

## Memo

### Development Assessments

**To:** Development Determination Panel

**From:** Alex Keller  
Principal Planner

**Date:** 14 November 2019

**Subject:** Development Application DA2018/2052 – demolition works and the construction of a Seniors Housing development.

**Record Number:** DA2018/2052, 2019/652793, 2019/591897, 2019/591897

---

### Background

On the 13 November the Development Determination Panel (DDP) considered the subject application for approval and sought clarification to some conditions of consent. This memo addresses the DDP consideration of draft conditions of consent for DA2018/2052.

### Consideration Draft Conditions

1. **General Requirements** – Condition inserted (Condition No.3 General Requirements) as this relates to standard matters for development consent works.
2. **Traffic Refuge** – Council's Traffic Engineering referral dated 16.10.2019 concludes that *"the installation of a pedestrian refuge in addition to the above work is not considered warranted"*
3. **BCA Fire Safety** – Council's Building Inspector has advised condition 8 is in error and is replaced with a new condition for submission of a fire safety certificate prior to occupation (Condition No.45 Fire Safety Matters).
4. **Footpath and Pram Ramps** – Council's development engineers advise amendment to the conditions is satisfactory to reference works on both sides of Willandra Road and that the applicant provide works as executed plans to the satisfaction of Council.
5. **Survey Confirmation** – A new condition No.28 (Survey Confirmation) is inserted for the applicant to provide survey confirmation at critical stages during works to ensure set out within the boundaries, floor levels, roof height and retaining walls are in accordance with the development consent.

## Conclusion

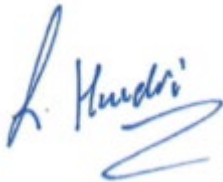
The above changes and clarification of conditions recommended by the DDP have been considered and are recommended to be adopted as detailed in the attached draft consolidated conditions of consent.

## Recommendation

That the Development Determination Panel of Council **adopt the attached draft consolidated conditions** as detailed for DA2018/2052, being for demolition works and the construction of a Seniors Housing development at Lot 1 DP 501045, No.226 Willandra Road Cromer.



Alex Keller  
**Principal Planner**



Lashta Haidari  
**Acting Manager Development Assessments**

## Attachment 1 – Consolidated Conditions of Consent

### CONDITIONS OF APPROVAL

<b>Application Number:</b>	DA2018/2052
<b>Land to be developed (Address):</b>	Lot 1 DP 501045, 226 Willandra Road CROMER NSW 2099
<b>Proposed Development:</b>	Demolition works and construction of a Seniors Housing development

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

**1. Approved Plans and Supporting Documentation**

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

**a) Approved Plans**

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA101 C Basement plan	25.9.2019	Walsh Architects
DA102 D Ground plan	25.9.2019	Walsh Architects
DA103 C Level 1 plan	25.9.2019	Walsh Architects
DA104 C Roof plan	25.9.2019	Walsh Architects
DA200 A Sections	28.10.2018	Walsh Architects
DA201 D Sections	16.10.2019	Walsh Architects
DA300 A Elevations	28.10.2018	Walsh Architects
DA301 C Elevations	25.9.2019	Walsh Architects
DA800 A External Finishes	28.10.2018	Walsh Architects

\*Subject to consistency between plans and schedule details shown on the architectural plans and conditions of consent.

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
SK001 D Footpath Arrangement	5.10.2018	Stellen
SK001 D Footpath Arrangement	5.10.2018	Stellen
DR 0000 Legend (stormwater)	15.11.2018	Stellen
DR 001 Pipe Layout Ground Floor	15.11.2018	Stellen
DR 002 Pipe Layout Basement	15.11.2018	Stellen

DR 003 Rainwater Tank and Pump out sump details	15.11.2018	Stellen
DR 004 Absorption Pit and details	15.11.2018	Stellen
CV 001 Footpath plan and Long section part 1	15.11.2018	Stellen
CV 002 Footpath plan and Long section part 2	15.11.2018	Stellen
<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Arborist Report (Section 11 Recommendations)	20.9.2018	Hugh The Arborist
Access Report (Lift access)	20.9.2018	Architecture & Access
Access Report (Building accessibility)	31.10.2018	Architecture & Access
Geotechnical Assessment AG18115	22.8.2018	Ascent Geotechnical
Basix Certificate 977701M	23.11.2018	Building Sustainability Assessments
Flood Risk Management (Section 5.0 Recommendations)	13.11.2018	Stellen

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

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
LS502.1 B Planting Plan	29.10.2018	Plot Design Group
LS503.1 B Landscape details	29.10.2018	Plot 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.

## 2. **Prescribed Conditions**

- All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- 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

3. **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) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments

Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

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

- (k) 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

### 4. **Policy Controls**

#### Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$23,527.55 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 \$2,352,755.00.

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](http://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.

5. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site. An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, 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](http://www.northernbeaches.nsw.gov.au)).

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

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

The applicant is to lodge a Bond of \$20,000 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 demonstrating 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**

7. **Screen Planting**

The following landscape planting is to be provided to screen the northern and southern elevations of the buildings:

- i) A deep soil landscaped buffer being provided along the side setback to Unit 3 and Unit 4 so as to screen/reduce the visual impact of the development. Suitable native species with a mature height of up to 6 metres (m) are to be

used with appropriate spacing to provide plant screening of the side wall. Plants are to be used from minimum 25 litre pots.

ii) Trellis planting is to be used adjacent the side walls of Unit 1 and Unit 2 so as to screen/reduce the visual impact of the development. A minimum of 3 x 1.0m wide trellis sections are to be used up to a height of 6 metres (supported by the side walls and suitable sized ground level planter boxes). Suitable climbing plants are to be selected for the trellis by the Applicant's Landscape Consultant.

Details are to be shown on the Landscape Plans, drawn by Plot Design Group and submitted to the satisfaction of the Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure an effective buffer zone/screen planting is provided.

8. **On slab landscape planting and associated works**

a) Details shall be submitted to the Certifying Authority prior to the issue of the

Construction Certificate indicating the proposed method of waterproofing to all internal walls and slab, and drainage of the concrete slab over which soil and planting is being provided.

b) Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil volume, soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

c) The following soil depths are required in order to be counted as landscaping:-300mm for lawn

-600mm for shrubs

-1metre for trees

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

9. **On-site Stormwater Disposal Compliance**

Certification of Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Northern Beaches Council's SPECIFICATION FOR ON-SITE STORMWATER

MANAGEMENT and the concept drawing by Stellen Consulting, drawing number DR-001 to

DR-004 dated 15/11/2018. Details demonstrating compliance are to be submitted to the

Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

10. **Submission Roads Act Application for Civil Works in the Public Road**

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

The application is to include four (4) copies of Civil Engineering plans for the design of footpath works within Willandra Road and 6.0 m wide driveway crossing which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer.

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 ensure engineering works are constructed in accordance with relevant standards and Council's specification.

11. **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.

12. **Construction Management Program**

An application for Traffic Management Plan is to be submitted to Council for approval. The Traffic Management Plan shall be prepared to RMS standard by an appropriately certified person. An approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure 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

**13. Replacement Boundary Fencing**

The applicant is identify and make appropriate arrangement to bear the cost of any replacement fencing / retaining wall structures along the front, side and rear boundaries if required due to any existing fencing being no longer reasonably 'fit for purpose'. Fencing replacement shall be made in consultation with adjacent private property owners and the Dividing Fences Act. The maximum height for fencing behind the front building line is 1.8m above ground level and shall transition to a maximum height of 1.2m forward of the front building line.

Details of any replacement fencing arrangements shall be shown on the construction certificate plans.

Reason: Fencing replacement.

**14. 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. (DACHPCPC1)

**15. Amended Landscape Plans**

Landscape plans are to be amended to incorporate 2 x *Angophora costata* of minimum pot size 45 litre. One tree to be located in the front landscape setback and one to be located in the rear landscape setback of the site. These trees may replace a tree indicated in the front and rear on the approved Landscape Plans.

Reason: Environmental amenity

**16. Flooding**

In order to protect property and occupants from flood risk the following is required:

Flood Effects – A3

There is to be no filling below the 1% AEP flood level of 9.01m AHD, including under the

Building Components and Structural Soundness – C1

All new development shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering

Committee (2006), up to the Probable Maximum Flood Level of 10.23m AHD.

#### Building Components and Structural Soundness – C2

All new development must be designed and constructed to ensure structural integrity up to the Probable Maximum Flood level of 10.23m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

#### Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 9.51m AHD.

#### Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 9.51m AHD unless adequately protected from floodwaters in accordance with industry standards.

#### Car parking – G9

All access, ventilation and any other potential water entry points, including entry ramp

crests to the basement car park shall be at or above the Probable Maximum Flood Level of 10.23m AHD.

#### Fencing – H1

Fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open for passage of flood waters - Any new fencing on the property must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level of 9.01m AHD, to allow flood waters to pass through.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of floodprone property and reduce public and private losses in accordance with Council and NSW Government policy.

### **17. Landscaping**

All plants used in the landscaping for the rear shrub beds for this development must be local native species, including four (4) *Ceratopetalum gummiiferum* NSW Christmas Bush. Two (2) additional local native trees are to be provided within the front shrub beds. No Grevillea or Banksia hybrids are to be used in the landscaping for this development.

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

Reason: Biodiversity conservation and management

18. **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.

19. **Requirements for Seniors Housing or Housing for Persons with a Disability** The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with all the standards specified in Schedule 3 - “*Standards concerning accessibility and useability for hostels and self-contained dwellings*”.

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

Reason: To ensure public safety and equitable access for seniors or people with a disability.  
(DACPLC16)

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. **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.

21. **Tree protection**

- (a) Existing trees which must be retained:

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land
- iii) All street trees, with the exception of one *Angophora costata* (Tree 22 in the Arborist's Report), which may be removed.

(b) Tree protection:

- i) No tree roots greater than 30mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site. ii) All structures are to bridge tree roots greater than 30mm diameter unless directed otherwise by the Project Arborist on site. iii) All tree protection to be in accordance with the Arboricultural Impact Assessment Report dated 20 September 2018 prepared by Hugh The Arborist and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

22. **Project Arborist**

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees, including street trees and required footpath works adjacent to street trees, as outlined in the Arboricultural Impact Assessment dated 20 September 2018 prepared by Hugh The Arborist and AS4970-2009 Protection of trees on development sites.
- iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation proposed for retention on the site.

23. **Tree removal within the road reserve**

- i) This consent includes approval to remove the following trees located within the road reserve:

Species	Location	Tree Number
1 x <i>Angophora costata</i>	Willandra Road road reserve forward of the property, adjacent to the driveway crossover.	22

- ii) Removal of approved trees in the road reserve shall only be undertaken by a Council approved tree contractor.

- iii) Details of currently approved tree contractors can be obtained from Northern Beaches Council Public Trees Section prior to removal.

Reason: Public liability

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 (DACNED06)

25. **Dilapidation Report**

A photographic survey of adjoining properties of adjoining property assets, detailing the physical condition of those properties, both internally and externally (as appropriate to the proximity of site work risks), including such items as walls, ceilings, roof, structural members, access and other similar items, SHALL BE submitted to Council/Accredited Certifier prior to the issue of a Construction Certificate. This survey is to be prepared by an appropriately qualified person.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.

If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to a final Occupation Certificate being issued.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council/Accredited Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible).



Reason: Proper management of records to minimize dilapidation risks  
(DACPLDPC1)

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

### **26. Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

Work Health and Safety Act  
Work Health and Safety Regulation  
Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and  
Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]  
Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005. The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

### **27. Property Boundary Levels**

The property boundary levels shall be transitioned within the site along the side and rear boundaries to minimise natural ground level variations to reduce potential impacts of land-filling, drainage and over-extended fence heights. The applicant shall ensure the detailed design at construction certificate stage ensures height changes / transitions along the boundary line (being within 1m) are approximately 500mm or less for landfill / retaining walls adjacent the existing boundary levels.

Within public land no approval is granted for any change to property or ground levels (including public land) to accommodate the development without land owners consent.

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

Reason: To maintain reasonable continuity near adjacent land with existing ground level

### **28. Survey Confirmation - Construction identification**

A declaration by a registered surveyor shall be provided as evidence that all construction and finished levels have been correctly established at critical stages during construction to ensure finished levels / setbacks will be in accordance with the approved architectural plans:

- i) Set-out within the appropriate property, easement boundaries, setbacks and any rights of carriageway;
- i) Basement levels prior to pouring slab;
- ii) Ground floor and upper floor levels prior to pouring slab;

- iii) Roof level framework prior to fixing roof cladding; and
- iv) Retaining walls and landfill finished levels prior to completion.

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

Reason: To ensure accurate location of buildings and finished levels.

**29. Footpath Construction**

The applicant shall install a 1.5 m footpath connection on both sides of Willandra Road in compliance with the NSW Government requirements for Housing for "Seniors".

The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's Specification subject to design approval under Section 138 for works within the public road reserve under the *Roads Act 1993*. (*Application form is available from Northern Beaches Council*)
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification 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.

**30. Vehicle Crossings**

The Applicant is to construct a normal low vehicle crossing 6 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ 3 NL and the driveway levels application approval (including any special design requirements for the passing bay/entry area) under Section 138 of the *Roads Act 1993*.

An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete.

All redundant laybacks and crossings are to be restored to footpath/grass.

Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

**31. Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

**32. Protection of Adjoining Property - Excavation**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.

Reason: To ensure private and public safety

**33. Trees Condition**

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees.

**34. Protection of rock and sites of significance**

- a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.
- b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the *NSW Office of Environment and*

*Heritage* (OEH) and the *Metropolitan Local Aboriginal Land Council* are to be contacted.

Reason: Preservation of significant environmental features.

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

**35. Landscape Certification**

A qualified Landscape Consultant is to submit a Certificate of Practical Completion to the Principal Certifying Authority prior to the issue of the Occupation Certificate, stating the work has been carried out in accordance with the approved Landscape Drawing and a maintenance program has been established.

Reason: This is to ensure the landscaping is planted in accordance with the drawing and maintained appropriately.

**36. Condition of retained vegetation**

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

- a) Compliance to Arborist recommendations for tree protection and excavation works.
- b) Extent of damage sustained by vegetation as a result of the construction works.
- c) Any subsequent remedial works required to ensure the long term retention of the vegetation.

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

**37. Stormwater Disposal**

The Applicant shall submit a certificate from a suitably qualified person that the stormwater drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes and Council's Water Management Policy.

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

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

**38. Authorisation of Legal Documentation Required for Onsite Detention**

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

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

(Note: "interim / final" permits the Certifying Authority to select the appropriate time to achieve the condition required)

Reason: To create encumbrances on the land.

**39. Registration of Encumbrances for On-site Stormwater Disposal**

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

Reason: To identify encumbrances on land.

**40. On-Site Stormwater Disposal system Compliance Certification**

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

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

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

**41. Positive Covenant and Restriction as to User for On-site Stormwater Disposal**

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

A restriction as to user shall be created on the title over the on-site stormwater disposal system, restricting any alteration to the levels and/or any construction

on the land. The terms of such restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

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

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

**42. Required Planting**

Trees shall be planted in accordance with the following schedule:

<b>Minimum No. of Trees Required.</b>	<b>Species</b>	<b>Location</b>	<b>Minimum Pot Size</b>
All trees	As indicated on the approved Landscape Plans (as amended by conditions of consent)	As indicated on the Landscape Plans	As indicated on the Landscape Plans

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

Reason: To maintain environmental amenity.

**43. House / Building Number**

House/building number is to be affixed to the building / letterbox 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. (DACPLF04)

**44. Occupation of Seniors Housing or Housing for Persons with a Disability**

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

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

(a) seniors or people who have a disability;

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

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

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

AND

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

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

Reason: Statutory requirements. (DACPLF11)

45. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Interim or Final Occupation Certificate.

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

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

46. **Works as Executed - Footpath and Pram ramps**

The applicant shall provide works as executed plans to the satisfaction of Northern Beaches Council for the new footpath and pram ramps on both sides of Willandra Road to ensure completion in accordance with drawing No's SK-001 & 002 by Stellen Consulting and subject to approval requirements by Council under Section 138 of the *Roads Act 1993*.

All design and construction to be completed at no cost to Northern Beaches Council.

Reason: To ensure satisfactory access to public transport (DACTRFPOC1)

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

### **47. Landscape maintenance**

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting. ii) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity.

### **48. Exotic Plant Species/Weeds**

All exotic plant species, noxious and environmental weeds are to be managed continuously and are not to be imported to the site. Further information is available on Council's website.

Only certified weed free and contaminant free mulch is to be used on the site, as they may contain weed seeds and viable vegetative matter and other contaminants, which may impact adversely on the vegetation, soil, water quality or ecology of the site.

Reason: To ensure bushland and riparian management (DACNEG05)

END OF CONDITIONS