of T8-T11 and addition of 2 no. trees will maintain visual amenity along the streetscape as approved.

The proposed modifications are substantially the same as the approved development.

East elevation – Patterson Lane

Approved



Proposed



Comment

The modifications to the eastern elevation maintain a substantially the same development, with the changes to the treatment of the façade and the inclusion of the horizontal grooved cladding. Minor amendments to the parapet levels and roof form are proposed, however, the overall expression of building height is maintained as approved. No changes are proposed to the provision of landscaping and the footpath arrangement on Patterson Lane. The amendments to the vehicular access driveway are approved under the previous S4.55 approval. The eastern elevation to Patterson Lane does not result in any change to visual

Substantially the same – consent

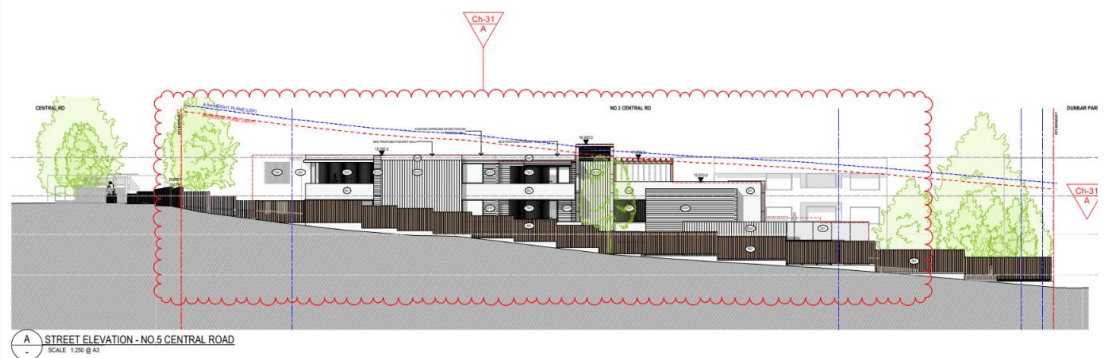
impact or amenity. The proposed modifications are substantially the same as the approved development.

West elevation – 5 Central Road

Approved



Proposed

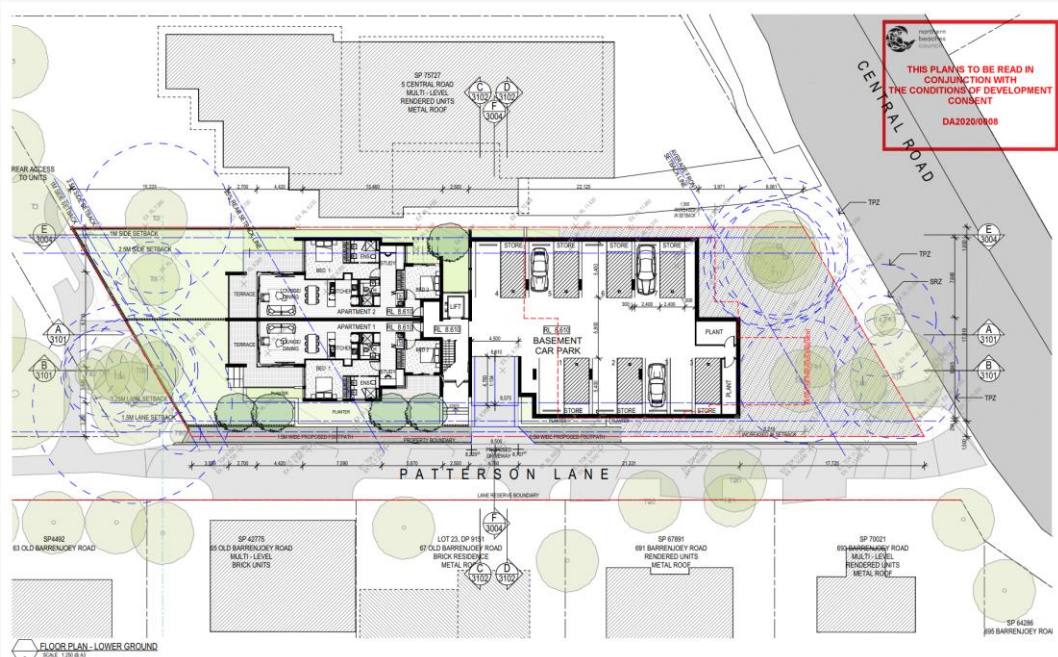


Comment

The modifications to the western elevation maintain a substantially the same development, with the changes to the treatment of the façade and the inclusion of the horizontal grooved cladding. Minor amendments to the parapet levels and roof form are proposed, however, the overall expression of building height is maintained as approved. The western elevation to 5 Central Road does not result in any change to visual impact or amenity. The proposed modifications are substantially the same as the approved development.

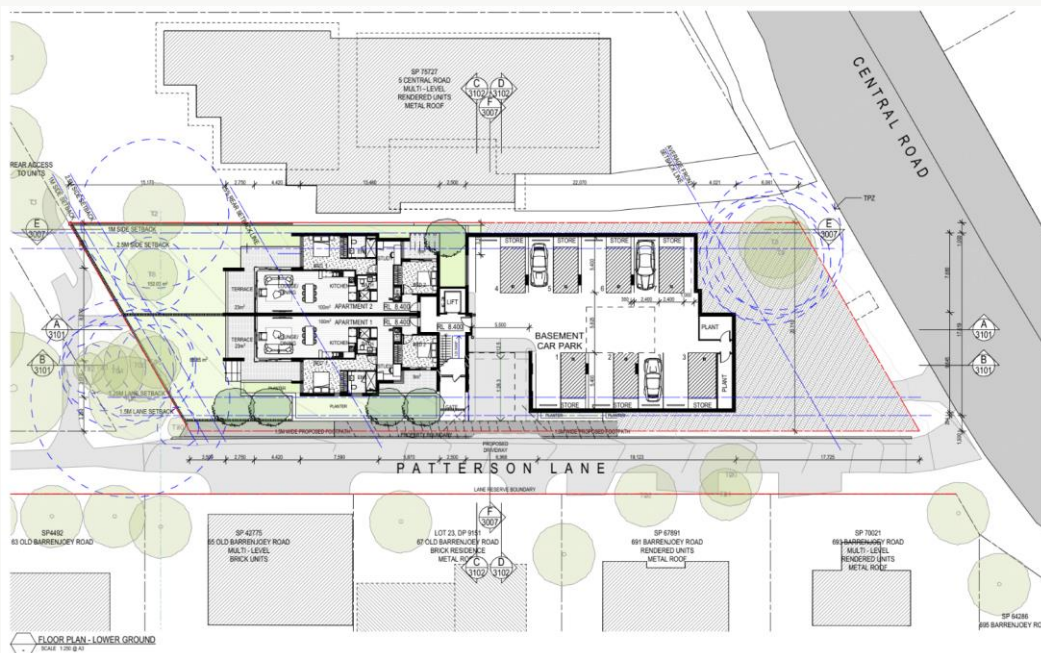
Lower ground level

Approved



Substantially the same – consent

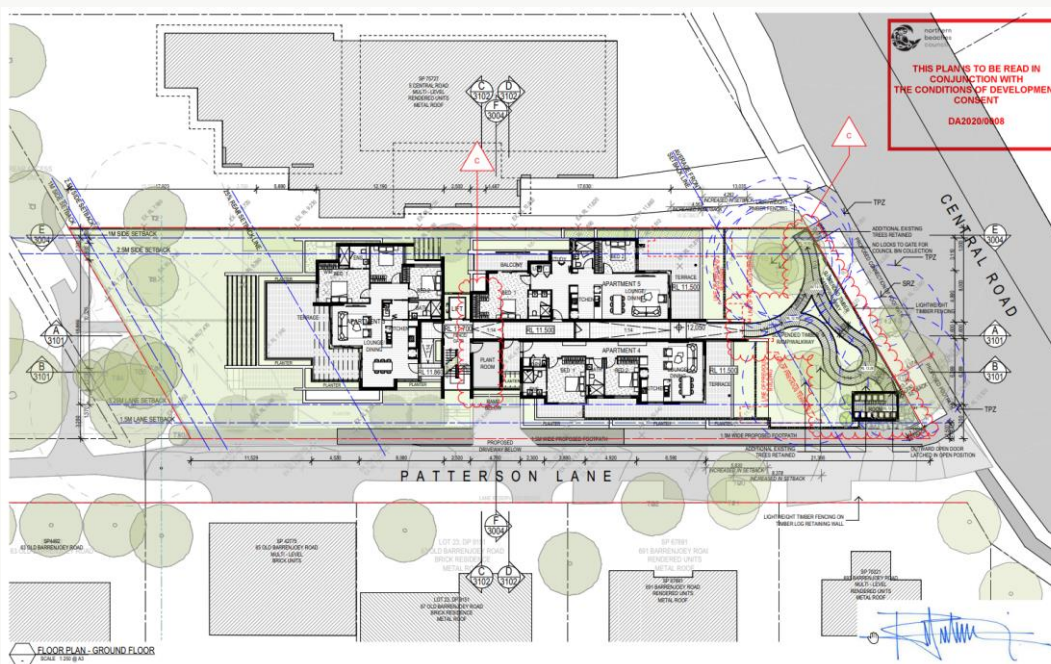
Proposed



Comment No modifications proposed.

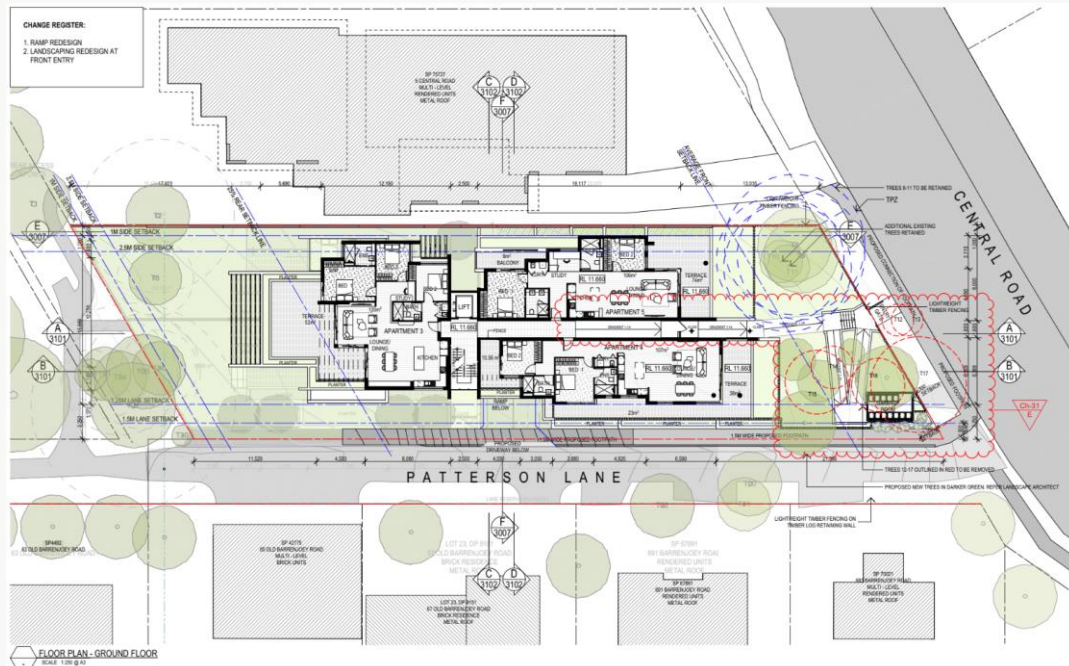
Ground level

Approved



Substantially the same – consent

Proposed

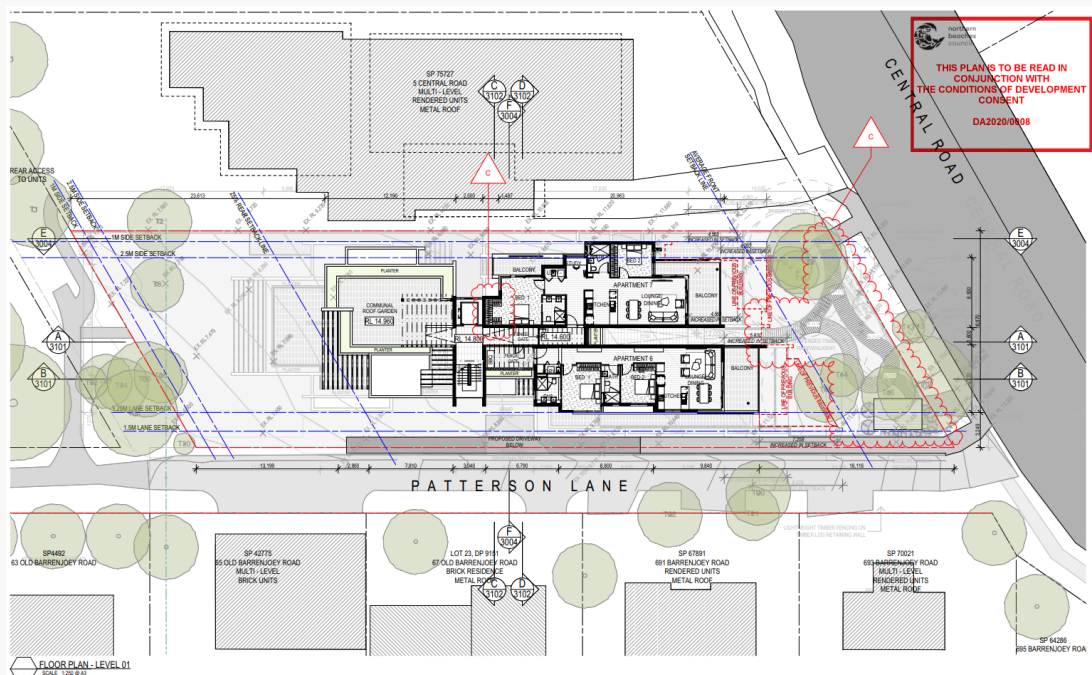


Comment

The proposed modifications to the ground level consist of the redesign of the landscaped pathway to the front of the building that provides access to Central Road. The access point to Central Road has been relocated further east. The landscaping proposal to this area has been amended accordingly. Trees T12-T17 are now required to be removed to accommodate this change, with T8-T11 capable for retention. 2 no. additional trees are proposed to be planted close to the verge on Patterson Lane. The proposed modifications are substantially the same as the approved development.

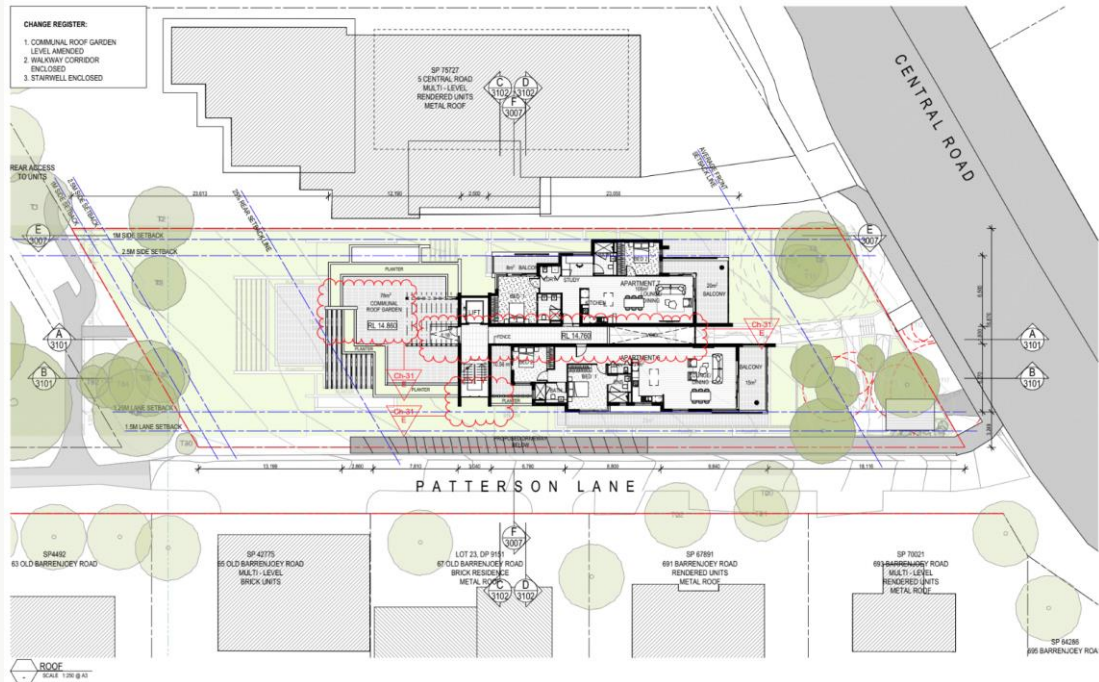
Level one

Approved



Substantially the same – consent

Proposed

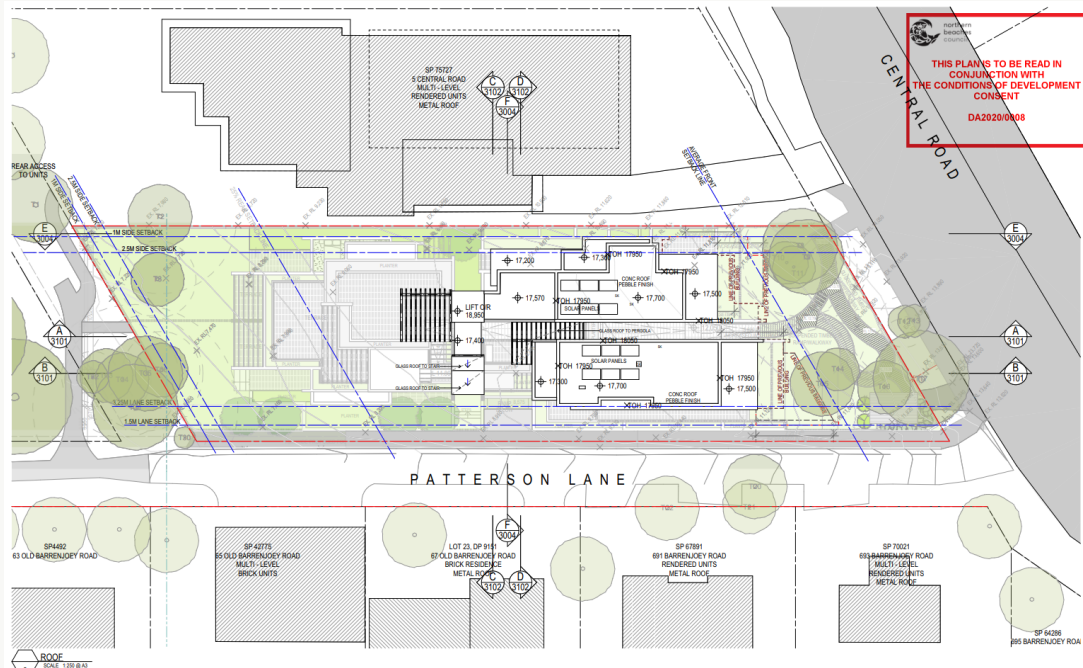


Comment

The proposed modifications to level one include the change in levels to the communal roof garden, and the enclosure of the walkway corridor and stairwell. Changes to landscaping are noted as part of the ground level. Changes to apartment layout were approved as part of the previous S4.55 approval. The proposed modifications are substantially the same as the approved development.

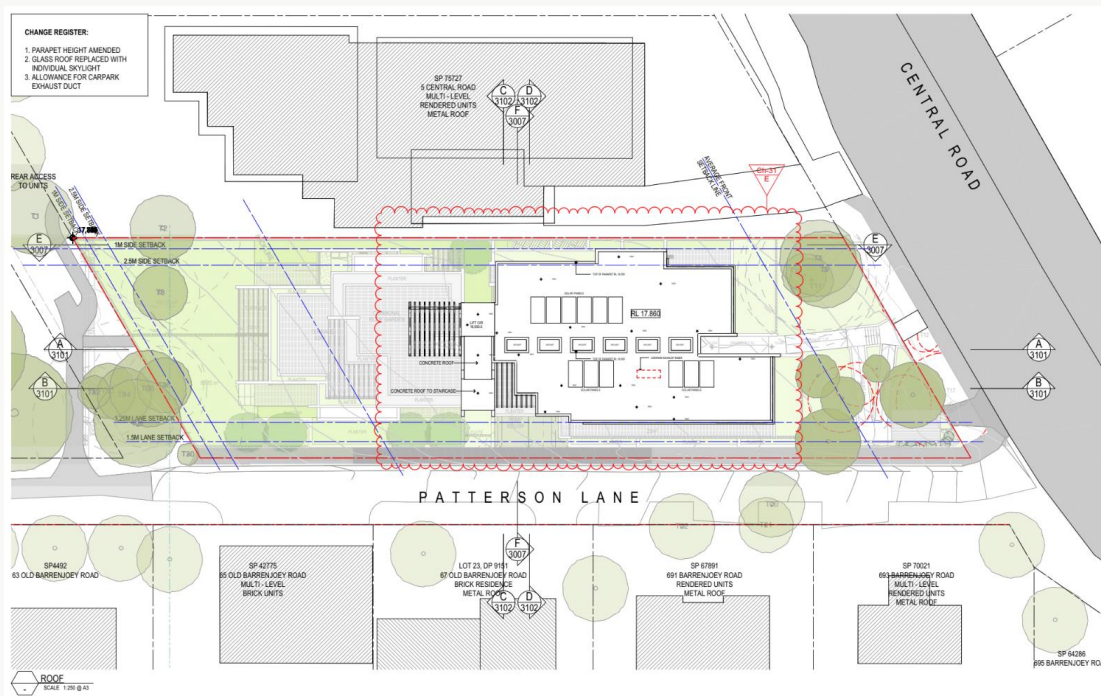
Roof level

Approved



Substantially the same – consent

Proposed



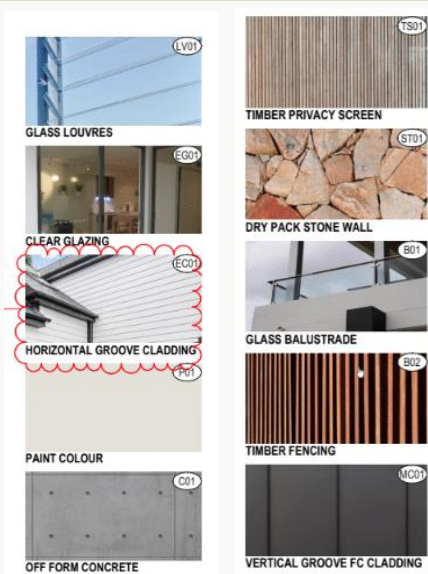
Comment The modifications to the roof level are a result of the stair egress pathway proposed to be covered, with the approved glass roof replaced with individual skylights. Modifications also include the relocation of proposed solar panels, and inclusion of car park exhaust. The modifications preserve the original intent of the roof design, maintaining its core principles of sustainability and natural light for the development. The proposed modifications are substantially the same as the approved development.

Material finishes

Approved



Proposed



Comment The proposed modification seeks to change the material finish and design of the elevation treatment to include a horizontal grooved cladding, which is illustrated in the elevation plans

Substantially the same – consent

prepared by Cottee Parker Architects. These changes will result in the development being 'substantially the same' as approved and will result in no significant impacts to surrounding developments and the environment. They maintain a development that is consistent with the overall Avalon area, ensuring no visual impact on the surrounding area is caused. The proposed modifications are substantially the same as the approved development.

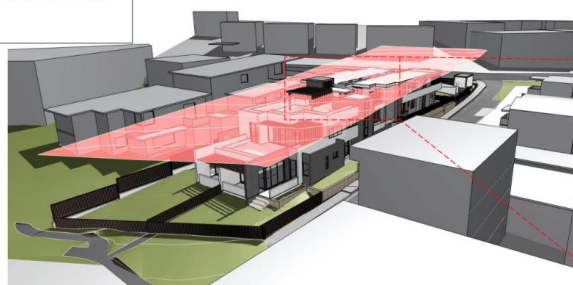
Building height plane

Approved

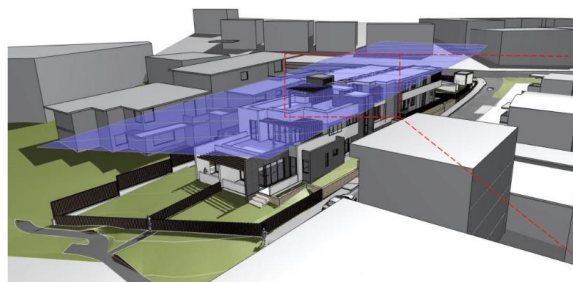
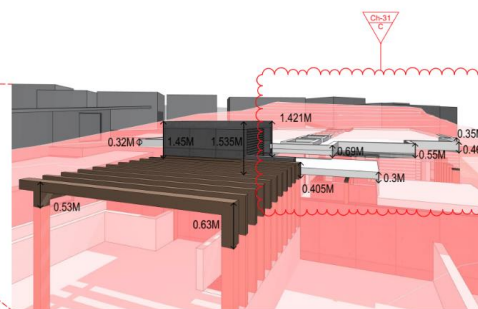
THE PROPOSED DEVELOPMENT IS SUBSTANTIALLY THE SAME AS THE APPROVED DEVELOPMENT. THE PROPOSED DEVELOPMENT IS SUBSTANTIALLY THE SAME AS THE APPROVED DEVELOPMENT.

Proposed

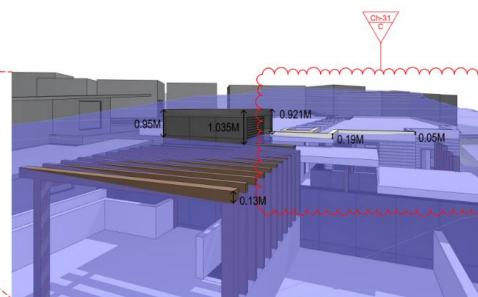
CHANGE REGISTER:
1. PARAPET HEIGHT AMENDED



1 HEIGHT PLANE DIAGRAM - RM (SEPP)



3 HEIGHT PLANE DIAGRAM - 8.5M (LEP)

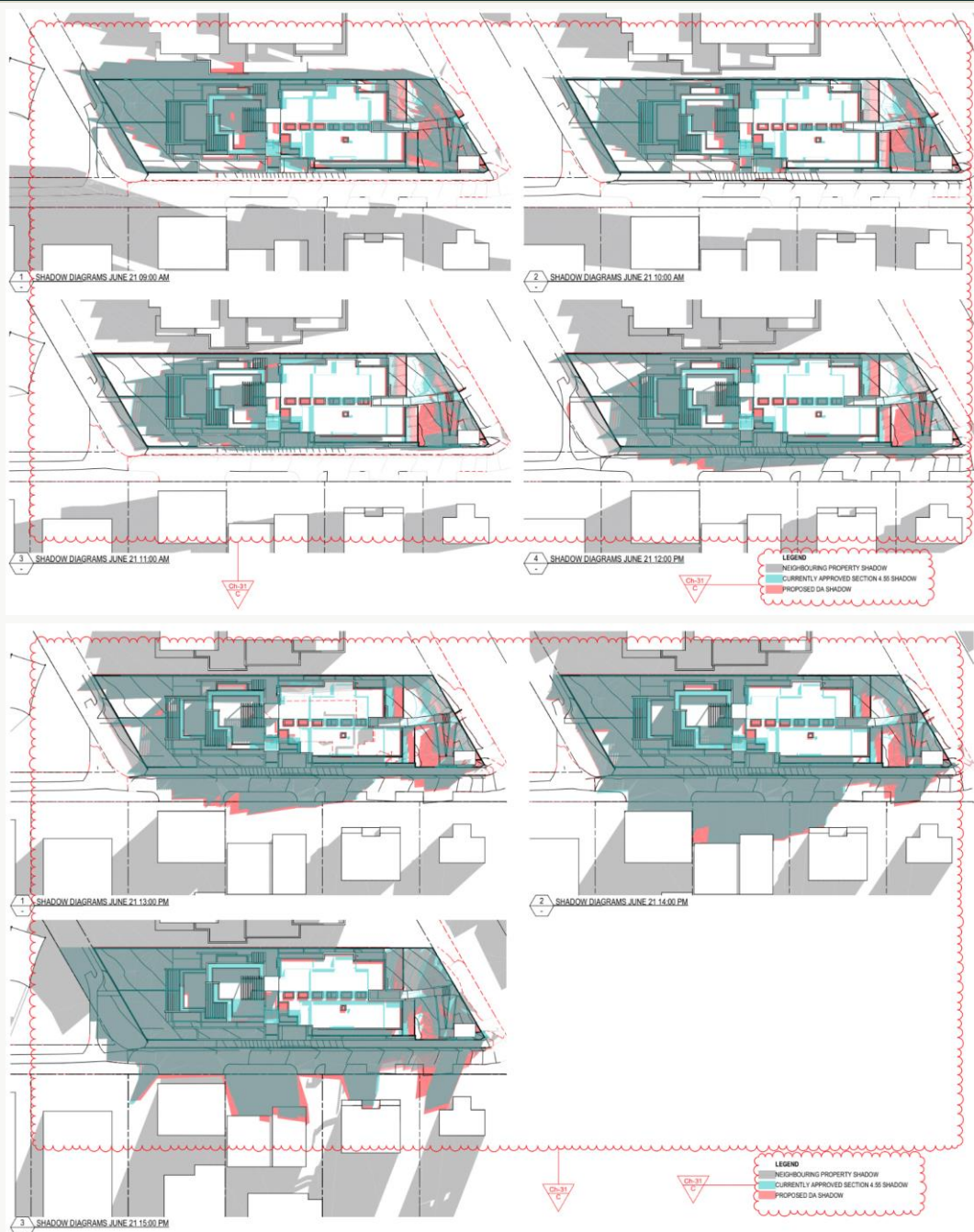


Substantially the same – consent

Comment No modifications are proposed to the approved building height with a maximum finished height of RL 18.050 for the modification and the approved development. The building does exceed the maximum building height permitted, however, this noncompliance has been assessed under the Original Consent, with the proposed modifications substantially the same.

Overshadowing

**Approved
vs.
Proposed**



Comment The proposed modifications result in a minor increase of overshadowing as a result of the amended roof form, depicted in pink in the above shadow diagrams prepared by Cottee Parker Architects. Most of the overshadowing is contained within the site with the majority of the increased overshadowing occurring to the front of the properties along Patterson Avenue.

Substantially the same – consent

While it is acknowledged that the proposed modification would result in a minor increase in overshadowing, the extent of additional shadowing is limited and does not result in any non-compliance with applicable planning controls. Importantly, affected properties will continue to receive a minimum of 3 hours of direct solar access to private open space and north-facing living windows between 9am and 3pm on 21 June. Therefore, it is considered to be substantially the same as that previously assessed.

We therefore consider that the development (as modified) will remain substantially the same as the development that was originally approved.

5.3 Section 4.15(1) Considerations (Section 4.55(3))

Section 4.55(3) of the EP&A Act requires that in determining an application for the modification of a development consent, Council as the consent authority must take into consideration such for the matters referred to in Section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the modification application.

The matters for consideration under Section 4.15(1) of the EP&A Act are considered in Section 6 of this Statement.

6. Section 4.15(1) Assessment – (Section 4.55(3))

The environmental assessment matters relevant to the proposed modified development under Section 4.15(1) (a), (b), (c), (d) and (e) of the 6.1 Environmental Planning and Assessment Act, 1979 are addressed in the sections below.

6.1 Section 4.15(1)(a)(i) Any environmental planning instrument

The principal planning instruments applying to the site are addressed in the following sections as relevant to the proposed modifications. The principal planning controls applying to the development are contained in:

- Environmental Planning and Assessment Act, 1979
- Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- Pittwater Local Environmental Plan 2014 (LEP)
- *Pittwater 21 Development Control Plan* (DCP)

6.1.1 Environmental Planning and Assessment Act, 1979

Section 4.15(1) of the EP&A Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the EP&A Act are addressed in Table 5 below.

Table 5 Section 4.15 of the EP&A Act 1979

SECTION	COMMENT
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in this section.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Not relevant to this application.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 6.3.
Section 4.15(1)(a)(iiia) Any planning agreement	Not relevant to this application.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 6.1.2 and Section 6.5.
Section 4.15(1)(b) - (e)	Refer to Section 6.6, Section 6.7, and Section 6.8 of this Report for consideration of (b), (c) and (e). Matter (d) relates to submissions and is a matter for the consent authority.

6.1.1.1 Section 4.46 – Integrated Development

The proposed modifications do not require an approval under related legislation and are therefore not integrated development.

6.1.2 Environmental Planning and Assessment Regulation 2021

6.1.2.1 Clause 102 – Design Verification

Clause 102 of the EPA Regulation requires that a modification to a residential apartment development must be accompanied by a design verification statement from a qualified designer, which requires the application to:

1. *Verify that the qualified designer designed, or directed the design, of the development, and*
2. *Explain how the development addresses:*
 - a. *The design quality principles, and*
 - b. *The objectives in parts 3 and 4 of the Apartment Design Guide (the ADG).*

Cottee Parker Architects have prepared a Design Verification Statement (dated 20 May 2025). This design verification statement stipulates that the development meets the requisite design quality principles and parts Apartment Design Guide.

6.1.2.2 Clause 69 – Compliance with the BCA

Clause 69 of the EPA Regulation requires that any building work *must be carried out in accordance with the requirements of the Building Code of Australia.*

Condition 5(a) of the Development Consent, mandates compliance with the BCA which will reviewed and certified at both Construction Certificate and Occupation Certificate stages of sites development.

6.1.3 State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 is not applicable to the subject application by virtue of the Savings and Transitional provisions contained in Schedule 7A. The relevant clauses are outlined below.

2 General savings provision

This Policy does not apply to the following matters—...

(d) a development consent granted on or before the commencement date ...

The provisions of a repealed instrument, as in force immediately before the repeal of the repealed instrument, continue to apply to a matter referred to in subsection (1)."

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 was the repealed instrument, as in force immediately before the repeal of the repealed instrument.

6.1.4 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The proposal as amended, maintains consistency with the objectives of the policy. There are no modifications that warrant further assessment provided against the relevant 2004 SEPP provisions.

6.1.5 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

This Policy introduces 9 design quality principles. These principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

In summary, the proposed development as sought to be modified provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase in housing choice and stock in the area. The proposed development as sought to be modified is consistent with the design quality principles and aims and provisions of the ADG as indicated in the Design Verification Statement prepared by Cottee Parker Architects (dated 20 May 2025).

Compliance with the design criteria of the ADG has been established under the Original Consent and subsequent modification. The proposed modifications maintain consistency with SEPP 65 and the ADG.

6.1.6 State Environmental Planning Policy (Sustainable Buildings) 2022

The Policy aims to encourage the design, delivery, and consistent assessment of sustainable buildings, record accurate data on the sustainability of buildings, monitor the emissions of material in building construction, minimise the consumption of energy, reduce greenhouse gas emissions, minimise the consumption of mains supplied potable water, and ensure good thermal performance of buildings.

The proposal as modified, maintains consistency and compliance with BASIX requirements and the new SEPP Sustainable Buildings. An updated BASIX Certificate and Stamped Plans have been obtained and accompanies this modification application.

6.1.7 State Environmental Planning Policy (Resilience and Hazards) 2021

Site Contamination was previously considered under the original assessment and determination of the Original Consent pursuant to the provisions of State Environmental Planning Policy No 55 – Remediation of Land. Since the Original Consent, SEPP 55 has been repealed as replaced with the State Environmental Planning Policy (Resilience and Hazards) 2021, the provision changes are essentially in name only.

The Original Consent and subsequent modification confirmed that the site is suitable for the proposed land use. As the proposed modifications are minor in nature, no potential impact or change to site suitability is proposed.

6.1.8 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposed modifications result in no changes that require further assessment against the SEPP (Biodiversity and Conservation) 2021.

The Arborist Impact Statement (AIS) acknowledges that the trees recommended for removal, being T12-T17, as part of the modifications are significant species, although such specimens are not officially mapped in Pittwater Local Environmental Plan 2014 or NSW Planning Portal as Native Vegetation or as having Biodiversity Value. Tree retention of T8-T11, and the addition of 2 new trees is proposed to mitigate the removal of trees T12-T17 which are noted in the AIS as being of a condition that is not suitable for retention.

6.1.9 State Environmental Planning Policy (Transport and Infrastructure) 2021

There are no modifications proposed that warrant further assessment against the SEPP (Transport and Infrastructure) 2021.

The Acoustic Assessment prepared by Acoustic Logic that accompanies the application assesses noise impact against Section 2.120 Impact of road noise or vibration on non-road development of the T&I SEPP. This section states that

If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

(a) in any bedroom in the building--35 dB(A) at any time between 10 pm and 7 am,

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) --40 dB(A) at any time”.

The Acoustic Assessment sets out adequate mitigation measures to achieve compliance of internal noise criteria, including glazing of windows, external wall and roof construction, and ventilation requirements.

6.1.9.1 Pittwater Local Environmental Plan 2014

The proposed modifications do not result in any inconsistencies with the relevant provisions of those controls as detailed in the original application and as subsequently addressed by Council in granting the consent.

Clause	Assessment	Complies?
2.2 Zoning of land to which Plan applies	The zoning of the site is R2 Low Density Residential. The proposed modifications remain compliant with the land use permitted. Seniors Housing is permitted under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.	Yes
2.3 Zone objectives and Land Use Table	The R2 Low Density Residential zone has the following zone objectives: <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses. In granting the Original Consent, the consent authority determined that the proposal satisfied the requisite zone objectives, and the land use and development was appropriate in terms of use and built form. It is considered that the proposed modifications are substantially the same development to which consent was originally granted and therefore continue to satisfy the above stated objects of the zone.	Yes
4.3 Height of buildings	No modifications are proposed to the approved building height. The building does exceed the maximum building height permitted, however, this noncompliance has been assessed under the Original Consent, with the proposed modifications substantially the same.	No
4.4 Floor space ratio	There is no floor space ratio control applicable to the site.	Not applicable
4.6 Exceptions to development standards	A Cl. 4.6 Variation Request accompanied the Original Consent application to address the non compliance of Cl. 4.3 Height of buildings.	Not applicable
5.1 Relevant acquisition authority	Development not situated in identified zones.	Not applicable
5.4 Controls relating to miscellaneous permissible uses	Onsite land uses not identified in provisions.	Not applicable
5.7 Development below mean high water mark	Development not situated near mean high-water mark.	Not applicable
5.10 Heritage conservation	Not applicable. The site is not identified as a heritage item itself, nor are there any items of heritage significance within	Not applicable

Clause	Assessment	Complies?
	the vicinity of the subject site. Also, the site is not located within a Heritage Conservation Area (HCA).	
7.1 Acid sulfate soils	The site is mapped as being affected by Class 4 and Class 5 acid sulfate soils. The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Amended sediment and erosion control plans are outlined in the civil package prepared by Sparks and Partners Consulting Engineers.	Not applicable
7.2 Earthworks	No proposed modifications to earthworks required.	Not applicable

6.2 Section 4.15 (1)(a)(ii) Any proposed instrument

Not relevant to this application.

6.3 Section 4.15 (1)(a)(iii) Any development control plan

The development as approved is generally consistent with the relevant provisions within the Pittwater 21 Development Control Plan.

The proposed modifications do not result in any significant departure from the DCP.

6.4 Section 4.15 (1)(a)(iia) Any planning agreement

The Original Consent outlined a Deferred Commencement Condition regarding a Voluntary Planning Agreement (VPA) to be entered into with Council pursuant to Section 7.4 of the EP&A Act, *“to dedicate to Council, free of cost to Council, land at least one metre wide adjoining the whole of the eastern boundary of the subject land adjoining Patterson Lane”*.

A VPA offer was agreed between the applicant and Council, and was formally executed 29 June 2022 (VPA2021/0003 on Council's DA Tracker).

6.5 Section 4.15 (1)(a)(iv) Matters prescribed by the regulations

Refer to Section 6.1.2 of this statement for requirements pertaining to an updated Design Verification Certificate for Residential Flat Building developments and Compliance with the BCA.

The proposed modifications do not result in any other matters that are required to be considered by the consent authority under the Environmental Planning and Assessment Regulation 2021 in addition to those already assessed and considered acceptable in the favourable determination of the Original Consent.

6.6 Section 4.15 (1)(b) The likely impact of that development

6.6.1 Natural environment

6.6.1.1 Flora, fauna, tree removal, and landscape

Minor landscaping details have been refined as part of this modification application to allow consistency with the proposed modifications. To accommodate the redesign of the access pathway to Central Road, the removal of trees T12-T17 is required. This realignment of the landscaped pathway results in T8-T11, that were due to be removed, now being capable of being retained. To balance the removal of 6 no. trees, an additional 2 no. trees are to be planted.

The removal of T12-T17 does not cause any environmental impact, in fact, these trees are noted as not being suitable for long term retention, with their condition deteriorating since the Original Consent was

approved, where it is noted that the trees were described as “suppressed”, “stressed”, or presenting with “slight” and “significant decline”. The Arborist also notes that T8- T11, collectively, have higher retention value than T12-T17 and are better suited for long term retention on this site.

The additional trees are to be of species endorsed by Council, Crepe Myrtle or Weeping Lily Pilly being two potential options that offer high streetscape amenity. Subject to the recommendations outlined in the Arboricultural Impact Statement prepared by NSW Trees, no impacts are proposed.

6.6.1.2 Water and soil management

Updated civil engineering plans have been prepared by Sparks and Partners Consulting Engineers to address any changes to the approved stormwater management and stormwater catchment plan as a result of the modifications. Subject to implementation of the sediment and erosion control measures, and the management of stormwater through onsite detention tanks, no impacts are proposed.

6.6.1.3 Noise and vibration

The Acoustic Assessment prepared by Acoustic Logic outlines recommendations to ensure that the proposed development as modified can comply with the internal noise criteria for external noise impacts, and external noise emissions. As the proposed modifications are minor in nature, no additional impacts are anticipated.

6.6.2 Built environment

6.6.2.1 Height, bulk, and scale

The development maintains a substantially the same building height, bulk, and scale to that already approved.

6.6.2.2 Access

The proposed modifications seek to amend the design of the ramp entry to Central Road, with the access point to Central Road moved slightly further east. The development maintains connectivity for residents through to the south onto Dunbar Park. The development as modified will maintain compliance with the requisite BCA requirements and meet access requirements. A review of the modifications proposed from the access consultant Accessible Building Solutions confirmed that

“The design remains compliant and consistent with our original report. The main change affecting access is the reshaped entry ramp which complies with the NCC and AS1428.1”.

No impacts are proposed as a result of the modified access arrangement.

6.6.2.3 Setbacks

Setbacks are consistent with SEPP 65 Building Separation requirements and DCP objectives as previously approved.

6.6.2.4 Internal amenity

The amenity of the proposed future residents, and visitors is maintained to a high standard as approved. No modifications are proposed that would impact internal amenity.

6.6.2.5 Privacy

The proposed modifications maintain appropriate levels of privacy to occupants and adjoining lands.

6.6.2.6 Solar access

The modifications to the development maintain reasonable solar access to existing buildings and public areas because of site orientation and generous setbacks. The proposed built form, setbacks and height of the approved building remain unchanged, and as such additional adverse shadow impact to that approved is minor.

While it is acknowledged that the proposed modification would result in a minor increase in overshadowing, the extent of additional shadowing is limited and does not result in any non-compliance with applicable planning controls. Importantly, affected properties on Patterson Avenue will continue to receive a minimum of 3 hours of direct solar access to private open space and north-facing living windows between 9am and 3pm on 21 June.

6.6.2.7 Views

The proposal as modified will not alter view sharing opportunities.

6.6.2.8 Materials and colour

An updated schedule of the materials, finishes and colours is included within the architectural plans prepared by Cottee Parker Architects. accompanying this application. An additional material finish is proposed (horizontal groove cladding) to the development. This maintains consistency with the materials and finishes approved that incorporate a range of natural and muted colours and textures that complement the surrounding area and buildings. No impacts are proposed as a result of the modified materials.

6.6.2.9 Building and construction

Building and Construction will be managed through the existing conditions of consent (Condition 5A), noting that Compliance with the BCA will be demonstrated as part of the future Construction Certificate (CC) documentation.

6.6.2.10 Parking and Traffic

The proposal has no additional impacts to the traffic and parking under the approved original consent and subsequent modifications.

6.6.2.11 Servicing and waste

There are no modifications proposed to the servicing and waste processes proposed.

6.6.3 Social and economic impact in the locality

6.6.3.1 Crime and safety

No changes to the approved development that would negatively impact crime and safety are proposed as a result of the proposed modifications.

6.6.3.2 Social, economic, and employment

The proposed modifications maintain the development's ability to have a positive social impact in that it will improve the supply of high-quality seniors housing, providing the same housing choice and the option for local residents to remain in the area as the development approved.

Positive economic and employment impacts from the proposed development include jobs during the construction phase. In light of current economic conditions and increased costs of construction and materials, the viability of the development was re-evaluated. The modifications proposed will ensure that this development can proceed accordingly.

6.6.4 Section 4.15 (1)(c) The suitability of the site

The suitability for the site for the development was established by the granting of the Original Consent. With the proposed modification the approved development still complies with the relevant provisions contained within the various applicable SEPPs, LEP, DCP, NCC/BCA and Australian Standards. Furthermore, the proposed modifications do not generate any significant additional impacts beyond those approved.

6.7 Section 4.15 (1)(d) Any submissions made

The consent authority will need to consider any submissions received in response to the public exhibition of the proposed development.

6.8 Section 4.15 (1)(e) The public interest

No public interest issues arise from the proposed modifications. Council's intentions in imposing conditions to preserve the public interest are not affected, since the proposed modifications continue to give effect to those general intentions, in a more practical and achievable way. The proposed modifications do not result in any additional adverse impact.

Pursuant to case law of *Ex Gratia P/L v Dungog Council* ([2005] NSWLEC 148), the question that needs to be answered is "Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development?"

In considering this question consideration should be given to a broad view of all relevant planning matters. This includes looking at the development and seeing whether it will achieve the broader planning objectives detailed under relevant legislation including State Planning Policies and Local Planning Controls and the sectionalised public interest relating to local issues such as impacts from the development.

In this regard, the broader public interest is served as the proposal as modified will be consistent with the planning controls applying to the site and the strategic need to provide seniors housing for an ageing population. This statement provides that this modification proposal is in the public interest for the following reasons:

- The proposal continues to satisfy the objective of the R2 Low Density Residential zone.
- The proposal continues to be generally consistent with the relevant provisions of the LEP and DCP.
- The amended proposal has minimal environmental impacts when considered from the basis of the approved DA2020/0008 and subsequent modification that have been found to be reasonable.
- The proposal continues to be suitable for the site.
- The proposal will ensure that the applicant can deliver a viable scheme given inflation of the economy in the construction industry.
- The proposed modifications are minor in nature and no environmental impacts arise from said modifications.

There are no unreasonable impacts that will result from the amended aged-care development; therefore, the benefits outweigh any disadvantage. As such, it is considered the proposal will have an overall public benefit.

7. Conclusion

The Section 4.55 (2) Modification Application seeks to modify the consent issued on 07 January 2021, under DA2020/0008 at 3 Central Road, Avalon. The proposed modifications will ensure the viability of the development, and compliance with relevant BCA, Australian Standards, and NCC requirements. In summary, we conclude that the proposed modification:

- is considered substantially the same development as the development for which consent was originally granted;
- is appropriate when assessed by reference to the relevant matters for consideration under Section 4.15 (1);
- will have no adverse environmental impacts on the site or the properties in the vicinity of the site, given that there is only minor change to the overall final building form, scale, design, materials and function, as originally approved;
- will be in the public interest based on these benefits and the lack of adverse impacts.
- maintains the primary categorisation of the sites land use as a Seniors Housing development.

The proposal as amended under this Section 4.55 (2) application warrants approval by Council.

Appendix A

Original Consent DA2020/0008

GYDE

7 January 2021



Cottee Parker Architects Pty Ltd , Avalon Central Pty Ltd
Level 4, 50 Stanley Street
EAST SYDNEY NSW 2010

Dear Sir/Madam

Application Number: DA2020/0008
Address: Lot 27 DP 9151 , 3 Central Road, AVALON BEACH NSW 2107
Proposed Development: Demolition works and construction of a seniors housing development

Please find attached the Notice of Determination for the above mentioned Application.

Please note that the consent is not operative until the following deferred commencement conditions have been satisfied:

- VPA for dedication of land to relevant roads authority

The evidence required to satisfy these conditions must be submitted to Council within two (2) years of the date of this Deferred Commencement Consent. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement conditions, the consent shall be operative for Development Application DA2020/0008 subject to the conditions listed within the Notice of Determination.

(Note: Implementing the development consent prior to written confirmation may result in legal proceedings. If such proceedings are required, Council may seek all costs associated with such proceedings, as well as any penalty or Order that the Court may impose. No Construction Certificate can be issued until all conditions, including this condition have been satisfied).

You may apply for modification of the conditions attached to your Deferred Commencement Consent under Section 4.16(3) of the Environmental Planning and Assessment Act, 1979.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your deferred commencement consent carefully as you are required to undertake and complete specific tasks before the consent becomes operative. A Construction Certificate cannot be issued and subsequent works cannot commence until Council acknowledges, in writing, that the conditions for deferred commencement have been satisfied.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Lashta Haidari
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2020/0008
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Cottee Parker Architects Pty Ltd Avalon Central Pty Ltd
Land to be developed (Address):	Lot 27 DP 9151 , 3 Central Road AVALON BEACH NSW 2107
Proposed Development:	Demolition works and construction of a seniors housing development

DETERMINATION - APPROVED - DEFERRED COMMENCEMENT CONSENT

Made on (Date)	09/12/2020
Consent to operate from (Date):	Once Council is satisfied as to those matters specified in the deferred commencement conditions, Council will nominate by way of written notice to the Applicant, the date from which the consent operates
Consent to lapse on (Date):	2 years from the operation date of Consent

Detail of Conditions

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

Note:

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

DEFERRED COMMENCEMENT CONDITIONS

1. VPA for dedication of land to relevant roads authority

The developer shall enter into a Voluntary Planning Agreement (VPA) with Council pursuant to s7.4 of the Environmental Planning and Assessment Act, 1979 (NSW) to dedicate to Council, free of cost to Council, land at least one metre wide adjoining the whole of the eastern boundary of the subject land adjoining Patterson Lane.

Evidence required to satisfy the deferred commencement condition must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with section 95 of the *Environmental Planning and Assessment Regulation 2000*.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
SD1008 - Issue A - Bench Mark Finishes	17/12/2019	Cottee Parker Architects
SD1201 - Issue A - Demolition Plan	17/12/2019	Cottee Parker Architects
SD2007 - Issue C - Floor Plan - Lower Ground	08/07/2020	Cottee Parker Architects
SD2008 - Issue C - Floor Plan - Ground Floor	08/07/2020	Cottee Parker Architects
SD2009 - Issue C - Floor Plan - Level 01	08/07/2020	Cottee Parker Architects
SD2010 - Issue C - Floor Plan - Roof	08/07/2020	Cottee Parker Architects
SD2802 - Issue B - Landscape, Private Open Space & Deep Soil	29/05/2020	Cottee Parker Architects
SD2804 - Issue A - Tree Protection Zone	17/12/2019	Cottee Parker Architects
SD3001 - Issue C - Street Elevations	08/07/2020	Cottee Parker Architects
SD3002 - Issue C - Street Elevations	08/07/2020	Cottee Parker Architects
SD3003 - Issue A - Elevations	17/12/2019	Cottee Parker Architects
SD3004 - Issue A - Section 1 and 2/ Building Height at Boundary Analysis	29/05/2020	
SD3101 - Issue C - Sections 1 - Section A	08/07/2020	Cottee Parker Architects

SD3102 - Issue A - Sections 2	17/12/2019	Cottee Parker Architects
Waste Bins Location - Option 2	13/7/2020	Cottee Parker Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Energy Efficiency Performance Report	9 December 2019	Gradwell Consulting
Building Code of Australia 2019 Compliance Report	12 December 2019	McKenzie Group
Access Report	2 December 2019	Accessible Building Solutions
Acid Sulfate Soil Assessment	5 December 2019	JK Environments
Geotechnical Investigation and Assessment	27 November 2019	JK Environments
Traffic and Parking Impacts Report	13 December 2019	TEF Consulting

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plan	23/10/2020	Place Design Group

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

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

3. **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 or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Comments	6/02/2020

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website 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.

4. **Telecommunications in New Developments**

Prior to the issue of the Construction Certificate in connection with the development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

(i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

and

(ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Reason: To ensure that telecommunications infrastructure is considered early in the planning process.

5. **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.

6. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including

but not limited) to:

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

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

FEES / CHARGES / CONTRIBUTIONS

7. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$44,192.50 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$4,419,250.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

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

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

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating

compliance are to be submitted to the Principal Certifying Authority.

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

8. **Security Bond**

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

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

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

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

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

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

The applicant is to lodge a bond of \$5,000 as security against any damage or failure to complete the construction of stormwater drainage works 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.

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

The applicant is to lodge a Bond of \$25,000 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.

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

11. **Planting Plan**

A Planting Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate, based on the Amended Landscape Documents, to include the following details:

i) proposed species and design arrangement, based on the Typical Planting Palette (drawing 13 of the Amended Landscape Documents), consistent with the nominated pot sizes and planting

densities.

Certification shall be provided to the Certifying Authority that the the Planting Plan is consistent with the design intent of the Amended Landscape Documents.

Reason: landscape amenity.

12. **On Slab Landscape Works**

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, based on the Detail Plan 2 - Level 01 Communal Space (drawing 10 of the Amended Landscape Documents).

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.

The following soil depths are required to support landscaping as proposed:

- i) 300mm for lawn
- ii) 600mm for shrubs

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. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by JKGeotechnics dated 27 November 2019 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

14. **Detailed Design of Stormwater Treatment Measures**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with Revision 3 of the Stormwater Concept Management plans prepared by Sparks + Partners Consulting Engineers and Council's Water Management for Development Policy.

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

Reason: Protection of the receiving environment.

15. **Amendments to the approved plans**

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

- The applicant is to amend the approved plans to reflect the six sketch plans dated 9/12/20 attached to the Memo dated 9 December 2020 from Renee Ezzy, Principal Planner, to Northern Beaches Local Planning Panel.

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

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

16. Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

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

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

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

17. Building Code of Australia Requirements and Fire Safety Measures

The Building Code of Australia works and fire safety measures for the building as detailed and recommended in the Building Code of Australia Audit Report prepared by McKenzie Group, dated 12 December 2019, Report Ref No. 190178(C) 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.

18. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management Policy and generally in accordance with the concept drainage plans prepared by Sparks + Partners, drawing number 197279 DA1.01, DA4.01, DA4.02, DA4.10, DA4.11 and DA4.12 Revision 3, dated 8/09/20. 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.

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.

19. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the

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

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

20. **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 owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

21. **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.

22. **Stormwater Drainage Application**

The applicant is to provide a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the stormwater connection from the site into the existing Council drainage pit in Patterson Lane which is to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1. The form can be found on Council's website at www.northernbeaches.nsw.gov.au > Council Forms > Stormwater Drainage Application Form. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges.

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

Reason: To ensure appropriate provision for disposal and maintenance stormwater management and compliance with the BASIX requirements, arising from the development.

23. **Provide Acid Sulfate Soil Management Plan prior to construction certificate**

An Acid Sulfate Soil Management Plan is to be prepared in accordance with the requirements of the "Acid Sulfate soil manual" and submitted to Council and the PCA prior to a Construction Certificate being issued.

Reason:

Development is within a Class 4 and 5 Acid Sulfate soil and the information provided indicate excavation to 2 to 3 meters and deeper for the lift overrun; and with results provided in the report by JK Environments indicating some of the soil samples "identified acidic conditions greater than the active Criteria to triggers the need for a Acid Sulfate Soil Management Plan.

24. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

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.

25. **Pier footing design near existing trees T8 to T17 inclusive**

a) The pier footing structural layout plans for the suspended timber ramp/walkway, in proximity to existing trees identified as T8 to T17 inclusive, shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture.

b) The Arborist shall review, comment, recommend design revision as required and approve the pier footing layout, to ensure the locations of piers will be manageable in terms of tree protection measures.

c) The Arborist shall submit certification to the Certifying Authority, that the locations of the pier footings are accepted and based on suitable trunk clearances to allow for future growth.

d) The agreed pier footing structural layout plans shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.

Reason: tree protection.

26. **Compliance with Standards**

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

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

(a) AS2601.2001 - Demolition of Structures**

(b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**

(c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**

(d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **

(e) AS 4970 - 2009 'Protection of trees on development sites'**

(f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**

- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 – 2009* Design for access and mobility - General requirements for access – New building work**
- (m) AS 1428.2 – 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

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

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

27. **Compliance with Standards**

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

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

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

28. **Sydney Water "Tap In"**

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

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

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

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

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

29. **Construction Traffic Management Plan.**

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

Construction Certificate.

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

The CTMP must address following:-

- The proposed phases of construction works on the site, and the expected duration of each construction phase;
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- Make provision for all construction materials to be stored on site, at all times;
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Specify that, due to the proximity of the site adjacent to Maria Regina Catholic School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an

appropriately qualified and practising Structural Engineer, or equivalent;

- Proposed protection for Council and adjoining properties;
- 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.

(DACTRCPC1)

30. **Submission of Engineering Plans**

The submission is to include four (4) copies of Civil Engineering plans for the design of:

- Upgraded footpaths along all frontages of the site and along all paths leading to the allocated Bus Stops
- Footpaths of 1.5m clear widths
- Upgraded Bus Stops to be DDA complaint

These are to be generally in accordance with the civil design approved with the Development Application and Council’s specification for engineering works - AUS-SPEC #1 and or Council’s Minor Works Policy. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval.

Reason: To ensure compliance with Council’s specification for engineering works and improve safety for the intended users. (DACTRCPC2)

31. **Waste and Recycling Requirements**

Details demonstrating compliance with Northern Beaches Development Control Plan – Part C9 Waste Management, including the required Northern Beaches Waste Management Plan, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with Northern Beaches Development Control Plan – Part C9 Waste Management, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans a modification(s) to the development may be required.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

32. **Project Arborist**

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

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works including but not limited to section 1.4.2 of the updated Arboricultural Impact Assessment dated 2 September 2020:

- i) design review of pier footings for the suspended walkway in proximity to existing trees identified as T8 to T17 inclusive,
- ii) tree protection fencing for existing trees identified as T3, T10, T11, and T15 as shown within Appendix E01 and E02,
- iii) tree sensitive design for the Central Road footpath in proximity to existing trees identified as T12, T13 and T17,
- iv) trunk protection for existing tree identified as T20 within Patterson Lane,
- v) excavation works in proximity to existing trees identified as T30 to T35 inclusive, to select location of path near T30 and select fence post footings for T31-T35, within Dunbar Park,
- vi) tree protection fencing for existing tree identified as T36 within Dunbar Park.

All tree protection measures specified must:

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

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

Note:

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

Reason: tree protection.

33. **No Access Through Adjoining Park/Reserves**

Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council.

Reason: To ensure protection of council parks/reserves.

34. **Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property: 5 Central Road, Avalon Beach

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

35. **Public Liability Insurance - Works on Public Land**

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

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

36. **Tree removal within the property**

This consent approves the removal of the following trees within the property impacted by development (as recommended in the updated Arboricultural Impact Assessment dated 2 September 2020):

- trees numbered 4, 4a and 18 (Cheese Tree), 6 (Bloodwood), 7 (Lillypilly), 19 (Lemon Scented Gum), 23, 26 and 28 (Bottlebrush), 24, 25, 28a and 29 (Lemon Scented Tea Tree), and 37 (Swamp Mahogany).

The following Exempt Species do not require Council consent for removal:

- trees numbered 5, 5a, and 27.

Reason: to enable authorised building works

Note: 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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

37. 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.

38. Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

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

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

Reason: Protection of the receiving environment.

39. Substitution of Stormwater Treatment Measure

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

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

40. Dewatering Management

Where a one-off instance of dewatering of groundwater or tailwater is required during works, Council's Catchment Team must be notified of the intention to discharge. Discharges should meet the water quality requirements below. Notification must be via the Team's email address - catchment@northernbeaches.nsw.gov.au.

If continuous dewatering or dewatering on multiple events is expected, a dewatering permit is required from Council's Catchment Team at catchment@northernbeaches.nsw.gov.au.

To obtain a permit, the following information must be contained in a dewatering management plan and provided to Council's Catchment Team. The dewatering management plan must be certified by a suitably qualified civil engineer who has membership of Engineers Australia and appears on the National Engineering Register (NER).

1. Preliminary testing of groundwater/tailwater must be conducted by a NATA accredited laboratory to establish a correlation between NTU and TSS. This will allow the use of grab sampling at short notice prior to planned discharges.
2. Grab samples must be collected **within 1 hour before planned discharge** that comply with the parameters in the table below.
3. The groundwater/tailwater to be discharged must be compliant with the water quality requirements below, the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Water Quality (<one hour of planned discharge)

Oil and grease, not visible

pH, 6.5-8.5

Total Suspended Solids (TSS), <50mg/L NTU from a meter/grab sample

4. All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.
5. Tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted. Where there is no stormwater pit within 100 metres of the site, Council's Catchment Team must be contacted to discuss alternative arrangements.

On receipt of a satisfactory dewatering management plan, Council's Catchment Team will issue a permit that will allow dewatering for up to one year. This permit should be provided to WaterNSW for their permit. Once a permit has been received from WaterNSW, dewatering may commence.

Reason: Protection of the receiving environment

41. Civil Works Supervision

The Applicant shall ensure all civil works approved in the Section 138 and Section 68 application approvals are supervised by an appropriately qualified and practicing Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

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

42. Footpath Construction

The applicant shall construct a 1.5 metre wide footpath along the eastern boundary of the subject land of which at least one metre will be over the land dedicated to council under deferred commencement condition 1 and the balance will be over the council's adjoining land.

The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with the Section 138 Road Act approval.
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Section 138 Road Act approval for footpath.

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

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

43. 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.

44. Vehicle Crossings

The Applicant is to construct one vehicle crossing 5.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 Normal and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to kerb, footpath and 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.

45. Protection of existing street trees

All existing street trees in the vicinity of the works shall be retained during all construction stages.

Existing street trees within the frontage of the development site shall be protected by tree protection fencing to the extent and alignment as determined by an Arborist with minimum AQF Level 5 in arboriculture, and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

Unless identified by the development consent, no tree roots at or >25mm (Ø) diameter are to be damaged or cut and all structures are to be bridged over such roots.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, Council's Public Trees section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: tree protection.

46. **Tree and vegetation protection**

- a) Existing trees and vegetation shall be retained and protected, including:
- i) all trees and vegetation within the site not approved for removal (existing trees numbered and identified for retention as 3 (Rough Barked Apple), 8, 9, 10, 11 and 15 (all Angophora), 14 (Bloodwood), 16 (Swamp Mahogany) and 36 (Cheese Tree) in the updated Arboricultural Impact Assessment dated 2 September 2020, and as located on the Tree Removal Plan number 7 of the Amended Landscape Documents),
 - ii) all trees and vegetation located on adjoining properties, including but not limited to existing trees numbered and identified for retention as 1, 1a, 2, 20, 21, 22, 30, 31, 32, 33, 34, and 35,
 - iii) all road reserve trees and vegetation not approved for removal, including but not limited to existing trees numbered and identified as 12, 13 and 17.

b) Tree protection shall be undertaken as follows:

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

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the updated Arboricultural Impact Assessment dated 2 September 2020, as listed in the following sections: 1.4 and 2.0 inclusive (with particular attention to section 2.2.2 part 5 Hold Points, and Appendix E01 and E02.

The Certifying Authority must ensure that:

- d) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on

Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

Reason: tree and vegetation protection.

47. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan dated 20 September 2020.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided. (DACWTE01)

48. 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. (DACWTE02)

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

49. Landscape works completion

Landscaping is to be implemented in accordance with the Amended Landscape Documents dated 23 October 2020 and the Planting Plan, inclusive of the following conditions:

- i) tree planting shall be located within a 9m² deep soil area and be located a minimum of 4metres from existing and proposed buildings,
- ii) tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight,
- iii) the Cupaniopsis anacardioides nominated on the plans shall be replaced with a locally native canopy tree,
- iv) landscape materials shall be in accordance with drawing number 14 'Materials Look and Feel'.

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 any conditions of consent.

Reason: environmental amenity.

50. Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact 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.

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

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with Revision 3 of the Stormwater Concept Management plans prepared by Sparks + Partners Consulting Engineers. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

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

Reason: Protection of the receiving environment.

52. **Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures**

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

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user 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. 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 as to user is to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

53. **Stormwater Treatment Measures Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

- 1. Detail on the stormwater treatment measures:
 - a) Work as executed drawings
 - b) Intent of the stormwater treatment measures including modelled pollutant removal rates

- c) Site detail showing catchment for each device
- d) Vegetation species list associated with each type of vegetated stormwater treatment measure
- e) Impervious area restrictions to maintain the water balance for the site
- f) Funding arrangements for the maintenance of all stormwater treatment measures
- g) Identification of maintenance and management responsibilities
- h) Maintenance and emergency contact information

2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:

- a) Activity description, and duration and frequency of visits

Additionally for vegetated devices:

- b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
- c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure

3. Maintenance schedule and procedure - ongoing

- a) Activity description, and duration and frequency of visits
- b) Routine maintenance requirements
- c) Work Health and Safety requirements
- d) Waste management and disposal
- e) Traffic control (if required)
- f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

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

Reason: Protection of the receiving environment.

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

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

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

Reason: Protection of the receiving environment.

55. **Strata Management Statement**

The Strata Management Statement must specifically list the stormwater treatment measures that will be maintained under strata title. The statement must also include the Stormwater Treatment Measure Operation and Maintenance Plan.

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

Reason: To ensure maintenance of all stormwater management assets and protection of the receiving environment.

56. Post-Construction Dilapidation Report

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

57. Reinstatement of Kerb

The Applicant shall reinstate all redundant laybacks and vehicular crossings 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 final Occupation Certificate.

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

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

The Applicant shall lodge the Legal Documents Authorisation Application with Council. The application shall include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan) and Hydraulic Engineers' certification.

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over 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 lodgment 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 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 Occupation Certificate.

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

59. Maintenance contract for stormwater filtration cartridges

A minimum of a five-year contract with a suitably qualified provider is required for the maintenance of the stormwater filtration cartridges.

A copy of the maintenance contract must be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

Reason: To ensure maintenance of the stormwater treatment measures.

60. **Geotechnical Certification Prior to Occupation Certificate**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

61. **Certification of Council Drainage Works and Works as Executed Data**

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent and the Section 68 approval. Works as Executed data (details overdrawn on a copy of the approved drainage plans) certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' shall be submitted to Council for acceptance prior to the release of any security deposits.

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

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

62. **Completion of Pedestrian Pathway**

The pedestrian pathway referred to in the Footpath Construction condition above is to be installed by the applicant at the applicant's cost and certified by Council prior to the issue of an Occupation Certificate.

Reason: To ensure all infrastructure is complete and operational for the safety of all pedestrians using Patterson Lane.

63. **Garbage and Recycling Facilities**

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

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

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

64. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

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

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines
(https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-01.pdf).

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

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

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

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

Reason: To ensure consistent numbering for emergency services access.

66. **Undergrounding of Telecommunications Services**

Arrangements are to be made for the provision of underground telecommunications services to the building.

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

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACPLF06)

67. **Sydney Water**

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

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

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

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

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

68. 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.

69. Pedestrian Signal Phasing - installation

The applicant is to engage with Roads and Maritime Services (RMS) regarding the inclusion of a pedestrian phase of the traffic signals at Barrenjoey Road and Central Road.

The applicant is to submit to Council copies of correspondence with RMS relating to the inclusion of the pedestrian phase.

All costs associated with any such upgrade shall be borne by the applicant if required by the RMS. The works shall be undertaken to the satisfaction of RMS prior to the issue of any Occupation Certificate.

Reason: To ensure safe connectivity for the Seniors and Mobility impaired when accessing the Bus Stop on the east side of Barrenjoey Road (DACTRFPOC1)

70. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with Northern Beaches Development Control Plan – Part C9 Waste Management

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

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

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. (DACWTF02)

72. Positive Covenant for Waste Services

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from 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 covenant.

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

73. Authorisation of Legal Documentation Required for Waste Services

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

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

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

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

74. Maintenance of Stormwater Treatment Measures

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

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

Reason: Protection of the receiving environment.

75. Landscape maintenance

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

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

Reason: to maintain local environmental amenity.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

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

Right of Appeal

If you are dissatisfied with this decision Division 8.3 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Signed On behalf of the Consent Authority



Name Lashta Haidari, Manager Development Assessments

Date 09/12/2020

GENERAL ADVICE

Advisory Notes (General)

Where are you in the development process?



Note: The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team.

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

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

Building Certification

The Environmental Planning and Assessment Act 1979 provides that:

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

Please refer to process chart for more detail.

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

Certification Services

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

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

Charges Associated with the Development Consent

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

Bonds are released after:

1. 'Final Occupation Certificate' has been received by Council; and
2. Final inspection by a Council Officer where:
 - the development is complete
 - damage has not been caused to council assets during the works
 - conditions of development consent have been met.

The bond will be released to the person or business who paid the bond to Council (The name that appears on the original receipt)

Acceptable Form of Security Bonds

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

Modifications to the consent

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

carried out. The proposed changes should be discussed with the PCA.

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

Other Matters not detailed within the Notice of Determination

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

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

- Workcover NSW for work safety and asbestos requirements
- Sydney Water – Quick Check Agent for the provision of water and sewer services
- Energy & Gas suppliers for utility services
- Department of Fair Trading for advice about builders and licensing
- Building Professionals Board for advice about private certifiers
- NSW Roads and Maritime Services for works on state roads only
- Human Rights and Equal Opportunity Commission for access issues
- NSW Land and Property Information for Land Title matters
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact :Telstra's Network Integrity Team on Phone Number 1800810443.

(1) if the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted

to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and

(2) The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

Model

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

Trade waste agreement

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

Waste collection

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

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

Aboriginal Heritage

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

On-Site Sewage Management System

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

Cost of Works

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

Relocation of stormwater drainage

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

Tree preservation

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

Storage bins on footpath and roadway

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

Protection of Public Places

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

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

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

(2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

(3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

(4) Any such hoarding, fence or awning is to be removed when the work has been completed.

(5) No access across public reserves or parks is permitted.

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

Road Opening Permit

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

Special Permits

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

- Permit for on-street mobile plant

Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

- Hoarding Permit

Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

- Storage of building materials and building waste containers (skips) on Council's property

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.

- Kerbside restrictions, work zones

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Other permits may include out of construction hours permits.

Licensing requirements for removal of bonded asbestos

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

Pool Access

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

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2012;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

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

Dewatering

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

Requirement to Notify about New Contamination Evidence

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

Flood Evacuation Plan

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

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

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

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

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

Utility Service Requirements

Where development requires the installation of, or the relocation of utility services being (but not limited to) gas, water, electricity and telecommunications, the installation of, or the relocation of utility services shall be conducted in accordance with the requirements of the relevant service provider / authority (unless stipulated by any other condition of the consent or will result in damage to threatened or endangered species defined under the Threatened Species Conservation Act 1995).

Plant & Equipment Kept Within Site

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

Lighting

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

Silt and Sediment Control

During any onsite demolition, excavation and construction works, the site should be maintained in accordance with "The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction".

In managing the site provision shall be made throughout the period of works to prevent transmission of soil to the public road, drainage system, any riparian lands or off site in any manner. Upon completion of the development, any measures to prevent the transition of soil off site to remain in place until the site is stabilised.

A failure to prevent the transmission of silt and sediment and / or causing, water pollution, air pollution, noise pollution or land pollution may result in a breach of the Protection of the Environment Operations Act and orders, penalties and prosecutions may occur.

Maintenance of Sediment and Erosion Control Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain.

Reason: To avoid erosion and sedimentation impacts that will result in an adverse change in watercourse or riparian land condition

Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: soils and construction (2004).

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

Dividing Fences Act 1991

The construction and maintenance of side boundary fences is to be agreed upon by all adjoining property owners of the fence. Works are to be in accordance with the Dividing Fences Act 1991.

OTHER MATTERS

Child Care Centres

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

Disability Access

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

Food Premises

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

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

Wheel washing facility

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

Monitoring State of Roadways

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

Storage of Dangerous Goods

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

Storage of Flammable and Combustible Liquids

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

Noise and Vibration

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

Hairdressing/Beauty Treatment/ Skin penetration Requirements

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

- i) A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap and paper towel.
- ii) The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
- iii) The premises must be provided with washing, drainage, ventilation and lighting that are adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.
- iv) The floor coverings must be smooth and impervious.

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

Food Premises Construction Requirements

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

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

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

Legionella Control

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

Pool/Spa Safety

Owners of properties with swimming pools and spa's must meet safety compliance and registration requirements. Provisions also apply when renting/selling properties. Details are available from the Division of Local Government.

Grease Trap

Contact Sydney Water to determine what trade waste provisions you are required to provide to your food premises. Should a grease trap be required by Sydney Water, it must be located in an area that is easily accessible for the removal of waste water and must not be installed in any kitchen, food preparation or food stage area. The design and location of the grease trap should also not impede on any commercial right of way or pedestrian access.

Bandicoot/Penguin

Long-nosed Bandicoots & Little Penguins – Best Practices for Residents Residents are encouraged to follow a number of *Best Practices* to assist with the protection and management of the endangered populations of Long-nosed Bandicoots and Little Penguins:

- Long-nosed Bandicoots, Little Penguins and other native animals should never be fed as it may cause them nutritional problems, hardship if supplementary feeding is stopped, and it may increase predation.
- Feral cats or foxes should never be fed or food left out where they can access it, such as rubbish bins without lids or pet food bowls, as these animals present a significant threat to Long-nosed Bandicoots, Little Penguins and other wildlife.
- The use of insecticides, fertilisers, poisons and/or baits should be avoided on the property.

Garden insects will be kept in low numbers if Long-nosed Bandicoots are present.

- When the North Head Long-nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- Dead Long-nosed Bandicoots or Little Penguins should be reported by phoning Manly Council on 9976 1500 or Department of Environment and Conservation on 9960 6266.
- Please drive carefully as vehicle related injuries and deaths of Long-nosed Bandicoots and Little Penguins have occurred in the area. Care should also be taken at night in the drive way when moving cars as bandicoots will seek shelter beneath vehicles.
- Cat/s and or dog/s that currently live on the property should be kept indoors at night to avoid disturbance/death of native animals. Ideally, when the current cat/s and/or dog/s that live on the property no longer reside on the property it is recommended that they not be replaced by new dogs or cats.
- Report all sightings of feral rabbits, feral or stray cats and/or foxes to N B Council.

Appendix B

Modification Consent Mod2021/0853

GYDE

15 March 2022



Avalon Central Pty Ltd
19 The Rampant
CASTLECRAG NSW 2068

Dear Sir/Madam

Application Number: Mod2021/0853
Address: Lot 27 DP 9151 , 3 Central Road, AVALON BEACH NSW 2107
Proposed Development: Modification of Development Consent DA2020/0008 for Demolition works and construction of a seniors housing development

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Anne-Marie Young
Principal Planner

NOTICE OF DETERMINATION

Application Number:	Mod2021/0853
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Avalon Central Pty Ltd
Land to be developed (Address):	Lot 27 DP 9151 , 3 Central Road AVALON BEACH NSW 2107
Proposed Development:	Modification of Development Consent DA2020/0008 for Demolition works and construction of a seniors housing development

DETERMINATION - APPROVED

Made on (Date)	10/03/2022
Consent to operate from (Date):	10/03/2022
Consent to lapse on (Date):	10/03/2027

Detail of Conditions

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

Note:

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

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
SD1009 Rev A Site Plan	17.12.2019	COTTEEPARKER
SD2007 Rev D Floor Plan - Lower Level	30.09.2021	COTTEEPARKER
SD2008 Rev D Floor Plan - Ground Level	30.09.2021	COTTEEPARKER
SD2009 Rev D Floor Plan - Level 1	30.09.2021	COTTEEPARKER
SD2010 Rev D Roof Plan	30.09.2021	COTTEEPARKER
SD2813 Rev A Driveway Detail Plan	20/2021	COTTEEPARKER
SD2814 Rev A Driveway Details Sections	20/2021	COTTEEPARKER
SD3001 Rev D Street Elevations	30.09.2021	COTTEEPARKER
SD3002 Rev D Street Elevations	30.09.2021	COTTEEPARKER
SD3003 Rev C Elevations	30.09.2021	COTTEEPARKER
SD3101 Rev D Sections 1	30/09.2021	COTTEEPARKER

Engineering Plans		
Drawing No.	Dated	Prepared By
DA4.01 Rev 3 Concept Stormwater Management Plan - Lower Ground Floor	08.09.2020	Sparks and Partners
DA4.02 Rev 3 Concept Management Plan - Ground	08.09.2020	Sparks and Partners
DA4.11 Rev 3 Stormwater Management Details Sheet 1	08.09.2020	Sparks and Partners
DA4.12 Rev 3 Stormwater Management Plan Details Sheet 2	08.09.2020	Sparks and Partners
C02 Issue NI Footpath Plan	July 2021	M & G Consulting
C03 Issue NI Kerb Lip Longsection	July 2021	M & G Consulting
C04 Issue NI Footpath Cross Sections	July 2021	M & G Consulting
C05 Issue NI Footpath Details	July 2021	M 7 G Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report Ref 32781BCrptRev 1	27.10.2021	JKGeotechnics
Fire Engineering Support Statement	13.10.2021	MCD Fire Engineering
BCA Amdt 1 Compliance Report Rev E	25.10.2021	McKenzie Group
NatHERS Certificate No 0005219480	11.10.2021	Design Matters National
Assessor Construction Summary Ref JP8c	11.10.2021	Gradwell Consulting

BASIX Certificate No. 1056875M_03	11.10.2021	Gradwell Consulting
Accessibility Report Issue A Ref 219242	21.10.2021	Accessible Building Solutions
Arborist Report Ref RTC-140120	02.09.2020	Rain Tree Consulting

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

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

A. Modify Condition 17 Building Code of Australia Requirements and Fire Safety Upgrade to read as follows:

The Building Code of Australia works and fire safety measures as detailed and recommended in the Building Code of Australia Audit Report prepared by McKenzie Group, dated 25 October 2021, Report Ref No.190178(E) are to be considered as part of the assessment of the Construction Certificate.

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

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

B. Modify Condition 25 Pier footing design near existing trees to read as follows:

- a) The pier footing structural layout plans for the suspended timber ramp/walkway, in proximity to existing trees identified as T8 - T11 (inclusive), T14 - T17 (inclusive), shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture.
- b) The Arborist shall review, comment, recommend design revision as required and approve the pier footing layout, to ensure the locations of piers will be manageable in terms of tree protection measures.
- c) The Arborist shall submit certification to the Certifying Authority, that the locations of the pier footings are accepted and based on suitable trunk clearances to allow for future growth.
- d) The agreed pier footing structural layout plans shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.

C. Modify Condition 32 Project Arborist to read as follows:

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

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works including but not limited to section 1.4.2 of the updated Arboricultural Impact Assessment dated 2 September 2020:

- i) design review of pier footings for the suspended walkway in proximity to existing trees identified as T8 to T17 inclusive,
- ii) tree protection fencing for existing trees identified as T3, T10, T11, and T15 as shown within Appendix E01 and E02,
- iii) tree sensitive design for the Central Road footpath in proximity to existing trees identified as T17,
- iv) trunk protection for existing tree identified as T20 within Patterson Lane,
- v) excavation works in proximity to existing trees identified as T30 to T35 inclusive, to select location of path near T30 and select fence post footings for T31-T35, within Dunbar Park,
- vi) tree protection fencing for existing tree identified as T36 within Dunbar Park.

All tree protection measures specified must:

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

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

Note:

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

Reason: tree protection

D. Modify Condition 36 Tree removal within the property to read as follows:

This consent approves the removal of the following trees within the property impacted by development (as recommended in the updated Arboricultural Impact Assessment dated 2 September 2020:

- Trees numbered 4, 4a and 18 (Cheese Tree), 6 (Bloodwood), 7 (Lillypilly), 19 (Lemon Scented Gum), 23, 26 and 28 (Bottlebrush), 24, 25, 28a and 29 (Lemon Scented Tea Tree), 37 (Swamp Mahogany), 12 *Corymbia gummifera* (Red Bloodwood) and 13 - *Eucalyptus acmenoides* (White Mahogany). Tree 12 and 13 are both located within the road reserve and the removal of the street trees is subject to replacement planting.

The following Exempt Species do not require Council consent for removal:

- Trees numbered 5, 5a, and 27.

Reason: to enable authorised building works

Note: 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.

E. Add Condition 36B Street Tree Planting to read as follows:

Two (2) replacement street trees shall be planted in accordance with the following:

- Species and Container Size: *Tristanopsis laurina*, pre-ordered for delivery at 200 litres, and shall meet the requirements of Natspec - Specifying Trees
- Specification: caliper minimum 60mm, clear trunk approx. 1.8 metres
- Planting: trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained including a four post and top and mid rail timber tree guard and watered until established and shall be located at least 2 metres from any structures including driveways, and shall generally be centralised within the road verge.

Details shall be submitted as part of the road reserve works application under section 138 and 139 of the Roads Act, and submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

F Add Condition 76 Environmental Reports certification to read as follows:

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- (a) Geotechnical Report Ref 32781BCrptRev 1 dated 27.10.2021 prepared by JKGeotechnics
- (b) Fire Engineering Support Statement dated 13.10.2021 prepared by MCD Fire Engineering
- (c) BCA Amdt 1 Compliance Report Rev E dated 25.10.2021 prepared by McKenzie Group
- (d) NatHERS Certificate No 0005219480 dated 11.10.2021 prepared by Design Matters National
- (e) Assessor Construction Summary Ref JP8c dated 11.10.2021 prepared by Gradwell Consulting
- (f) BASIX Certificate No. 1056875M_03 dated 11.10.2021 prepared by Gradwell Consulting
- (g) Accessibility Report Issue A Ref 219242 21.dated 10.2021 prepared by Accessible Building Solutions
- (h) Arborist Report Ref RTC-140120 dated 02.09.2020 prepared by Rain Tree Consulting

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

Reason: To ensure compliance with standards.

Right of Appeal

If you are dissatisfied with this decision Division 8.3 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Signed On behalf of the Consent Authority



Name Anne-Marie Young, Principal Planner

Date 10/03/2022

GENERAL ADVICE

Advisory Notes (General)

Where are you in the development process?



Note: The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team.

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

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

Building Certification

The Environmental Planning and Assessment Act 1979 provides that:

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

Please refer to process chart for more detail.

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

Certification Services

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

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

Charges Associated with the Development Consent

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

Bonds are released after:

1. 'Final Occupation Certificate' has been received by Council; and
2. Final inspection by a Council Officer where:
 - the development is complete
 - damage has not been caused to council assets during the works
 - conditions of development consent have been met.

The bond will be released to the person or business who paid the bond to Council (The name that appears on the original receipt)

Acceptable Form of Security Bonds

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

Modifications to the consent

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

carried out. The proposed changes should be discussed with the PCA.

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

Other Matters not detailed within the Notice of Determination

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

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

- Workcover NSW for work safety and asbestos requirements
- Sydney Water – Quick Check Agent for the provision of water and sewer services
- Energy & Gas suppliers for utility services
- Department of Fair Trading for advice about builders and licensing
- Building Professionals Board for advice about private certifiers
- NSW Roads and Maritime Services for works on state roads only
- Human Rights and Equal Opportunity Commission for access issues
- NSW Land and Property Information for Land Title matters
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact :Telstra's Network Integrity Team on Phone Number 1800810443.

(1) if the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted

to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and

(2) The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

Model

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

Trade waste agreement

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

Waste collection

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

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

Aboriginal Heritage

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

On-Site Sewage Management System

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

Cost of Works

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

Relocation of stormwater drainage

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

Tree preservation

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

Storage bins on footpath and roadway

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

Protection of Public Places

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

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

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

(2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

(3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

(4) Any such hoarding, fence or awning is to be removed when the work has been completed.

(5) No access across public reserves or parks is permitted.

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

Road Opening Permit

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

Special Permits

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

- Permit for on-street mobile plant

Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

- Hoarding Permit

Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

- Storage of building materials and building waste containers (skips) on Council's property

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.

- Kerbside restrictions, work zones

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Other permits may include out of construction hours permits.

Licensing requirements for removal of bonded asbestos

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

Pool Access

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

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2012;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

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

Dewatering

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

Requirement to Notify about New Contamination Evidence

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

Flood Evacuation Plan

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

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

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

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

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

Utility Service Requirements

Where development requires the installation of, or the relocation of utility services being (but not limited to) gas, water, electricity and telecommunications, the installation of, or the relocation of utility services shall be conducted in accordance with the requirements of the relevant service provider / authority (unless stipulated by any other condition of the consent or will result in damage to threatened or endangered species defined under the Threatened Species Conservation Act 1995).

Plant & Equipment Kept Within Site

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

Lighting

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

Silt and Sediment Control

During any onsite demolition, excavation and construction works, the site should be maintained in accordance with "The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction".

In managing the site provision shall be made throughout the period of works to prevent transmission of soil to the public road, drainage system, any riparian lands or off site in any manner. Upon completion of the development, any measures to prevent the transition of soil off site to remain in place until the site is stabilised.

A failure to prevent the transmission of silt and sediment and / or causing, water pollution, air pollution, noise pollution or land pollution may result in a breach of the Protection of the Environment Operations Act and orders, penalties and prosecutions may occur.

Maintenance of Sediment and Erosion Control Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain.

Reason: To avoid erosion and sedimentation impacts that will result in an adverse change in watercourse or riparian land condition

Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: soils and construction (2004).

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

Dividing Fences Act 1991

The construction and maintenance of side boundary fences is to be agreed upon by all adjoining property owners of the fence. Works are to be in accordance with the Dividing Fences Act 1991.

OTHER MATTERS

Child Care Centres

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

Disability Access

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

Food Premises

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

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

Wheel washing facility

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

Monitoring State of Roadways

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

Storage of Dangerous Goods

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

Storage of Flammable and Combustible Liquids

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

Noise and Vibration

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

Hairdressing/Beauty Treatment/ Skin penetration Requirements

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

- i) A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap and paper towel.
- ii) The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
- iii) The premises must be provided with washing, drainage, ventilation and lighting that are adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.
- iv) The floor coverings must be smooth and impervious.

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

Food Premises Construction Requirements

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

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

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

Legionella Control

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

Pool/Spa Safety

Owners of properties with swimming pools and spa's must meet safety compliance and registration requirements. Provisions also apply when renting/selling properties. Details are available from the Division of Local Government.

Grease Trap

Contact Sydney Water to determine what trade waste provisions you are required to provide to your food premises. Should a grease trap be required by Sydney Water, it must be located in an area that is easily accessible for the removal of waste water and must not be installed in any kitchen, food preparation or food stage area. The design and location of the grease trap should also not impede on any commercial right of way or pedestrian access.

Bandicoot/Penguin

Long-nosed Bandicoots & Little Penguins – Best Practices for Residents Residents are encouraged to follow a number of *Best Practices* to assist with the protection and management of the endangered populations of Long-nosed Bandicoots and Little Penguins:

- Long-nosed Bandicoots, Little Penguins and other native animals should never be fed as it may cause them nutritional problems, hardship if supplementary feeding is stopped, and it may increase predation.
- Feral cats or foxes should never be fed or food left out where they can access it, such as rubbish bins without lids or pet food bowls, as these animals present a significant threat to Long-nosed Bandicoots, Little Penguins and other wildlife.
- The use of insecticides, fertilisers, poisons and/or baits should be avoided on the property.

Garden insects will be kept in low numbers if Long-nosed Bandicoots are present.

- When the North Head Long-nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- Dead Long-nosed Bandicoots or Little Penguins should be reported by phoning Manly Council on 9976 1500 or Department of Environment and Conservation on 9960 6266.
- Please drive carefully as vehicle related injuries and deaths of Long-nosed Bandicoots and Little Penguins have occurred in the area. Care should also be taken at night in the drive way when moving cars as bandicoots will seek shelter beneath vehicles.
- Cat/s and or dog/s that currently live on the property should be kept indoors at night to avoid disturbance/death of native animals. Ideally, when the current cat/s and/or dog/s that live on the property no longer reside on the property it is recommended that they not be replaced by new dogs or cats.
- Report all sightings of feral rabbits, feral or stray cats and/or foxes to N B Council.