

## DEVELOPMENT APPLICATION SUPPLEMENTARY REPORT

<b>Application Number:</b>	DA2020/0739
<b>Responsible Officer:</b>	Lashta Haidari
<b>Land to be developed (Address):</b>	Lot 13 DP 801798, 62 May Road NARRAWEENA Lot 14 DP 801798, 60 May Road NARRAWEENA Lot 15 DP 801798, 58 May Road NARRAWEENA Lot 16 DP 801798, 56 - 56 May Road NARRAWEENA Lot 17 DP 801798, 54 - 54 May Road NARRAWEENA
<b>Proposed Development:</b>	Demolition works and construction of a Shop Top Housing Development with basement carparking
<b>Zoning:</b>	Warringah LEP2011 - Land zoned B1 Neighbourhood Centre
<b>Development Permissible:</b>	Yes
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Ji Hui Pty Ltd
<b>Applicant:</b>	Jvurban Pty Ltd
<b>Recommendation</b>	Approval subject to conditions
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• <b>Attachment 1</b> – Amended Floor and Roof Plans showing the location of AC units and exhausts</li> <li>• <b>Attachment 2</b> – Acoustic Report</li> <li>• <b>Attachment 3</b> – Amended conditions of consent</li> </ul>

### PURPOSE OF THIS REPORT

The purpose of this Supplementary Report is to provide the Northern Beaches Local Planning Panel (LPP) with an assessment of revised plans and further information in accordance with the decision of the LPP at its meeting on 3 February 2021.

This report does not revisit any matters previously addressed in the original Assessment Report prepared by Council and considered by the LPP.

### RELEVANT BACKGROUND

The Development Application was considered at the LPP on 3 February 2021. In the Assessment Report forwarded to the Panel, Council made a recommendation for a deferred commencement approval.

At the meeting, the Panel deferred the determination of the application to allow the Applicant to attend to and respond to the following issues as identified by the Panel:

*The applicant has confirmed that air conditioning is to be provided. Furthermore the carparking and ground floor uses will require ventilation, ductwork and equipment. These requirements are likely to involve design changes to the building (including possible increase in heights) and therefore need to be assessed at the Development Application stage rather than be the subject of a Modification Application. The application is therefore deferred to provide the applicant the opportunity to address this issue.*

*The applicant is also requested to provide within that 14 day period the acoustic report referred to in the draft deferred commencement condition in the Assessment Report together with any design modifications to achieve the acoustic recommendations in the report.*

## **ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT**

The Applicant submitted to Council the following information on 9 February 2021:

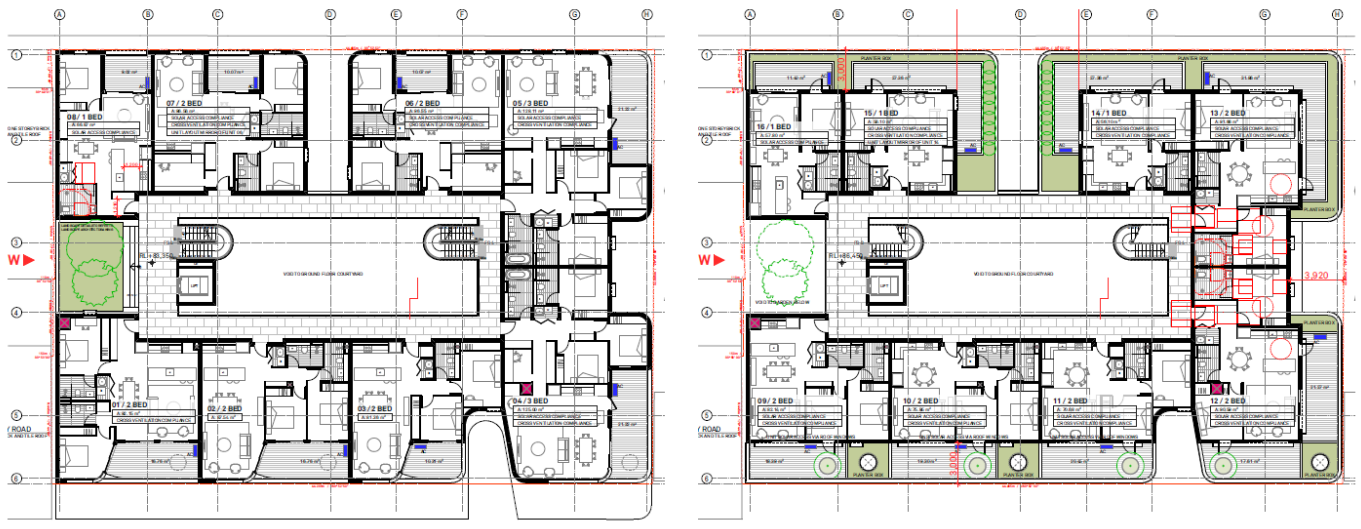
1. Floor plans which show location of AC condenser units on the balconies.
2. Roof plan showing location of mechanical exhaust ducting and typical section. The carpark exhaust will be adjacent to the lift overrun and concealed by screening. The retail kitchen exhausts are well removed from the perimeter of the building and there is little opportunity for their visibility from the public domain given the topography and no buildings overlook the subject roof.

On 23 February 2021, an acoustic report was submitted to address the requirement of the recommended deferred commencement condition relating to Clause 102 of State Environmental Planning Policy (Infrastructure) 2007.

## **ASSESSMENT OF ADDITIONAL INFORMATION**

### **1. Location of AC condenser units on the balconies**

The floor plans provided by the applicant shows the AC units on the balconies of the proposed units.



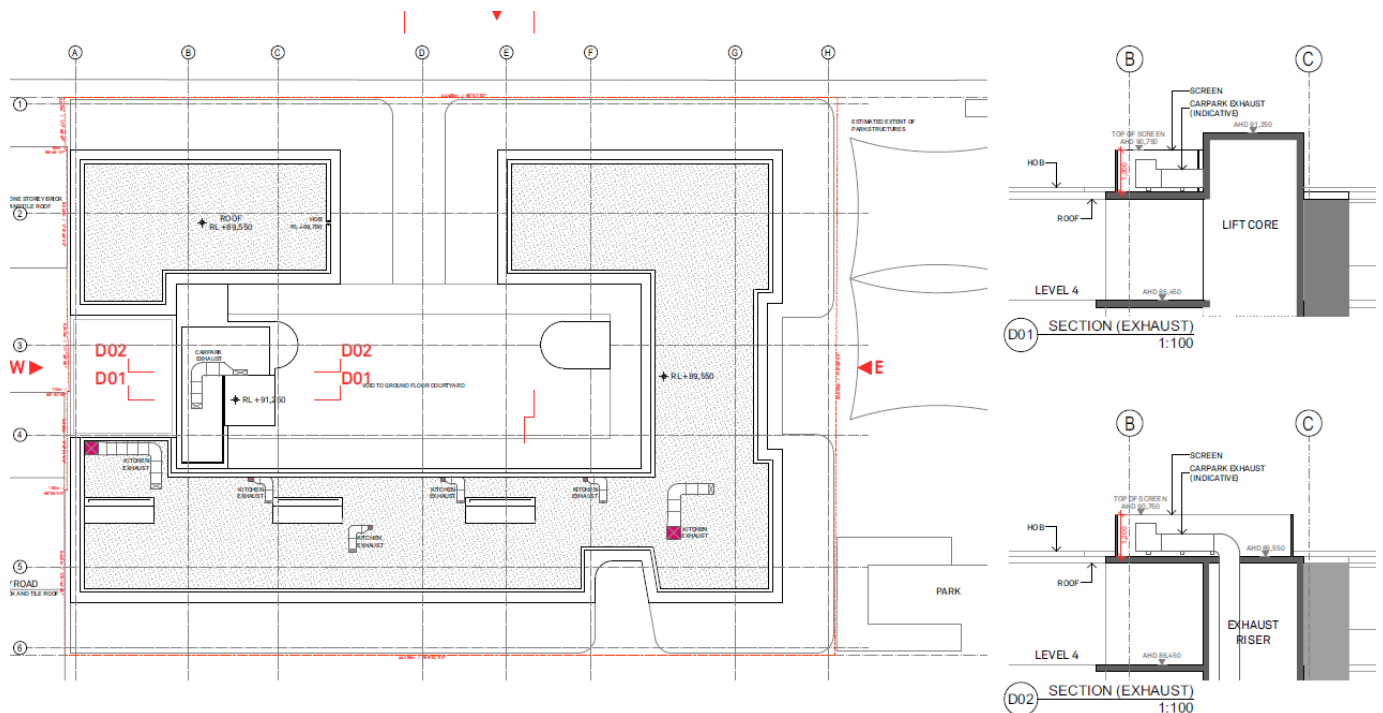
**Figure 1: Floor Plans – showing the location of AC units in Blue and Exhausts in Pink**

The location of the AC units within the proposed balconies are such that AC's will not be visible behind the solid balustrade.

Given the above and also noting that the proposed balconies are larger than the minimum requirement under the ADG, the location of the AC units are found to be acceptable.

### **2. Location of Mechanical exhaust ducting and typical section**

The applicant has provided a roof plan showing location of mechanical exhaust ducting and typical section.



**Figure 2: Roof Plan - Location of mechanical exhaust ducting in pink and typical section**

The carpark exhaust will be adjacent to the lift overrun and concealed by screening. The retail kitchen exhausts are located within the central of the building and will not be visible from the public domain given the topography and no buildings overlook the roof of the subject development.

Furthermore, there is no increase to the overall height of the building with height of carpark riser not exceeding height of lift overrun.

### **Roads and Maritime Service (Transport for NSW)**

Clause 102 applies to residential development adjacent to a road corridor or freeway with an annual average daily traffic volume of more than 40,000 vehicles and which the consent authority considers would be likely to be adversely affected by road noise or vibration. The RMS has published traffic volume maps for NSW ('Traffic Volume Maps for Noise Assessment for Building on Land Adjacent to Busy Roads'). The noise assessment for the development is indicated on Map 12 as mandatory under Clause 102 of the SEPP Infrastructure.

Clause 102(2) also requires the consent authority to consider any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette. The supporting guidelines (as published by The Department of Planning in 2008) guide development adjacent to railway lines and along motorways, tollways, freeways, transit ways and other 'busy' roads. For new residential developments, internal noise levels of 35 dB (A) have been set for bedrooms during the night-time period and 40 dB (A) for other habitable rooms.

Clause 102(3) states that the consent authority must not grant consent to residential development (which includes boarding house) adjacent to a road corridor or freeway unless it is satisfied that appropriate measures will be taken to ensure that the above-mentioned LAeq levels are not exceeded. As the site is located adjacent to Pittwater Road which has volume in order of 47, 000 vehicles per day, this Clause applies to the proposed development.

### **Comment:**

The applicant has now submitted an acoustic report (prepared by Noise and Sound Service, dated February 2021). In summary, the acoustic report recommends design measures to minimise the acoustic impact of the traffic on the proposed residential development. Therefore, the subject application is

considered to satisfy the provisions of Clause 102 subject to a condition to be included in the consent to adopt the recommendations of the acoustic report in the design of the proposed development.

This information has now satisfied the deferred commencement condition.

## **CONCLUSION**

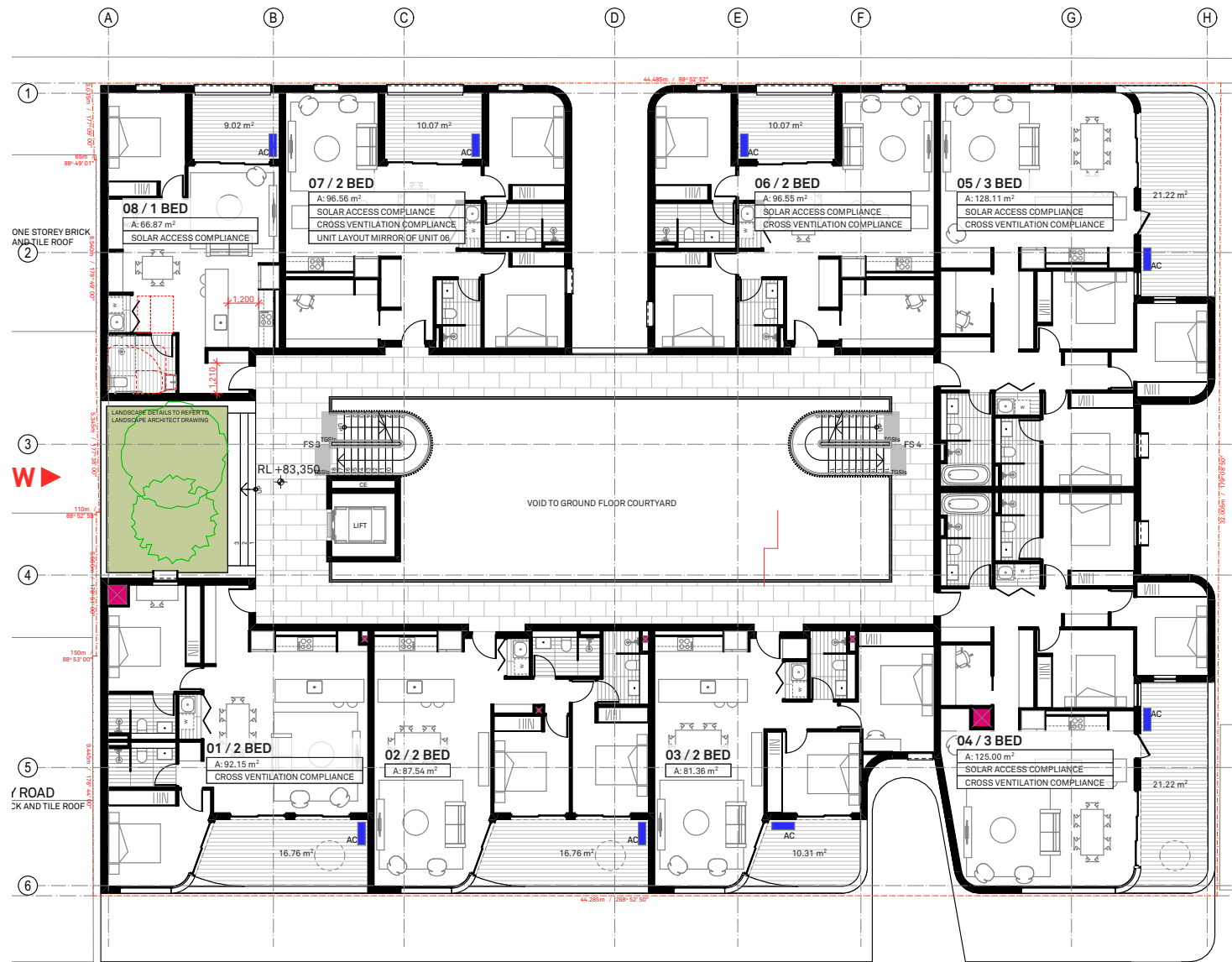
The revised plans and additional information have been considered against the matters raised in the resolution of the Panel dated 3 February 2021 and the relevant matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979.

The conclusions and recommendations made in the original assessment report remain unchanged. The draft conditions have been additional plans and information.

The matter is forwarded back to the LPP for their consideration of the applicant's amended scheme and additional information and Council's assessment.

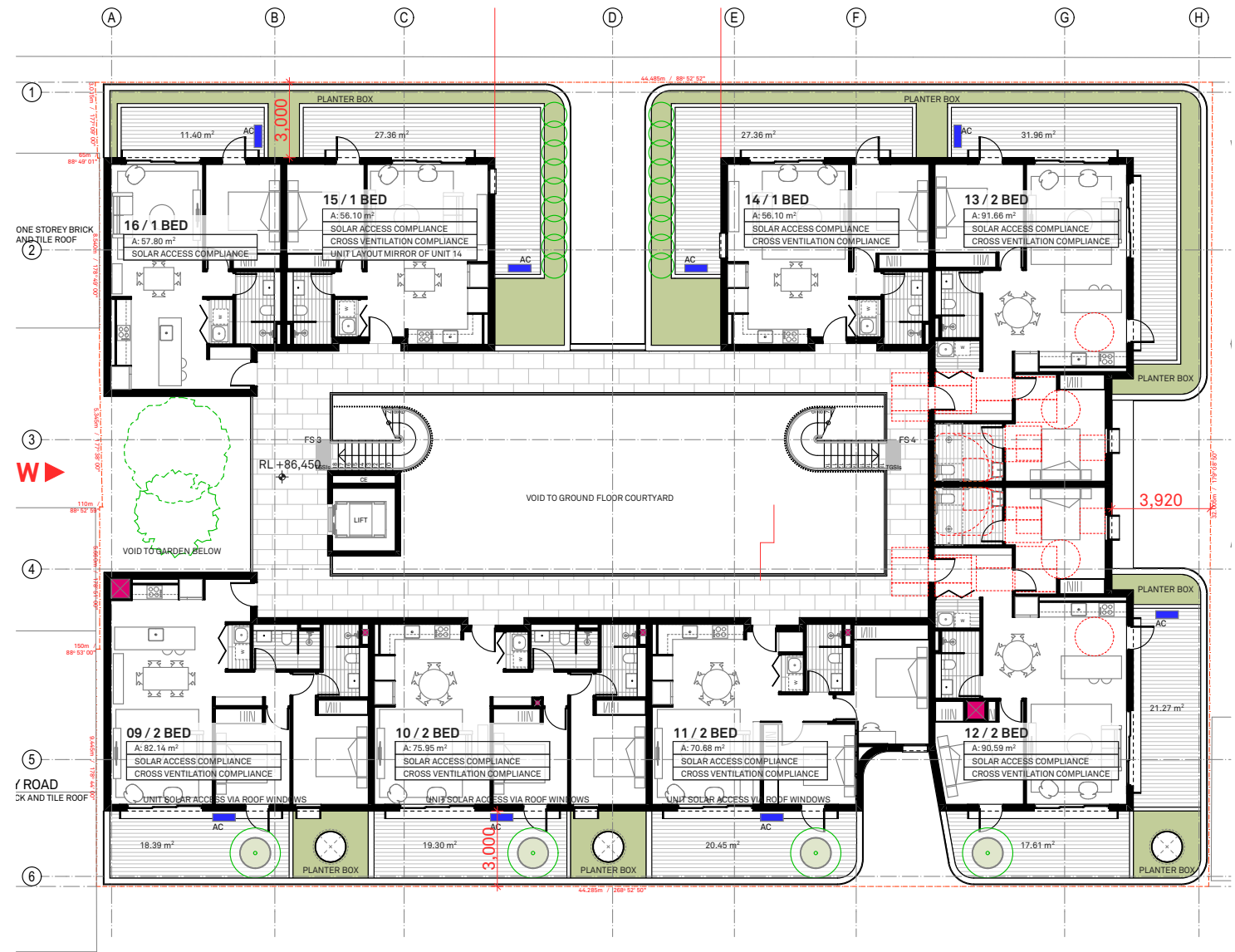
## **RECOMMENDATION**

- a) The reasons for deferral of the matter by the LPP have been addressed in detail above.
- b) Draft conditions have been prepared and amended to reflect the additional information lodged after the Panel's meeting, should the Panel be minded to approve the application.
- c) The application is referred back to the LPP, as the consent authority, for its determination.



1.

LEVEL 1  
1:250



2.

LEVEL 2  
1:250

 EXHAUSTS  
 AC UNITS

**NOTE : AC UNITS & EXHAUSTS LOCATION ARE INDICATIVE ONLY. FINAL LOCATION OF AC UNITS & EXHAUSTS ARE SUBJECT TO FINAL DESIGN BY MECHANICAL ENGINEER**

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#### REVISION

Rev	Date	Description	Chk
01	9/02/2021	RE-ISSUE TO COUNCIL	
02	4/03/2021	RE-ISSUE TO COUNCIL	

#### LEGEND

A/C	Air Conditioning Unit	COS	Communal Open Space	GBC	Garbage Chute	POS	Private Open Space
ACC	Accessible	CEX	Carpark Exhaust	GBR	Garbage Room	R	Robe
ADP	Adaptable	D	Dining	GBX	Garbage Exhaust	RWT	Rainwater Tank
AHD	Aust. Height Datum	DP	Dryer	GFA	Gross Floor Area	SCR	Screen
B	Basement	DW	Down Pipe	GM	Gas Meter	ST	Sewer
BAL	Balustrade	F	Fridge	LY	Laundry	SD	Storage
BALC	Balcony	FEX	Fire Extinguisher	M	Meter Room	STP	Stormwater Pit
BED	Bedroom	FFL	Finish floor level	MC	Motorcycle Parking	STW	Stormwater
BT	Bathroom	FN	Fence	MSB	Main Switch Board	SFL	Structural floor level
COL	Column	FS	Fire Stairs	NGL	Natural Ground Level	TOF	Top of Fence
COMM	Comms Room	FSR	Fire Stairs Ratio	OSD	Onsite Detention Tank	TOW	Top of Wall
		GBA	Gross Building Area	P	Pantry	VIS	Visitor Parking

#### CLIENT

MAY ROAD GROUP / JV URBAN  
44 BAY VISTA LANE  
EWINGSDALE NSW  
2481

#### PROJECT DETAILS

52 M  
52-62 MAY ROAD  
NARRAWEENA NSW  
2099

#### DRAWING TITLE

FIRST & SECOND  
FLOOR PLAN (AC  
UNIT)

#### SCALE

1:250

#### STATUS

DA

PROJECT No

1853A

DRAWING No

A-1308

#### NORTH



REV

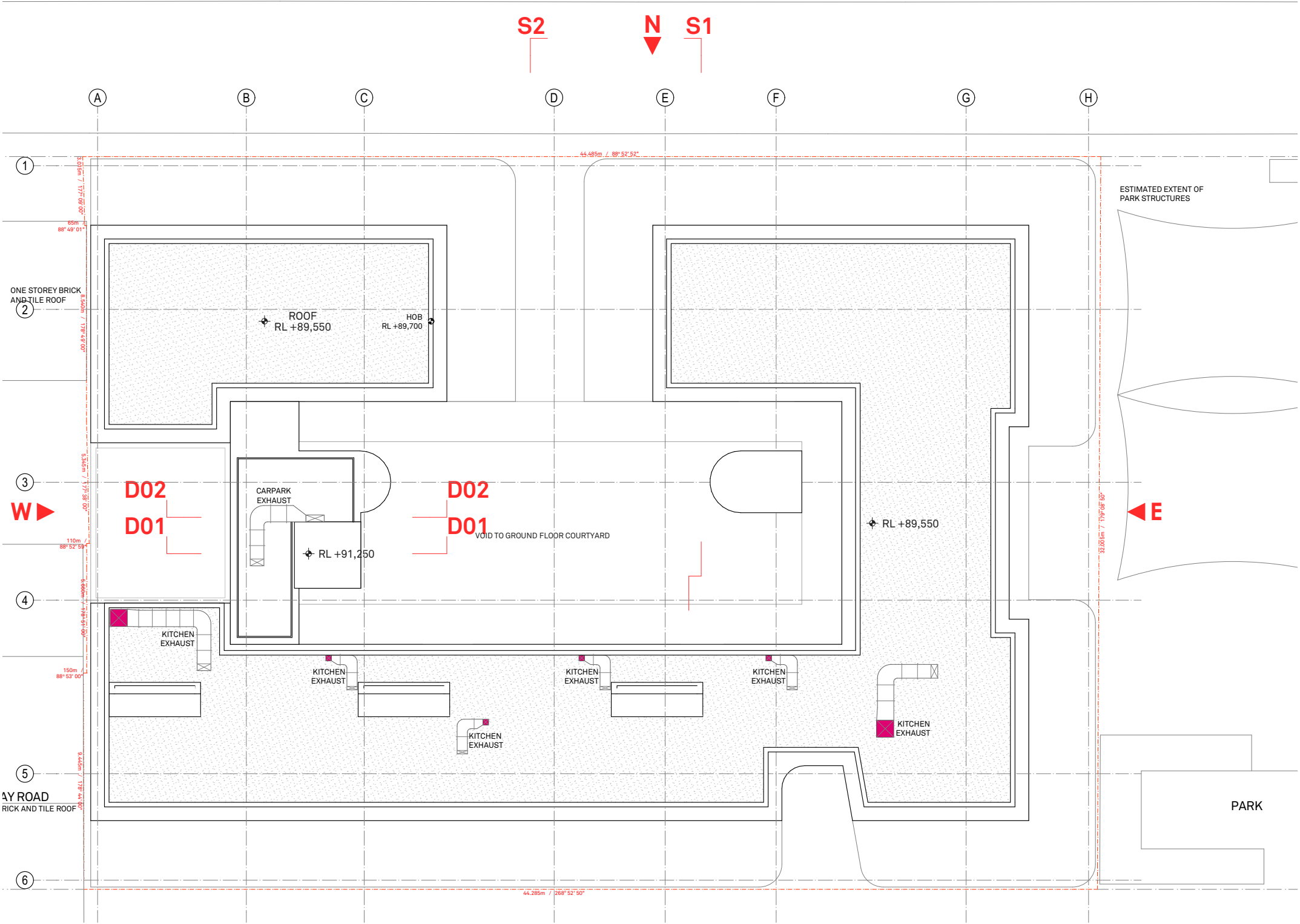
02

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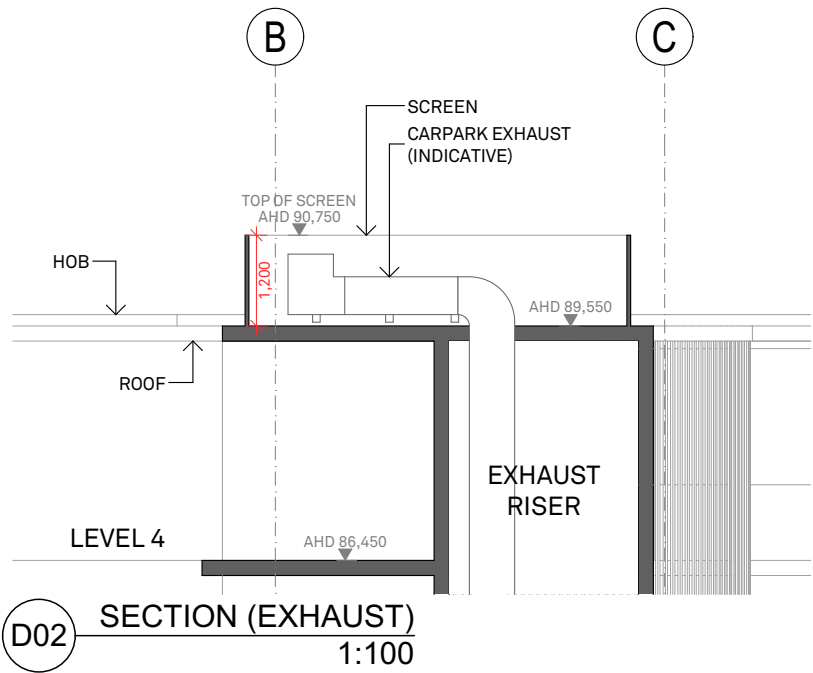
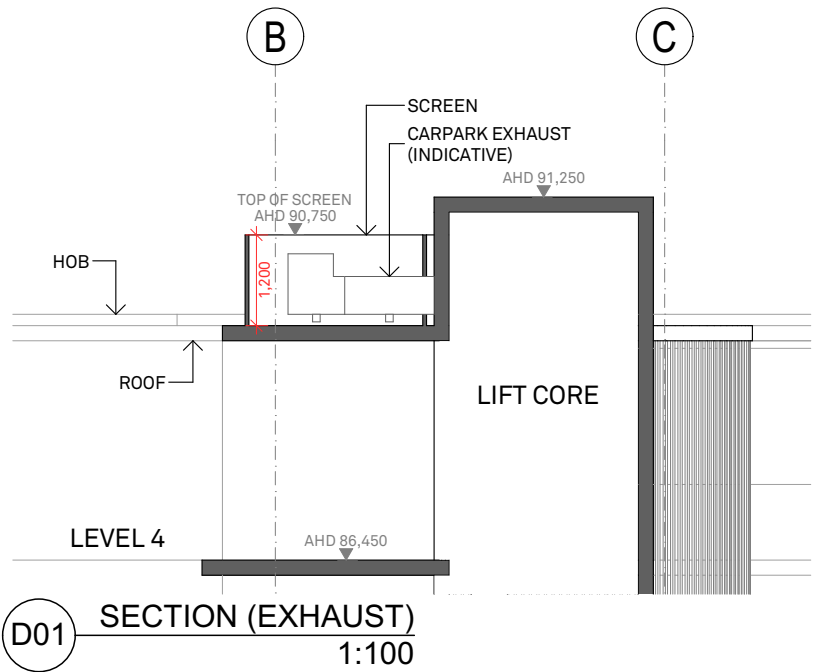
**BENSON  
McCORMACK  
ARCHITECTURE**





 EXHAUSTS

**NOTE : EXHAUSTS LOCATION ARE INDICATIVE ONLY. FINAL LOCATION OF EXHAUSTS ARE SUBJECT TO FINAL DESIGN BY MECHANICAL ENGINEER**



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B	Basement	DP	Down Pipe	GM	Gas Meter	SW	Sewer
BAL	Balustrade	DW	Dishwasher	H	Hydraulic Services	ST	Storage
BALC	Balcony	F	Fridge	LY	Laundry	SD	Study
BED	Bedroom	FEX	Fire Extinguisher	MC	Meter Room	STP	Stormwater Pit
BT	Bathroom	FFL	Finish floor level	MSB	Motorcycle Parking	STW	Stormwater
COL	Column	FS	Fence	NGL	Main Switch Board	SFL	Structural floor level
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		GBA	Floor Space Ratio	P	Onsite Detention Tank	TOW	Top of Wall
			Gross Building Area		Pantry	VIS	Visitor Parking

#### CLIENT

MAY ROAD GROUP / JV URBAN  
44 BAY VISTA LANE  
EWINGSDALE NSW 2481

#### PROJECT DETAILS

52 M  
52-62 MAY ROAD  
NARRAWEENA NSW 2099

#### DRAWING TITLE

ROOF PLAN (EXHAUST)

#### SCALE

1:200, 1:100

#### STATUS

DA

PROJECT No

1853A

DRAWING No

A-1309

#### NORTH



REV

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# Road Traffic Noise Assessment

52-62 May Road,  
Narraweena,  
NSW 2099.

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February 2021

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Report No. nss23359 – Final

Prepared at the request of:-

**JV Urban**  
P.O Box 768  
Byron Bay, NSW 2418

Prepared by:-

## **NOISE AND SOUND SERVICES**

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*A member firm of the Association of Australasian Acoustical Consultants*

**ABN: 7277 134 9599**



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## 1. INTRODUCTION

Noise and Sound Services was requested by JV Urban, on behalf of May Road Group to carry out a road traffic noise assessment at 52-62 May Road, Narraweena, NSW 2099. The subject site is currently a commercial complex, consisting of ground floor shops and retail spaces. It is proposed to demolish the existing premises and construct a 3-storey mixed-use development comprising of 9 commercial/retail shops to be situated on the ground floor and 16 residential dwellings to be situated on the first and second floors of the complex.

This assessment was carried out in accordance with the client's request outlined in an email dated 5<sup>th</sup> February 2021, which entails a council condition that stipulates the following:

1. *“Acoustic Report*

*An acoustic report is to be prepared by a qualified acoustic engineer, the report is to confirm that the following LAeq levels are not exceeded within the development:*

*(a) In any bedroom in the residential accommodation – 35 dBA at any time between 10 pm and 7 am,*

*(b) Anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) – 40 dBA at any time.”*

The purpose of the survey is to assess road traffic noise levels and advise on the sound insulation requirements from external noise in line with the State Environmental Planning Policy (Infrastructure) 2007, Clause 102 - Impact of road noise or vibration on non-road development and the Australian Standards AS 3671 and AS 2107 – 2016, ‘Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors’.

## 2. SITE AND DEVELOPMENT DESCRIPTION

The proposed development at 52-62 May Road, Narraweena, NSW 2099 is situated directly north of an arterial road being Warringah Road (A38). The nearest façade of the newly proposed development at 52-62 May Road, Narraweena is located approximately 18 metres from Warringah Road. The site currently consists of commercial and retail shops. It is proposed to demolish the existing premises and construct a three-storey building comprising of commercial/retail shops on the ground floor and residential dwellings on the first and second floors of the complex.

Full details are given in drawings provided by ‘Benson McCormack Architecture’, of Studio 5, 505 Balmain Road, Lilyfield, NSW 2040 Drawing numbers: A-1306 Rev 02, A Rev 02, A-0001 Rev 04, A-0006 Rev 02, A-0007 Rev 04, A-0009 Rev 02, A-0101 Rev 04, A 0102 Rev 05, A-0103 Rev 04,

A-0105 Rev 03, A-0201 – A-0203 Rev 04, A-2051 Rev 05, A-2052 Rev 02, A-1304 Rev 02, A-1301 Rev 04 and A-1305 Rev 02, Dated: 14<sup>th</sup> October 2020; Drawing numbers A-0103 Rev 04, A-0104 Rev 05 Dated 26<sup>th</sup> November 2020 and Drawing number A-1001 Rev 01 Dated 16<sup>th</sup> May 2020.

### **3. CRITERIA**

#### **3.1 State Environmental Planning Policy (Infrastructure) 2007 Clause 102 - Impact of road noise or vibration on non-road development**

The State Environmental Planning Policy (Infrastructure) 2007, Subdivision 2 Development (SEPP) does not apply to the site at May Road, Narraweena. Notwithstanding this, the internal noise levels have been designed to meet the requirements of the SEPP. The State Environmental Planning Policy (Infrastructure) 2007, provides the following:-

- 1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:
  - (a) a building for residential use,
  - (b) a place of public worship,
  - (c) a hospital,
  - (d) an educational establishment or child care centre.
- 2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.
- 3) 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  $L_{Aeq}$  levels are not exceeded:
  - (a) in any bedroom in the building — 35 dBA at any time between 10 pm and 7 am,
  - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) — 40 dBA at any time.
- 4) In this clause, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.

### 3.2 Australian Standards AS 3671 and AS 2107

The Australian Standard AS 3671-1989 '*Acoustics - Road traffic noise intrusion - building siting and construction*' refers to guideline limits in Australian Standard AS 2107. Australian Standard AS/NZS 2107 – 2016 '*Acoustic – Recommended Design Sound Levels and Reverberation Times for Building Interiors*' which provides recommended design sound levels for different areas of occupancy in buildings. This includes recommended internal design sound levels from continuous road traffic noise for houses and apartments near major roads as shown in Table 1 below.

**TABLE 1 - RECOMMENDED DESIGN SOUND LEVEL FOR RESIDENTIAL BUILDINGS. FROM AS/NZS 2107 (2016).**

Type of Occupancy	Design Sound Level Range ( $L_{Aeq, t}$ ) dBA
<b>Houses and Apartments Near Major Roads</b>	
Living Areas	35 to 45
Sleeping Areas (night time)	35 to 40
Work Areas	35 to 45

### 3.3 Site Specific Noise Goals

Site-specific internal road traffic noise goals ( $L_{Aeq, period}$ ) in line with the State Environmental Planning Policy (Infrastructure) 2007 and Australian Standard AS 2107 are set at 35 dBA for sleeping areas and 40 dBA for living/work areas.

## 4. NOISE MEASUREMENTS

### 4.1 Instrumentation

The instrumentation used for measurement of the existing environment consisted of a Bruel & Kjaer 2250 sound level meter (serial number 3011239) fitted with a microphone windshield. This meter conforms to Australian Standard AS IEC 61672.1-2004: '*Electroacoustics - Sound level meters – Specifications*' as a class 1 precision sound level meter and has an accuracy suitable for both field and laboratory use. The calibration of the meter was checked before and after the measurement period with a Brüel and Kjaer acoustical calibrator model 4230 (serial number 2445349). No significant system drift occurred over the measurement periods.

The sound level meter has been checked, adjusted and aligned to conform to the Bruel & Kjaer factory specifications and issued with conformance certificates within the last 24 months as required by the regulations. The internal test

equipment used is traceable to the National Measurement Laboratory at C.S.I.R.O, Lindfield, NSW, Australia.

The calibrator has been checked, adjusted and aligned to conform to the Brüel and Kjær factory specifications and issued with conformance certificates within the last 12 months as required by the regulations. The internal test equipment used is traceable to the National Measurement Laboratory at C.S.I.R.O., Lindfield, NSW, Australia.

## 4.2 Measurement Procedure

The acoustical measurements were carried out in accordance with Australian Standards AS 1055. '*Acoustics –Description and Measurement of Environmental Noise*', (2018) and AS 2702 '*Acoustics –Methods for the Measurement of Road Traffic Noise*', (1984) as required by Australian Standard AS 3671 '*Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction*' (1989).

Free field noise measurements were carried out in the vicinity of the proposed site, approximately 18 metres from Warringah Road (A38), along the Western boundary of the existing complex. This location presents a similar offset distance between the centreline of Warringah Road and the nearest façade of the proposed development. A total of 4, 15-minute, operator-attended noise surveys were conducted. The measurements were carried out on Thursday 11<sup>th</sup> February 2021.

The 'A' frequency weighting and 'fast' time weighting were used exclusively. The weather was dry. 25 degrees Celsius with negligible wind. The time of the measurements was selected as representing a time when the traffic flows are considered to be high whilst maintaining free flow, i.e., without congestion. As such, noise levels are considered to be a worst-case scenario. Night time levels (from 10:00 pm to 7:00 am) are lower than the day time levels and hence meeting the criteria during the day time will also ensure that the night time criterion is met.

## 4.3 Measurement Results

The daytime energy average external road traffic noise level ( $L_{Aeq, 1 \text{ hour}}$ ) was measured as **61 dBA** at approximately 18 metres from Warringah Road. This location represents the nearest façade of the proposed residential development facing Warringah Road. Full results are shown in Appendix A.

## 5. DISCUSSION AND CALCULATIONS

This section of the report discusses the measurement results at the development site for the proposed development and details formula used to predict external and internal noise levels in various rooms.

## 5.1 External Noise Levels

The free field external road traffic noise level at the subject site was found to be 61 dBA at the measurement location of approximately 18 metres from the centreline of Warringah Road. The nearest façade of the proposed development, to be facing the Warringah Road, is at a distance of approximately 18 metres. The distances of other rooms of the development from the measurement position have also been taken into account.

## 5.2 Internal Noise Levels

In addition to distance attenuation, the internal noise level ( $L_{p2}$ ) in various rooms of the proposed development is found from the formula:

$$L_{p2} = L_{p1} - R_w + 10 \log_{10} (S/A) - K + 6 \text{ dBA}$$

Where:  $L_{p1}$  is the external noise level;

$R_w$  is the weighted sound reduction index of the partition;

$S$  is the area of the partition (window or glazed door);

$A$  is the room acoustic absorption; and

$K$  is an angle of view correction.

By applying this formula, the selection of the weighted sound reduction index ( $R_w$ ) for the windows and glazed doors in the external façades for the proposed dwellings can be found. The glazed areas are normally the weakest acoustic partition in the room façades.

## 6. RECOMMENDATIONS

This section provides the minimum construction requirements to meet the internal noise goals.

### 6.1 Wall Construction

The external walls must have a minimum  $R_w$  of 45 dB, which is for standard double brick and for:-

- brick veneer consisting of 110 mm thick exterior face brick, with 92 mm metal stud or 90 mm deep timber stud, at least 40 mm clearance between the masonry and stud frame and 10 mm thick plasterboard internal wall constructions; or
- timber frame cladding consisting of 6 mm thick fibre cement sheeting (example James Hardie®) or weatherboard or plank cladding externally, 90 mm deep timber stud or 92 mm metal stud, one layer of 13 mm thick standard plasterboard internally with at least R1.5 thermal insulation in the wall cavity.

## 6.2 Roof / Ceiling Construction

The roof / ceiling must have a minimum  $R_w$  of 43 dB, which is standard for a concrete slab (at least 110 mm thick) or a sheet metal roof (or concrete/terracotta tile) with sarking and 10 mm thick plasterboard ceiling fixed to the ceiling joists. The roof cavity should be lined with at least R2 thermal insulation batts.

## 6.3 Minimum Glazing Thickness and $R_w$ Ratings

To meet the internal design goals, as given in Section 3.3 above, the glazing in the rooms of the proposed residence will require the glass thicknesses specified in Table 2 below in order to achieve the recommended  $R_w$  ratings.

**TABLE 2 - MINIMUM GLAZING THICKNESS AND  $R_w$  RATINGS – 52-62 MAY ROAD, NARRAWEENA, NSW 2099**

Room	Ref - Size of Glazing W x H (mm)	Recommended Glazing Minimum Thickness	Required Minimum $R_w$ or STC (dB)
<b>Unit 01</b>			
Living / Dining	2 x D003 2200 x 2500	6.38mm laminated sliding door with acoustic seals.	31
Bedroom 1	D003 2200 x 2500	10.38mm laminated sliding door with acoustic seals.	35
	W04 2000 x 1500	10.38mm laminated fixed window with acoustic seals.	
	W06 870 x 1500	10.38mm laminated fixed window with acoustic seals.	
Bedroom 2	W03 1000 x 1500	6.38mm laminated awning window with acoustic seals.	27
<b>Unit 02</b>			
Living / Dining	D003 2200 x 2500	6.38mm laminated sliding door with acoustic seals.	33
	W04 2000 x 1500	6.38mm laminated fixed window with acoustic seals.	
	W06 870 x 1500	6.38mm laminated fixed window with acoustic seals.	
Bedroom 1	D003 2200 x 2500	6.38mm laminated sliding door with acoustic seals.	34
Bedroom 2	D003 2200 x 2500	6.38mm laminated sliding door with acoustic seals.	33

*Continued.....*

**TABLE 2 - MINIMUM GLAZING THICKNESS AND R<sub>w</sub> RATINGS – 52-62  
MAY ROAD, NARRAWEENA, NSW 2099. Continued.**

Room	Ref - Size of Glazing W x H (mm)	Recommended Glazing Minimum Thickness	Required Minimum R <sub>w</sub> or STC (dB)
<b>Unit 03</b>			
Living / Dining	D003 2200 x 2500	6.38mm laminated sliding door with acoustic seals.	33
	W04 2000 x 1500	6.38mm laminated fixed window with acoustic seals.	
	W06 870 x 1500	6.38mm laminated fixed window with acoustic seals.	
Bedroom 1	D003 2200 x 2500	6.38mm laminated sliding door with acoustic seals.	33
Bedroom 2	W01 1000 x 2000	6.38mm laminated awning window with acoustic seals.	29
<b>Unit 04</b>			
Living / Dining	W05 3700 x 1500	10.38mm laminated fixed window with acoustic seals.	35
	W07 1080 x 1500	10.38mm laminated fixed window with acoustic seals.	
	D04 3000 x 2500	10.38mm laminated sliding door with acoustic seals.	
	D02 1000 x 2500	10.38mm laminated door with acoustic seals.	
Bedroom 1	W02 900 x 2400	6.38mm laminated awning window with acoustic seals.	30
Bedroom 2	W02 900 x 2400	6.38mm laminated awning window with acoustic seals.	30
Bedroom 3	W03 1000 x 1500	6.38mm laminated awning window with acoustic seals.	28
<b>Unit 05</b>			
Living / Dining	2 x W01 1000 x 2000	4mm float awning window with acoustic seals.	20
	D04 3000 x 2500	5mm toughened sliding door with weather seals.	20
	D02 1000 x 2500	5mm toughened sliding door with weather seals.	20
Bedroom 1	W02 900 x 2400	4mm float awning window with acoustic seals.	20
Bedroom 2	W02 900 x 2400	4mm float awning window with acoustic seals.	20
Bedroom 3	W03 1000 x 1500	4mm float awning window with acoustic seals.	20

*Continued.....*



**TABLE 2 - MINIMUM GLAZING THICKNESS AND R<sub>w</sub> RATINGS – 52-62 MAY ROAD, NARRAWEENA, NSW 2099. Continued.**

Room	Ref - Size of Glazing W x H (mm)	Recommended Glazing Minimum Thickness	Required Minimum R <sub>w</sub> or STC (dB)
<b>Unit 06</b>			
Living / Dining	W01 1000 x 2000	4mm float awning window with acoustic seals.	20
	D04 3000 x 2500	5mm toughened sliding door with weather seals.	
Bedroom 1	W01 1000 x 2000	4mm float awning window with acoustic seals.	20
Bedroom 2	W01 1000 x 2000	4mm float awning window with acoustic seals.	20
<b>Unit 07</b>			
Living / Dining	W01 1000 x 2000	4mm float awning window with acoustic seals.	20
	D04 3000 x 2500	5mm toughened sliding door with weather seals.	
Bedroom 1	W01 1000 x 2000	4mm float awning window with acoustic seals.	20
Bedroom 2	W01 1000 x 2000	4mm float awning window with acoustic seals.	20
<b>Unit 08</b>			
Living / Dining	D04 3000 x 2500	5mm toughened sliding door with weather seals.	20
Bedroom 1	W01 1000 x 2000	4mm float awning window with acoustic seals.	20
<b>Unit 09</b>			
Living / Dining	D04 3000 x 2500	6.38mm laminated sliding door with acoustic seals.	29
	Roof Window (Skylight)	'Velux High Performance double glazed 2004' or equivalent	
Bedroom 1	D02 1000 x 2500	6.38mm laminated door with acoustic seals.	31
Bedroom 2	W03 1000 x 1500	6.38mm laminated awning window with acoustic seals.	29
<b>Unit 10</b>			
Living / Dining	D04 3000 x 2500	6.38mm laminated sliding door with acoustic seals.	31
	Roof Window (Skylight)	'Velux High Performance double glazed 2004' or equivalent	
Bedroom 1	D02 1000 x 2500	6.38mm laminated door with acoustic seals.	31
Bedroom 2	W03 1000 x 1500	6.38mm laminated awning window with acoustic seals.	29

Continued.....

**TABLE 2 - MINIMUM GLAZING THICKNESS AND R<sub>w</sub> RATINGS – 52-62  
MAY ROAD, NARRAWEENA, NSW 2099. Continued.**

Room	Ref - Size of Glazing W x H (mm)	Recommended Glazing Minimum Thickness	Required Minimum R <sub>w</sub> or STC (dB)
<b>Unit 11</b>			
Living / Dining	D04 3000 x 2500	6.38mm laminated sliding door with acoustic seals.	31
	Roof Window (Skylight)	'Velux High Performance double glazed 2004' or equivalent	
Bedroom 1	D02 1000 x 2500	6.38mm laminated door with acoustic seals.	31
Bedroom 2	W01 1000 x 2000	6.38mm laminated awning window with acoustic seals.	29
<b>Unit 12</b>			
Living / Dining	2 x D04 3000 x 2500	8.38mm laminated sliding door with acoustic seals.	36
	D02 1000 x 2500	8.38mm laminated door with acoustic seals.	
Bedroom 1	D02 1000 x 2500	6.38mm laminated door with acoustic seals.	30
Bedroom 2	W03 1000 x 1500	6.38mm laminated awning window with acoustic seals.	27
<b>Unit 13</b>			
Living / Dining	2 x D04 3000 x 2500	5mm toughened sliding door with weather seals.	20
	D02 1000 x 2500	6.38mm laminated door with acoustic seals.	
Bedroom 1	D02 1000 x 2500	6.38mm laminated door with acoustic seals.	20
Bedroom 2	W03 1000 x 1500	4mm float awning window with acoustic seals.	20
<b>Unit 14</b>			
Living / Dining	D04 3000 x 2500	5mm toughened sliding door with weather seals.	20
	W01 1000 x 2000	4mm float awning window with acoustic seals.	
Bedroom 1	D02 1000 x 2500	5mm toughened sliding door with weather seals.	20
<b>Unit 15</b>			
Living / Dining	D04 3000 x 2500	5mm toughened sliding door with weather seals.	20
	W01 1000 x 2000	4mm float awning window with acoustic seals.	
Bedroom 1	D02 1000 x 2500	5mm toughened sliding door with weather seals.	20
<b>Unit 16</b>			
Living / Dining	D04 3000 x 2500	5mm toughened sliding door with weather seals.	20
Bedroom 1	D02 1000 x 2500	6.38mm laminated door with acoustic seals.	20

**Notes:**

- All skylights/roof windows should be Velux High 'Performance double glazed 2004' or equivalent.
- All other window glazing to be a minimum of 4mm thick float glass and door glazing to be a minimum of 6.38mm thick laminated glass for habitable rooms with a minimum  $R_w$  or STC rating of 20 dB;  $R_w$  = Weighted Sound Reduction Index, covers a frequency range from 100 Hz to 3.15 kHz;
- STC = Sound Transmission Class, covers a frequency range from 120 Hz to 4 kHz;
- Glazing systems recommended are minimum requirements for acoustic purposes. In some cases, thicker glass may be required for safety or other reasons.
- Glazing performance for residential component of development was only assessed according to council condition outlined in introduction.
- Door and Window types and sizes adopted from Door and Window Schedule prepared by Benson McCormack Architecture (Drawing No. A-1001 Rev 01 Dated 16th May 2020).

## 6.4 Ventilation

An acoustically insulated building must be kept virtually air tight to exclude external noise. Therefore, the  $R_w$  ratings in Table 2 above, are only achieved when the glazing is closed. Hence there is a requirement for mechanical ventilation or air-conditioning to provide fresh air to control odours. Specific ventilation requirements are outside of our scope of expertise, however requirements for indoor-air quality are given in Australian Standard AS 1668.2 - 2012, "*The use of ventilation and air-conditioning in buildings - Ventilation design for indoor air contaminant control*".

Internal noise levels from mechanical ventilation or air-conditioning should not exceed 35 dBA for bedroom areas and 40 dBA for all other habitable areas. External noise levels from mechanical ventilation or air-conditioning should not exceed 5 dB over the lowest existing background noise level ( $L_{AF90}$ ) when in day time use and when measured at the neighbouring boundary. Night time noise levels must meet the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.

## 7. SUMMARY AND CONCLUSIONS

Noise emission from road traffic movements using Warringah Road (A38), have been measured in the vicinity of 52-62 May Road, Narraweena, NSW 2099. The measurements have been used to predict internal noise levels for the proposed mixed-use development. No exceedences of the internal noise levels are predicted. This is providing that the recommendation details shown in Section 6 above are fully complied with. Mechanical ventilation (e.g., internal wall-mounted air ventilators) or air conditioning is required.

Status	Date	Prepared by:
Draft	12 <sup>th</sup> February 2021	Anthony Nachar B.E. (Civil), AAS(Grad)
Status	Date	Checked by:
Draft	13 <sup>th</sup> February 2021	Ken Scannell MSc., MAAS
Status	Date	Issued by:
Final	20 <sup>th</sup> February 2021	Ken Scannell MSc., MAAS

**Important Note.** All products and materials suggested by ‘Noise and Sound Services’ are selected for their acoustical properties only. All other properties such as airflow, aesthetics, chemical, corrosion, combustion, construction details, decomposition, expansion, fire rating, grout or tile cracking, loading, shrinkage, ventilation, etc are outside of ‘Noise and Sound Services’ field of expertise and **must be** checked with the supplier or suitably qualified specialist before purchase.

## APPENDIX A – MEASURED SOUND PRESSURE LEVELS

Environmental noise levels can vary considerably with time; therefore, it is not adequate to use a single number to fully describe the acoustic environment. The preferred, and now generally accepted, method of recording and presenting noise measurements is based upon a statistical approach. For example, the  $L_{AF10}$  noise level is the level exceeded for 10% of the time and is approximately the average maximum noise level. The  $L_{AF90}$  level is the level that is exceeded for 90% of the time and is considered to be approximately the average of the minimum noise level recorded. This level is often referred to as the ‘background’ noise level. The  $L_{Aeq}$  level represents the average noise energy during the measurement period.

The measurement procedure and the equipment used for the noise survey are given in section 4 of this report. The measurement results are shown in Table A. All sound pressure levels in Table A are rounded to the nearest whole decibel.

**TABLE A – 52-62 MAY ROAD, NARRAWEENA, NSW 2009, 11<sup>th</sup> February 2021**

Time		Sound Pressure Level (dBA)					
Start	Finish	$L_{Aeq}$	$L_{AF1}$	$L_{AF10}$	$L_{AF50}$	$L_{AF90}$	$L_{AF99}$
11:30	11:45	61	70	64	58	52	49
11:50	12:05	60	68	63	59	53	49
12:05	12:20	61	69	64	58	51	47
12:20	12:35	60	70	63	59	52	44
11:30	12:35	61	70	64	58	51	44

## APPENDIX B - EXAMPLE MATERIAL SUPPLIERS

### Acoustic Glazing Suppliers

'Vantage Windows' telephone: 1300 026 189

<http://www.awsaustralia.com.au>

'Wideline Pty Ltd' telephone: (02) 8304 6400.

[www.wideline.com.au](http://www.wideline.com.au)

'Trend Windows & Doors Pty Ltd' telephone: (02) 9840 2000.

[www.trendwindows.com.au](http://www.trendwindows.com.au)

'Thermoglaze Windows' telephone: 1300 166 571

[www.thermaglazewindows.com.au](http://www.thermaglazewindows.com.au)

'Christoffel Pty Ltd' telephone: (02) 9627 4811

[www.christoffel.com.au/contact.htm](http://www.christoffel.com.au/contact.htm)

'Sound Barrier Systems Pty. Ltd' telephone: (02) 9540 4333, or email

[tony.angel@soundbarrier.com.au](mailto:tony.angel@soundbarrier.com.au)

'Velux' telephone: (02) 1300 859 856

<http://www.velux.com.au/>

'Safetyline Jalouise' telephone: 1300 86 3350

<http://www.safetylinejalousie.com.au/>

### Internal Wall-Mounted Air Ventilators

Active:

'Acoustica' – telephone 1300 722 825 [www.acoustica.com.au](http://www.acoustica.com.au)

'Sonair' – telephone 1300 858 674 [www.edmonds.com.au](http://www.edmonds.com.au)

Passive:

'Silenceair<sup>®</sup>' – telephone 02 9555 7215 [www.silenceair.com](http://www.silenceair.com)

## CONDITIONS OF APPROVAL

<b>Application Number:</b>	DA2020/0739
<b>Land to be developed (Address):</b>	Lot 13 DP 801798, 62 May Road NARRAWEENA NSW 2099 Lot 14 DP 801798, 60 May Road NARRAWEENA NSW 2099 Lot 15 DP 801798, 58 May Road NARRAWEENA NSW 2099 Lot 16 DP 801798, 56 - 56 May Road NARRAWEENA NSW 2099 Lot 17 DP 801798, 54 - 54 May Road NARRAWEENA NSW 2099
<b>Proposed Development:</b>	Demolition works and construction of a Shop Top Housing Development with basement carparking

## 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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A-0006, A-0009, A-0010, and A2052 - Rev 02	26/11/2020	Benson McCormack Architecture
A-0105 - Rev. 03	26/11/2020	Benson McCormack Architecture
A-0007, A-0101, A-0103, A-1301, A-0201, A-0202, and A-0203 - Rev 04	26/11/2020	Benson McCormack Architecture
A-0104, and A-2051 - Rev 05	26/11/2020	Benson McCormack Architecture
A-0102 - Rev 06	26/11/2020	Benson McCormack Architecture
Roof Plan Exhaust Drawing No. A-1309 (Revision 02)	4/03/2021	Benson McCormack Architecture
First and Second Floor Plan Drawing No-1308 (Revision 02)	4/03/2021	Benson McCormack Architecture

Engineering Plans		
Drawing No.	Dated	Prepared By
200014-DA-C03.01, 200014-DA-C03.21, 200014-DA-C05.01, 200014-DA-	31/03/2020	Enspire Solutions Pty. Ltd.



C05.02, 200014-DA-C13.01, 200014-DA-C14.01, and 200014-DA-C22.01 - Rev. 2		
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<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>
Access Report	12/03/2020	Accessible Building Solutions
Arborist Report	16/04/2020	Advanced Treescape Consulting
BCA Report - Ref. C002-0320	17/03/2020	Phoenix Building Approvals Pty. Ltd.
Geotechnical Report - Ref. 6093-G1	10/06/2020	AssetGeoEnviro
Section J Report	16/05/2020	Outsource Ideas Pty. Ltd.
Acoustic Report	February 2021	Noise and Sound Service

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:

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	05/03/2020	Joe Vescio

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. **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:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Ausgrid Referral Response	10/08/2020
TfNSW	Transport for NSW Referral Response	29/07/2020

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

## 3. **Food Businesses**

(a) Separate Development Consent from Council is required for the design, fit-out,

construction and use of each tenancy as food businesses.

(b) Each development application must provide details to Council demonstrating compliance with Standard 3.2.3 of the Australia and New Zealand Food Standards Code, the Food Act 2003 and AS 4674 'Design, construction and fit out of food premises' and AS1668.2.

(c) Details must include plans for the design, construction and fit-out and of all kitchens, wet areas, garbage storage rooms, food store areas, kiosks/stalls used for sale of food and beverages, and requirements for mechanical ventilation.

Reason: To ensure that all food premises comply with the design requirements. (DACHPGOG5)

#### 4. **Prescribed Conditions**

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

## 5. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 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) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) 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 2018
- (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

### 6. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$79,236.78 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 \$7,923,678.00.

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.

### 7. **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](http://www.northernbeaches.nsw.gov.au)).

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

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

The applicant is to lodge a bond with Council of \$10,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, removal of any redundant driveways road and pavement/shoulder reconstruction 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.

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

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

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

10. **Traffic Management and Control**

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

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.

11. **Working on and Access to Reserves Permit**

Works undertaken by principal contractors working without Council supervision on Land owned or managed by Council require a "Working on Reserves" permit prior to commencement. Applications can be obtained from Council's website or the Parks and Recreation business unit.



Reason: public safety and the protection of Council infrastructure.

12. **Shoring of Council Property**

a) Should the proposal require shoring to support Land owned or managed by Council, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors or other construction measures are to be used within Council land.

b) Details demonstrating compliance are 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 Land owned or managed by Council.

13. **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 6.00am-10.00am and 3.30-6.00pm. 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
- 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 Seven (7) 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

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.

#### 14. **Removal of Redundant Driveways**

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council prior to the issue of the Construction Certificate. All costs associated with the works shall be borne by the applicant.

A plan checking fee (**amount to be advised**) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.

#### 15. **Building Code of Australia Report**

The recommendations as detailed and recommended in the Building Code of Australia Assessment Report prepared by Phoenix Building Approvals P/L dated 17/3/2020, Report Ref No. C002-0320 are to be carried out in full to the 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.

16. **Building Code of Australia Access Requirements**

The Building Code of Australia works and access measures to the building as detailed and recommended in the Access Report prepared by Accessible Building Solutions, dated 12/3/2020, Report Ref No. 220033 are to be carried out to the building.

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

Reason: To ensure adequate provision is made for Access for building occupant safety.

17. **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 for Development Policy", and generally in accordance with the concept drainage plans prepared by Enspire Solutions Pty Ltd, drawing number 200014-DA-C05.01, 200014-DA-C05.02, 200014-DA-C14.01 and 200014-DA-C22.01, dated 9/04/2020. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

i. An overflow pipe shall be provided above the TWL within the tank and connected to the outlet pipe to prevent backflow.

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.

18. **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 roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of driveway crossing, reinstatement of existing driveway crossings, stormwater connection from the site to new kerb inlet pit and connection to existing council gully pit 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 design must include the following information:

1. 5.5 metre wide driveway crossing in accordance with Northern Beaches Council Drawing No. A4-3330/1 N.
2. Reinstatement of all old driveway crossings to kerb and gutter and grass verge along the entire Popular Lane frontage.
3. 1.2 metre lintel and grate kerb inlet pit in front of the subject site with a Ø 375mm RRJ RCP extension to the council pit.

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.

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. **Sub-Soil Seepage**

The Applicant is to submit plans demonstrating that all sub-soil seepage drainage is discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being the kerb inlet pit at the edge of the parking area in May Road and is to be carried out in accordance with relevant Australian Standards. (Note: At the time of determination the following (but not limited to) Standards applied:

- o Australian/New Zealand Standard AS/NZS 3500.3 - 2003 Plumbing and drainage - Stormwater drainage
- o Australian/New Zealand Standard AS/NZS 3500.3 - 2003 / Amdt 1 - 2006 Plumbing and drainage - Stormwater drainage.

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

Reason: To ensure appropriate drainage and Stormwater management on site to protect amenity of residents.

21. **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.

**22. Amended Plans**

- a) Plans are to be amended to delete the stairs and landing located on the eastern boundary of the site adjoining the public reserve.
- b) The planter to the north of the stairs is to be extended across the area of the deleted stairs and landing.
- c) Tree, shrub and groundcovers indicated on the Landscape Plan in the planter to the north are to be extended across the new planter.
- d) Amended Plans are to be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate.

Reason: Public safety

**23. Hazardous Building Materials Survey**

A hazardous building materials survey is to be conducted by a suitably qualified and experienced person. The survey is to include a survey of hazardous building materials including but not limited to asbestos. Following the survey a Hazardous Building Materials Register is to be prepared for the premises providing recommendations for the safe management/removal of hazardous building material.

Reason: To protect human health.

**24. 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](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm)>

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

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

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

**25. 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.

**26. External Finishes to Roof**

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

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

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

**27. 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](http://www.sydneywater.com.au) for:

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

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

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

**28. Provision of two additional car spaces and allocation of parking spaces**

A total of 36 parking spaces shall be provided within the basement carpark. The additional 2 parking spaces in addition to the 34 parking spaces shown in the master plans shall be provided via provision of 2 sets of vertical mechanical stackers within the basement carpark. The allocation of the parking spaces shall be as per the following:

- 14 space to retail and commercial uses.
- 19 spaces to residential units.
- 3 spaces to residential visitors.

A total of 23 bicycle spaces including eighteen (18) bicycle spaces within the car park, and five (5) publicly accessible bicycle parking spaces within the central portion of the ground floor level courtyard must be provided.

Detail plans demonstrating the above shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: Compliance with Warringah DCP

**29. Waste and Recycling Requirements**

Details demonstrating compliance with Warringah Development Control Plan – Part C9 Waste Management, including the required Warringah 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 Warringah 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**

**30. 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.

**31. Works adjoining Council Land**

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

b) A dilapidation report established at the commencement of the works shall contain a survey of pre-existing land features including photographic record of the Land under Council's care control and management adjoining the development, detailing the physical condition of items such as, but not exclusively limited to, physical assets such as crossovers, driveways, footpaths, utilities, furniture, play equipment, trees, gardens, lawn areas, bushland, and any rock outcrops.

c) This dilapidation report shall be submitted to Council and the Certifying Authority prior to commencement of works, and shall be the basis for rectification of any damage to Council's assets as listed in the Post Construction Dilapidation report submitted prior to the issue of the



#### Occupation Certificate.

d) Any damage to these assets during the works must be replaced like for like to the satisfaction of the Certifying Authority, and shall be subject to acceptance by Council.

e) The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

f) Prior to commencement of works on site, appropriate public safety site management measures must be in place as the site adjoins a public park with playground equipment. Construction Management must address public safety and protection at all stages of the works and incorporate the following throughout demolition and construction:

g) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting,

ii) methods of loading and unloading machinery and building materials,

iii) location of storage materials, excavation and waste materials,

iv) erosion, sediment and dust control measures, and

v) protection of the public from impacts of demolition, excavation and construction works.

h) During works, the site management measures set out in the above must remain in place and be maintained until the completion of works.

i) Construction materials must not be stored on Land owned or managed by Council. Safe pedestrian access free of trip hazards must be maintained at all times on or adjacent to any public access routes connected to Land owned or managed by Council.

Reason: Public Safety and to protect Council assets.

#### 32. **Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work zones are monitored and installed correctly.

#### 33. **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.

- No.41, 43 and 45 Oceana Street, Narrabeena



- 50 May Road (Public Reserve), Narraweena
- Road Reserve in May Road; and
- Poplar Lane.

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.

**34. 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.

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

a) Prior to commencement of works on site, sediment and erosion controls must be installed along the immediate downslope of the works area, in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

b) Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: to protect the surrounding environment from the effects of sedimentation and erosion from the site.

**36. Works on Land owned or managed by Council.**

No works are to be carried out on Land owned or managed by Council without the written approval of the Council.

Note: Separate approval from Council is required for access driveways, paths, stairs, connections to underground utilities (stormwater, gas, sewer, electricity, telecommunications etc.), and landscaping works on Land owned or managed by Council.

Reason: Protection of public assets, Public safety

**37. 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

(b) Tree protection

- i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with 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.

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

**38. 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.

**39. 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:

- o Work Health and Safety Act;
- o Work Health and Safety Regulation;
- o Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- o Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- o Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- o 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.

40. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

41. **Property Boundary Levels**

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

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

Reason: To maintain the existing profile of the nature strip/road reserve.

42. **Civil Works Supervision**

The Applicant shall ensure all civil works approved in the Section 138 approval are supervised by an appropriately qualified and practising 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.

43. **Notification of Inspections (infrastructure works to be handed over to Council)**

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter, driveway crossing
- (e) Subgrade level / basecourse level / subbase
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification.

Reason: To ensure new Council infrastructure is constructed in accordance with Auspec 1 Council's design and specification standards.

44. **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.

45. **Kerb and Gutter Construction**

The Applicant is to construct kerb and gutter and associated works along the entire frontage of the site in Poplar Lane in accordance with Northern Beaches Council Drawing No. A4 2276/A. Prior to the pouring of concrete, the works are to be inspected by Council and an approval issued.

The approval is to be submitted to the Principal Certifying Authority.

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

46. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

47. **Requirement to Notify about New Contamination Evidence**

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

Reason: To protect human health and the environment.

48. **No Access through Land owned or managed by Council.**

- a) Site access is not approved for delivery of materials nor construction of the development through adjacent Land owned or managed by Council.
- b) The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in Land owned or managed by Council is prohibited.
- c) Any damage to Council's public assets shall be made good by the applicant and/or the contractor, to the satisfaction of Council.

Note:

Council's public assets include, but is not limited to the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Reason: to protect and/or restore any damaged public asset, public safety.

49. **Protection of trees**

- 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
- b) Tree protection
  - i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
  - ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.
  - iii) All tree protection to be in accordance with 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 relevant local planning controls 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 and adjacent to the site.

50. **Compliance with Recommendations within Hazardous Building Materials Register**  
Recommendations within Hazardous Building Materials are to be implemented from commencement of any excavation, demolition or development works until the issue of any interim / final occupation certificate.

Reason: To protect human health.

51. **Off-site Disposal of Contaminated Soil - Chain of Custody**  
'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the (\*) site at (\*), to the subject premises.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and Council within seven (7) days of transport.

Reason: For protection of environment.

52. **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

53. **Landscape completion certification**  
a) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.

b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been established and maintained in accordance with the approved landscape plan.

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

54. **Post Construction Dilapidation Report of Land owned or managed by Council.**

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

b) The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: protection of Council's assets.

55. **Allocation of parking spaces (strata title)**

All carparking spaces are to be assigned to individual units. All residential units must be assigned a minimum of one parking space. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure parking availability for residents in accordance with section C3 of Warringah Council's Development Control Plan.

56. **Allocated Parking Spaces (retail/commercial)**

Parking allocated to this development must be clearly signposted and linemarked as being for the exclusive use of this development. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure parking availability.

57. **Stacked Parking Spaces (residential)**

Stacked parking spaces are to be assigned as the same residential unit which blocks in the parking spaces. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To minimize conflicts regarding parking areas.

58. **Footpath Construction**

The applicant shall construct 1.5m wide centre footpath along full frontage of the site on Poplar Lane and the adjoining Council's reserve to provide pedestrian connection to the existing pathway within the Council's reserve. The applicant shall undertake any works associated with the footpath construction as required. This includes the construction of kerb and guttering and relocation of the playground fencing.

As the provision of public access way will rely on private property, a right of carriageway/right of footway will be created in Council's benefit for the ongoing preservation of pedestrian access.

Plans demonstrating the above requirements and designed in compliance with the Council's standards shall be submitted to and approved by Council prior to the issue of any Occupation Certificate.

Reason: To ensure the provision of safe and convenient pedestrian access to and from the property

**59. Construction of a loading bay**

A dedicated loading bay shall be constructed within the Council car parking area on May Road. The loading bay is to accommodate small truck (SRV) and to be designed in compliance with AS2890 and in consultation with Council Transport team.

Plans demonstrating the above shall be submitted to Council for review and obtaining Traffic Committee approval.

The applicant shall undertake full construction of the loading bay and any associated works as required at no cost to Council.

Reason: To provide a designated loading bay to service the shops/retail.

**60. Mechanical Servicing**

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

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

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

**61. 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.



**62. Positive Covenant for the Maintenance of Stormwater Pump-out Facilities**

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

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance of the pump-out facility on the property being developed. Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Northern Beaches Council's delegate shall sign these documents prior to the submission to the NSW Land Registry Services. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard.

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

The Applicant shall lodge a Legal Documents Authorisation Application with Council. The application is to 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 by a Registered Surveyor) and Hydraulic Engineers' certification for the completed on-site stormwater detention system works. A guide to the process can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/guide-submitting-ldaa-nov19.pdf>

The form for the application can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/4023-legal-documents-authorisation-oct19.pdf>

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 detention system within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure the on-site stormwater detention system is maintained to an appropriate



operational standard and not altered..

**64. Certification of Civil Works and Works as Executed Data on Council Land**

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 approved Section 138 plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data (details overdrawn on a copy of the approved civil plans) for Council Assets' in an approved format shall be submitted to Council for approval prior to the release of any security deposits.

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

**65. Screen Planting**

The species within the planter box on the northern side of the first floor level terrace must be grown and be maintained to a minimum height of 1m above the finished floor level of the terrace.

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

Reason: To protect the privacy of the adjoining properties.

**66. Compliance with Recommendations within the Hazardous Building Materials Register**

Prior to the issuing of any interim / final occupation certificate, documentation is to be submitted to the satisfaction of the Principal Certifying Authority that any recommendations within the Hazardous Building Materials Register have been implemented.

Reason: To protect human health. (DACHPFPOC6)

**67. Mechanical Ventilation certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

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

Reason: To ensure that the mechanical ventilation system complies with the design requirements. (DACHPFPOC4)

**68. Acoustic Report**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the operator that all of the recommendations as contained in Section 6 of the Acoustic Report prepared by Noise and Sound Services have been implemented and are compliant.

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

Reason: To ensure the premises a maintained in an appropriate manner in perpetuity.

**69. Removal of All Temporary Structures/Materials and Construction Rubbish**

a) Once construction has been completed all silt and sediment fences, silt, rubbish, building

debris, straw bales and temporary fences/bunds are to be removed from the site.

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

Reason: to protect reserve amenity and public safety.

70. **Required Planting**

a) Trees, shrubs and groundcovers shall be planted in accordance with Landscape Plans Dwg Nos LP01, 02, 03 & 04 Rev A dated 26.03.20 prepared by Matthew Higginson Landscape Architecture:

b) 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.

71. **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)

72. **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)

73. **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)

74. **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.

**75. No parking restriction along Poplar Lane**

No Parking restriction shall be installed on both sides of Poplar Lane along the development site's frontage subject to local Traffic Committee approval. A plan demonstrating the proposed signage within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Local Traffic Committee prior to the issue of any Occupation Certificate.

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

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

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

Reason: To improve vehicular access in poplar Lane simultaneous (DACTRFPOC1)

**76. Waste and Recycling Facilities Certificate of Compliance**

The proposal shall be constructed in accordance with Warringah 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)

**77. 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)

**78. 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 Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah 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)

**79. 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**

**80. No Plant on Roof**

No air conditioning units or plant is to be located on roof tops other than those approved by the stamped Plans.

Reason: To ensure the amenity of the neighbouring residents

**81. 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.

**82. Hours of Operation**

The ground floor retail tenancies are subject to the following operating hours:

- 7.00am - 7.00pm - Monday - Sunday

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Modification to these operating hours is to be made through a separate development

application.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

83. **Commercial Waste Collection (DACPLG18)**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 8pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.(DACPLG18)

84. **Commercial Waste and Recycling Storage**

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

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed. (DACPLG19)

85. **Commercial Waste and Recycling Storage**

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed. (DACPLG25)