

Memo

To: Development Determination Panel (DDP)

From: Peter Robinson
Executive Manager, Development Assessment

Date: 28 May 2025

Subject: DDP Item 3.4 - REV2025/0002 - 286 Sydney Road BALGOWLAH

Record Number: 2025/370426

Introduction

The purpose of this memorandum is to inform the Panel of the additional, deleted, and modified conditions of consent made in accordance with the directions of the Development Determination Panel.

Conclusion

The matters outlined above do not alter the assessment provided in the Assessment Report, other than to note the following changes to the conditions of consent:

The conditions of consent is recommended below as follows:

- A- To alter *Condition No.1 - Modification of Consent - Approved Plans and supporting documentation*- to include the *STRATA SUBDIVISION - DRAFT PLAN*
- B- To add Condition *Sediment and Erosion Controls*.
- C- To add Condition *Handling of asbestos during demolition*.
- D- To add Condition *Demolition Works - Asbestos*
- E- To add Condition *Construction Traffic Management Plan*.
- F- To add Condition *Implementation of Construction Traffic Management Plan*.

Recommendation

That the Panel note the recommended amendments to the conditions of consent listed above.

There is no change to the original recommendation for approval. The conditions of consent are to be modified, added, and deleted as outlined.

Modify Condition No.1 - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A101	2	SITE PLAN	Blue Sky Building Designs	2 December 2024
A102	2	LEVEL 0	Blue Sky Building Designs	2 December 2024
A103	2	LEVEL 1	Blue Sky Building Designs	2 December 2024
A104	2	LEVEL 2	Blue Sky Building Designs	2 December 2024
A105	2	ROOF PLAN	Blue Sky Building Designs	2 December 2024
A106	2	SOUTH (FRONT) AND NORTH ELEVATIONS	Blue Sky Building Designs	2 December 2024
A107	2	EAST ELEVATION	Blue Sky Building Designs	2 December 2024
A108	2	WEST ELEVATION	Blue Sky Building Designs	2 December 2024
A109	2	SECTIONS	Blue Sky Building Designs	2 December 2024
A110	2	SECTIONS	Blue Sky Building Designs	2 December 2024
A111	2	SECTIONS & FINISHES	Blue Sky Building Designs	2 December 2024
A117	2*	STRATA SUBDIVISION - DRAFT PLAN	Blue Sky Building Designs	2 December 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	1759985M_02	EVERGREEN ENERGY CONSULTANTS PTY LTD	4 February 2025
Geotechnical Report	-	Richard Weber	6 August 2024
ARBORICULTURAL IMPACT ASSESSMENT	-	Phil Witten	31 July 2024
LANDSCAPE PLAN	3	Blue Sky Building Designs	24 July 2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

B. Add Condition Sediment and Erosion Controls to read as follows:

Sediment and Erosion Controls

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the

Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,*
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and*
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).*

The ESCP must include the following as a minimum:

- Site Boundaries and contours,*
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),*
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),*
- Existing and proposed drainage patterns with stormwater discharge points,*
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,*
- North point and scale,*
- Type of erosion control measures to divert and slow run-off around and within the site.*

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),*
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),*

- *Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,*
- *Location of any natural waterways that could receive run-off and how these will be protected these from run-off.*

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- *Diverting uncontaminated run-off around cleared or disturbed areas, and*
- *Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and*
- *Preventing the tracking of sediment by vehicles onto roads, and*
- *Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.*
- *Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).*

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

C. Add Condition *Handling of asbestos during demolition* to read as follows:

Handling of asbestos during demolition

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- *Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;*
- *Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and*
- *Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.*

Reason: To ensure that the removal of asbestos is undertaken safely and professionally.

D. Add Condition Demolition Works – Asbestos to read as follows:

Demolition Works - Asbestos

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

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

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

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

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

E. Add Condition Construction Traffic Management Plan to read as follows:

Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.*
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.*
- Make provision for all construction materials to be stored on site, at all times.*
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.*

- *The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.*
- *Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:*
 - *Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.*
 - *Demonstrate that direct access from a public space/road is not viable for each stage of works.*
 - *An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.*
 - *Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.*
 - *No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.*
 - *How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.*
 - *If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.*
 - *A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.*
 - *A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:*

- *Compare the post-construction report with the pre-construction report,*
- *Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,*
- *Should any damage have occurred, identify remediation actions taken.*
- *Be submitted to Council with the Occupation Certificate.*
- *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 any basement parking once available.*
- *Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.*
- *Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.*
- *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 public 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.*

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.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

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


F. Add Condition Implementation of Construction Traffic Management Plan to read as follows:

Implementation of Construction Traffic Management Plan

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

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

Michael French



Planner