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MODIFICATION OF DEVELOPMENT CONSENT NO: N0440/15

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION

OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

BBF Town Planners
1/9 Narabang Way
BELROSE NSW 2085

Being the applicant in respect of S96 Modification Application No N0440/15/S96/1

Pursuant to section 81 of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of this Development Application for: -

N0440/15/S96/1 Modification to consent N0440/15 for the torrens title subdivision of the site into 4 lots and the construction of a residential development, incorporating 81 dwellings and associated civil works, landscaping and Strata subdivision of the resultant development.

At:-

8 Forest Road, Warriewood (Lot 1 DP 5055)

Decision:

The reason for the imposition of these conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act, pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Note: For ease of reference, all of the previous conditions have been re-listed. Those conditions amended or deleted have been highlighted.

Endorsement of date of consent **3 May 2017, Modified 9 April 2018**

David Kerr

ACTING CHIEF EXECUTIVE OFFICER

Per:



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CONDITIONS OF APPROVAL – PART A

This consent does not operate until the following deferred commencement condition is satisfied and the Applicant has received written confirmation of the satisfactory completion of the requirements within this condition and the activation of the consent from Council. The information required by the deferred commencement condition below is to be provided to the Council within twenty-four (24) months from the date of this consent. If this information is not provided within this time frame, the consent will lapse.

- 1 Deleted
- 2 A detailed design plan, including relevant civil, water management and landscaping detail, is to be provided in relation to the reconstruction and rehabilitation of the inner creekline to be dedicated to Council. The outlet headwalls and riprap or other scour protection are to be sensitively located to avoid impacts upon trees nominated for safe retention. The outlets are to be angled such that they do not induce scour on the opposite bank of the creek. The Design Plan is to be supported by photographic inspection evidence and a supporting report prepared by a qualified geomorphologist demonstrating that the creek banks are either stable in their current form, or are of a gradient that requires formal stabilisation. The Design should be accompanied by a Vegetation Management Plan in accordance with the requirements of DPI (Water) and the Water Management Specification (2001).
- 3 Detailed civil engineering detail is required in relation to the upgrade works to the bridge in Jubilee Avenue, and the driveway connection on the road reserve between the subject land and the existing driveway known as Bert Close/ Jubilee Avenue. The civil detail is to show:
 - Details of the interconnection of the driveway to the site as it connects to the existing driveway known as Bert Close/Jubilee Avenue;
 - Upgrade to the bridge in Jubilee Avenue to permit:
 - i. Two way traffic;
 - ii. a clear vehicle carriageway of 6.0 m width;
 - iii. overall deck width of 8.1m wide comprising a clear carriageway width of 6.0 m with 300mm wide x 200mm high kerbs on either side and a pedestrian footpath 1.5m wide; and
 - iv. a 1500mm diameter steel pipe balustrade mounted on top of kerb on both sides of roadway to a height of 640mm above the road carriageway.

The civil details are to be accompanied by a Construction Management Plan, which provides a clear timeline for the upgrade works and which details how access to the dwellings in Bert Close, Hillview Crescent and Valley Place will be maintained during the works.



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CONDITIONS OF APPROVAL – PART B

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. The development is to be undertaken in accordance with the following plans & documents:
 - a. Architectural Plans, all prepared by Drew Dickson Architects;
 - A-000, revision 05, dated 1 March 2017,
 - A-001, revision 05, dated 27 February 2017,
 - A-021, revision 03, dated 17 February 2017,
 - A-099.1, revision 06, dated 1 March 2017,
 - A-099.2, revision 06, dated 1 March 2017,
 - A-100.1, revision 06, dated 1 March 2017,
 - A-100.2, revision 05, dated 1 March 2017,
 - A-101.1, revision 06, dated 1 March 2017,
 - A-101.2, revision 05, dated 1 March 2017,
 - A-102.1, revision 06, dated 1 March 2017,
 - A-102.2, revision 05, dated 1 March 2017;
 - A-199.1, revision 05, dated 28 February 2017,
 - A-199.2, revision 04, dated 17 February 2017,
 - A-200, revision 04, dated 17 February 2017,
 - A-201, revision 04, dated 17 February 2017,
 - A-202, revision 03, dated 17 February 2017,
 - A-203, revision 04, dated 28 February 2017,
 - A-300, revision 03, dated 17 February 2017,
 - A-301, revision 04, dated 28 February 2017,
 - A-600, revision 05, dated 17 February 2017,
 - A-601, revision 02, dated 1 March 2017,
 - A-602, revision 01, dated 17 February 2017,
 - A-610, revision 03, dated 17 February 2017,



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- b. Landscape Plans, L-01, L-02, L-03, L-04, L-05, L-06, L-07, L-08 and L-09, all revision C, all prepared by Site Design + Studios, all dated 23 February 2017;
 - c. **Deleted;**
 - d. ***Plan of Torrens Title Subdivision prepared by Pulver Cooper & Blackley, sheet 1 of 1, reference 15/99, dated 21 March 2018 (by Council);***
 - e. **Deleted;**
 - f. Water Management Report, version 4, prepared by Martens & Associates, dated 2017;
 - g. Civil Engineering drawings prepared by Martens & Associates Pty Ltd as follows:
 - i. Cover Sheet: PS01-A000: Rev E, dated 24 February 2017;
 - ii. Development Overview Plan: PS01-A050: Rev B, dated 23 February 2017;
 - iii. Grading Plan: PS01-C100: Rev A, dated 10 February 2017;
 - iv. Drainage Plan: PS01-E100: Rev C, dated 24 February 2017;
 - v. Drains Modelling Catchment Plan Layout and Results: PS01-E600: Rev A, dated 10 February 2017;
 - vi. Music Modelling Catchment Plan Layout and Results: PS01-E700: Rev B, dated 23 February 2017;
 - vii. Creek Section Plan: PS01-Z100: Rev B, dated 24 February 2017;
 - viii. Creek Sections A and B: PS01-Z101: Rev B, dated 24 February 2017;
 - ix. Creek Sections C and D: PS01-Z102: Rev B, dated 24 February 2017;
 - x. Creek Sections E and F: PS01-Z103: Rev B dated 24 February 2017; and
 - xi. Creek Sections G and H: PS01-Z104: Rev B, dated 24 February 2017;
 - h. Flood Emergency Response Plan, version 5, prepared by Martens & Associates, dated 2017; and
 - i. Heritage Assessment & Statement of Heritage Impact prepared by NBRIS & Partners dated May 2016.
 - j. ***Strata Plan Sheets 1-13, reference 15/99, prepared by Pulver Cooper & Blackley, dated 21 March 2018 (by Council).***
2. All works are to be carried out in accordance with the requirements of the Building Code of Australia and the National Construction Code.
3. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
4. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours



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before building work is commenced and prior to further work being undertaken.

5. 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:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. 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
 - c. 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.

6. 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:
 - a. in the case of work for which a principal contractor is required to be appointed:
 - The name and licence number of the principal contractor, and
 - The name of the insurer by which the work is insured under Part 6 of that Act.
 - b. in the case of work to be done by an owner-builder:
 - The name of the owner-builder, and
 - If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
7. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) 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.
8. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
2. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately



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and the Metropolitan Local Aboriginal Land Council (MLALC) and the Office of Environment and Heritage are to be notified.

3. In accordance with Council's Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
4. No environmental weeds are to be planted on the site. Refer to Council's website for environmental weed lists.
5. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the *Noxious Weeds Act 1993*. Environmental weeds are to be removed and controlled. Refer to Council's website for noxious/environmental weed lists.
6. Any vegetation planted onsite outside the approved landscaping is to be consistent with:
 - a. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden guide available on Council's website.
 - b. The *Warriewood Valley Release Area Landscape Masterplan and Design Guidelines (Public Domain)*.Other plant species can only be used with written approval of Council
7. No building materials or other materials are to be placed/stored on riparian vegetation. Sediment is not to leave the site or enter areas of riparian vegetation, and appropriate sediment fencing is to be installed.
8. Any new fencing (with the exception of swimming pool fencing) must be:
 - a. Made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.
 - b. Where fencing is required to contain a domestic animal the enclosed area shall be up to 25% of the site cover and in a location that does not impede the passage of native wildlife between sites.
9. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland, unrestrained, on the site or on surrounding properties or reserves. No ferrets or rabbits are permitted to be kept within the new subdivision.
10. Street address numbering can only be authorised by Council. Before proceeding to number each lot, approval of the numbers must be sought from Council's Planning and Assessment Business Unit.
11. The adjustment and construction of all utilities, services and drainage systems, and the



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- creation of appropriate easements are to be at the full cost of the developer, including:
- a. Electrical and telecommunications for the proposed lots, which are to be provided underground. The location of any trenching and if required, pad mounted substation(s), is to take into account future/proposed landscaping in the public domain.
 - b. Street lighting facilities on the internal private road are to be provided in accordance with the requirements of Ausgrid.
12. No water pollution shall result from the operation of any plant or equipment or activity carried out.
13. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the *Protection of the Environment Operations Act 1997*.
14. No odour nuisance to the public or adjoining properties shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
15. No emissions causing air pollution shall be created by the operation of any plant equipment of any procedure carried out at the premises.
16. The proposal is to be consistent with the General Terms of Approval, issued by the NSW Office of Water, referenced in this consent.
17. The layout and design of the basement carpark (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be strictly in accordance with the relevant provisions of AS2890.1-2004. Disabled parking spaces and the internal access route dimensions/gradient shall be signposted and delineated clearly to comply with AS2890.6-2009.
18. The development is to include sixteen (16) adaptable units, as shown on the architectural drawings referenced in this consent. The adaptable units, common areas, parking spaces associated with adaptable units and access thereto, are to be strictly in accordance with the provisions of AS4299 – Adaptable Housing.
19. Each of the sixteen (16) adaptable apartments must have an adaptable parking space, on title. For two or three bedroom adaptable apartments, the adaptable parking space is to be in addition to another separate parking space.
20. Each dwelling must have two parking spaces, dedicated on title.
21. Visitor parking spaces are to be clearly identified and sign-marked.
22. Drip irrigation is to be provided to all garden areas (including planters) and is to be certified by an hydraulic engineer prior to release of construction certificate.



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23. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Certifying Authority.
24. The commitments identified in the Basix Certificate/s and on the plans or specifications are to be fulfilled and maintained for the life of the development. The water-related commitments are specified in the Water Management Report (Martens & Associates, 2017, Version 4 or as updated).
25. All external glazing is to have a maximum reflectivity index of 25%.
26. Garbage enclosures/stores shall be provided and maintained in accordance with the following:
- A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
 - The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
 - The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
 - Stormwater shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
 - Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
 - The room used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete blocks, structural fibrous cement or similar homogeneous material) so as to prevent the formation of cavities which become possible harbours for insects and vermin. Framing in timber is not permitted.
 - The garbage and recycling room shall be made vermin proof.
 - Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Council's satisfaction.
 - The enclosure shall be of adequate size to accommodate the following bins numbers and capacity per dwelling:
 - 80 litres per household per week of garbage, and
 - 70 litres per household per week of paper recyclables, and
 - 70 litres per household per week of container recyclables.
27. Security lighting is to be provided in accordance with the relevant provisions of AS4282 - *The control of the obtrusive effects of outdoor lighting*.
28. Air-conditioning units, hot water systems, and other mechanical equipment shall not be located on any roof or in locations that are visible from a public place.
29. All lift overruns are to be finished in the same colour as the roof.
30. No mesh enclosing of the car parking spaces of any kind is permitted for the life of the



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development.

31. The walls and/or ceilings of attached dwellings shall comply with the fire rating provisions of the Building Code of Australia.
32. The walls and/or ceilings of attached dwellings shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia.
33. Any ramps and access ways to include stainless steel (Grade 312) hand railings to BCA and DDA specifications.
34. All retaining walls are to be finished in natural stone or dark coloured render.
35. The colours and finishes of the development are to be in accordance with the schedule of colours and finishes referenced in this consent. With the exclusion of those areas shown on the approved plans, the use of red, white or light tones is not permitted. The roof, and all elements on the roof, including the lift overrun and proposed pebble finish, are to be finished in a mid-grey tone, equivalent to Dulux "Oolong" or darker.
- 36. Deleted.**
37. The minimum ceiling height of all habitable rooms (as defined by the Apartment Design Guidelines), including living areas, dining rooms, studies, bedrooms and kitchens, is to be 2.7m.
- 38. The skylights on the roof, above the individual units, are to be under the care and management of the Owners Corporation.**
39. The car wash bay is to be graded to drain to the sewerage system. The perimeter of the wash bays are to be suitably bunded to prevent stormwater entering the sewer.
40. All parking spaces are to be maintained free of obstruction and used solely for the parking of vehicles.
41. With the exception of 1.8m high timber fencing separating two immediately adjacent areas of private open space and between townhouses 5-6 and 9-10, fencing is not permitted on the site. Hedging plants may be used in lieu of fencing where visual privacy is required. In particular, the following areas of fencing are to be removed from the plans:
 - a. 1m high palisade fencing along the northern side of Townhouse 1; and
 - b. The 1.8m high lapped and capped timber fence separating ground floor areas of private open space and the fire access road.



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42. Each ground floor unit must have a direct pedestrian access with the surrounding area of communal open space.

43. Asset Protection Zone (APZ) areas, accessways and all infrastructural works including the fire trail (or Fire Access Road), 8m wide Driveway Access Road, 5.5m wide central private access way and the communal detention basin etc. related to the development site are to remain in private ownership and are to be located wholly within the development site and within private property, and maintained by the owners of the development or its Owners Corporation over the life of the development. These facilities located on residential allotments are to be maintained by the respective owners of these allotments in perpetuity.

44. Deleted.

45. Prior to the commencement of works and for the life of the development, the following minimum APZs shall be provided and managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':

- a. **North of Townhouses 1 to 5 to the Driveway Access, providing a total APZ of 20 metres;**
- b. North of Apartment Buildings A & D to the Fire Trail, providing a total APZ of 14 metres;
- c. South of the new development and existing dwelling for 20 metres;
- d. West of the new development and existing dwelling for 20 metres.

46. In accordance with section 88B of the 'Conveyancing Act 1919' a suitable instrument shall be placed on the relevant lots requiring the ongoing provision of the APZs.

47. Water, electricity and gas supplies shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

48. Fire trails shall comply with section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'.

49. The proposed "Driveway Access" road shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006' including but not limited to:

- a. The road shall have a carriageway width of 8 metres minimum kerb to kerb.
- b. Dead end roads should incorporate either a minimum 12 metre radius turning circle or turning bay with arms of 15 metres deep when measured from the centreline of the road and have a turning radius of no less than 6m. The proposed road should be clearly signposted as a dead end road.

50. The proposed "Private Access Way" shall be a minimum 5.5 metres wide (kerb to kerb), with parking provided within parking bays located outside the kerb to kerb space, and incorporate a minimum 12 metre radius turning circle.



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51. Apartment Block A shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006' except for the southern elevation which shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959- 2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
52. Apartment Block B shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006' except for the northern elevation which shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959- 2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
53. Apartment Block C shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
54. Apartment Block D shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006' except for the eastern elevation which shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959- 2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
55. Townhouses 1-5 shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959- 2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006' except for the southern elevation which shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
56. Townhouses 6-9 shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
57. Townhouses 10-14 shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006' except for the northern and eastern elevations which shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
58. The existing dwelling shall be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings



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with a non- corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

59. Landscaping of the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

60. The Flood Emergency Response Plan (Martens & Associates, 2017, Version 5, or as updated) shall be implemented and maintained for the life of the development.

61. The water management facilities described in the Water Management Report (Martens & Associates, 2017, Version 4 or as updated), including:

- a. Rainwater tanks
- b. Combined On-Site Detention/Bioretenion systems
- c. Debris control structure upstream of the diversion culvert
- d. Pipes, pits, culvert headwalls and pit inserts for water quality controls (Ecosol Litter Basket or equivalent)
- e. Level spreader for the dissipation of energy from flows from the diversion system
- f. Fire access road along the south of the development (which forms a levee to protect the site from overland flows in the 100 year average recurrence interval event plus 30% increase in rainfall for climate change)

shall be implemented and maintained for the life of the development in accordance with the detailed design, the Water Management report and the manufacturers requirements. The fire access road shall be designed and constructed of materials that do not scour in the event that it is overtopped. The level spreader shall be designed and constructed of materials that do not scour in all events up to and including the 100 year average recurrence interval plus climate change.

62. In accordance with section 88B of the 'Conveyancing Act 1919' a suitable instrument shall be placed on the relevant lots requiring the ongoing implementation of the Flood Emergency Response Plan (Martens & Associates, 2017, Version 5, or as updated).

63. In accordance with section 88B of the 'Conveyancing Act 1919' a suitable instrument shall be placed on the relevant lots to specify the sizing of the rainwater tanks within each of the apartment buildings and townhouses and the requirement to provide a connection to each apartment and townhouse from the rainwater tanks for the purposes of cold water laundry and toilet flushing purposes.

64. The existing dilapidated timber bridge within the creekline corridor located just upstream of Jubilee Avenue is to be removed as this will otherwise form an obstruction to flows in the channel.

65. Environmental monitoring is to be conducted in accordance with the requirements of the



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Warriewood Valley Water Management Specification (WMS, 2001) and the Water Management Report (Martens & Associates, 2017, Version 4 or as updated) during and after construction and the information is to be provided in an Environmental Monitoring report with copies supplied to Council.

66. The existing dwelling to be retained must be connected to town water and sewer.

67. The residential flat buildings must comprise:

- a. 8 x 1 bedroom units;
- b. 8 x 2 bedroom units;
- c. 49 x 3 bedroom units; and
- d. 1 x 4 bedroom unit.

68. Consent is granted under section 138 of the Roads Act 1993 to erect a structure or carry out works to:

- a. Construct and connect that part of the driveway entitled "driveway access 8 meters wide" on Drawing A-001, revision 05, dated 27 February 2017, that is over the public road reserve between the eastern boundary of the subject site and the existing driveway built between the boundary of Lot 1 DP285567, known as Bert Close, and the Jubilee Avenue cul-de-sac ("Existing Driveway"); and
- b. upgrade the existing bridge across Narrabeen Creek within the Jubilee Avenue public road reserve, in the manner depicted on the detailed plans produced in accordance with deferred commencement condition 2 in Part A of this consent.

which consent in (a) and (b) is granted on the following conditions:

- i. ***the owners from time to time of the land comprising Lot 2 in the subdivision approved by this consent (including any future lot or lots comprising all or any parts of the land currently in Lot 2) (together, the "Relevant Owners") must maintain the structure or work referred to in (a) in a satisfactory state of repair at their own cost;***
- ii. the Relevant Owners must pay to community association Warriewood Grove (DP 285567) no later than the date that is 3 weeks before the insurance premium is due every year, 73% of the insurance premium to insure the Existing Driveway (excluding the bridge referred to in (b));
- iii. the Relevant Owners must pay to community association Warriewood Grove (DP 285567) no later than 31 July in each year 73% of the costs incurred by that community association between 1 July in the preceding year and 30 June in the current year to maintain the Existing Driveway



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- and the Bridge;
- iv. the granting of this consent under the Roads Act 1993, and the imposition of these conditions, does not prejudice any power of the roads authority under Division 3 of Part 9 of the Roads Act 1993, or any other power under that Act, including without limitation any power to revoke or enforce this consent, to make use of the road reserve, or any general obligation imposed on users of the road;
- v. Council will oversee the road works. Council is to be contacted prior to works commencing to confirm the inspections required and the hold points for the construction. Council inspections are required for: -
- Stormwater pipes prior to backfilling
 - Subsoil drains
 - Stormwater pits
 - Roller tests on pavement layers
 - Formwork for concrete works, including kerb and gutter and footpaths
- vi. The Applicant(s) shall, at all times, keep indemnified Council from and against all actions, suits, proceedings, losses, costs, damages, changes, claims and demands in any way arising out of or by reason of anything done or omitted to be done by the Applicant(s) in respect of the work in question.
- vii. The Applicant(s), at all times for the duration of this Consent, will not interrupt or otherwise disturb the traffic flow on the road without first obtaining the consent of Council.
- viii. Adequate support of the road reserve shall be provided at all times during the course of the works.
- ix. Any stormwater grates are to be bicycle safe.
- x. All stormwater pipes are to be reinforced concrete with spigot and socket and rubber ring joints.
- xi. All traffic signs are to be installed in V-Lock (or similar) sockets to allow their removal when future replacement is necessary.
- xii. The Applicant(s) shall make good any damage caused to any property of Council by reason of the carrying out of any work by the Applicant(s) under the Conditions of this Consent.
- xiii. Should the Applicant(s) fail to comply with any of these conditions or any requirement of Council as provided then this Consent shall permanently lapse and any part of the work remaining within the road at that time shall be deemed to be an obstruction or encroachment under Section 107 of the Roads Act 1993.
- xiv. The Applicant(s) shall be responsible for the cost of all service and utility adjustments associated with the road construction. Contact Dial Before You Dig (1100) at least two working days before the works are due to start for information on the location of underground pipes and cables.
- xv. The Applicant(s) shall accept all responsibility for public safety during the construction of the works.
- xvi. Council is to be advised when works have completed. Upon receipt of this advice, Council will inspect the works to determine if they are



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satisfactory. Any works deemed by Council to be unsatisfactory are to be rectified to Council's reasonable satisfaction.

Note: The Court notes that condition 68 is not a condition imposed on the development consent under section 80A of the Environmental Planning and Assessment Act 1979, but is a consent granted under section 138 of the Roads Act 1993, with conditions imposed under section 139 of that Act.

- 69. The Plan of Management required by Part E of this consent is to be maintained for the life of the development and incorporated into the bylaws/management statement of the resultant subdivided development.**
- 70. A Bush Fire Emergency and Evacuation Plan shall be prepared for each of the proposed buildings and shall comply with the NSW Rural Fire Service document 'Guide for developing a Bush Fire Emergency Evacuation Plan'.**
- 71. A 20 metre Asset Protection Zone shall be provided to the south west of the proposed Driveway Access from the eastern boundary of the site to the point where it intersects with the Fire Access Road. The APZ shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.**

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above, are to be submitted to the Principal Certifying Authority.
2. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

Note: Separate approval is required for access driveways, paths, connections to underground services (stormwater, gas, sewer, electricity, etc.), and landscaping works within Council's Road Reserve.

4. Construction works approved by this consent must not commence until:
 - a. Construction Certificate has been issued by a Principal Certifying Authority;
 - b. A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
 - c. At least 2 days' notice, in writing has been given to Council of the intention to



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commence work.

5. In accordance with section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payment Corporation or Council for any work costing \$25,000 or more.
6. An Erosion and Sediment Management Plan is to be submitted prior to the issue of a Construction Certificate. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction* (Landcom 2004). The plan is also to include specific details required to remove fine sediment and clay from vehicles leaving the site so as to maintain public roads in a clean condition.
7. ***Engineering plans and specifications for the construction of all roads, drainage and other civil engineering works required by this consent are to be certified by a suitably qualified and experienced Civil Engineer who is listed on the National Engineers Register (NER) maintained by Engineers Australia prior to the issue of a Construction Certificate.***
8. A satisfactory Construction Traffic Management Plan (CTMP) prepared by a suitably qualified traffic consultant is to be submitted prior to the issue of a Construction Certificate. The CTMP is to detail:
 - a. Quantity of material to be transported;
 - b. Proposed truck movements per day;
 - c. Proposed hours of operation; and
 - d. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the local government area.
 - e. Location of on/off site parking for workers associated with construction for the whole period of construction.
9. ***A monetary contribution of \$4,724,933.82 (subject to (a) below) and dedication of 5,796 square metres of creek line land is to be made prior to the issue of any Construction Certificate or Subdivision Certificate (whichever occurs first) relating to the development for the provision of public infrastructure and services pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.***
 - a. The monetary contribution will be adjusted at the time of payment in accordance with the latest Consumer Price Index as published quarterly by the Australian Bureau of Statistics as outlined in Council's Warriewood Valley Section 94



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Contributions Plan (Amendment 16 Revision 2). The monetary contribution is to be paid prior to issue of the first Construction Certificate or Subdivision Certificate (whichever occurs first).

- b. ***The Applicant is required to dedicate to Northern Beaches Council a total of 5,796 square metres of land for the provision of multi-functional creek line corridor facilities, identified as Lot 1 on the Plan of Subdivision titled 'Proposed Subdivision of Lot 1 DP 5055', Sheet No.1 of 1, reference 15/99, prepared by Pulver Cooper & Blackley, dated 21 March 2018 (by Council). The dedication is to take place by way of subdivision. Evidence that the Deposited Plan has been registered with NSW Land and Property Information shall be provided to Council prior to the issue of any Occupation Certificate for the dwellings.***
- c. The Applicant may negotiate with Council for the direct provision of facilities and services in lieu of the monetary contribution above (or any portion of that contribution) through a Material Public Benefit offer to Council in accordance with the Warriewood Valley Section 94 Contributions Plan (Amendment 16 Revision 2). Any Material Public Benefit agreement between the Applicant and Council must be finalised, formally signed and in place prior to payment of the monetary contribution being made.

The Warriewood Valley Section 94 Contributions Plan (Plan No.15) may be inspected at Northern Beaches Council's Mona Vale Office, 1 Park Street Mona Vale or Council's website <http://www.northernbeaches.nsw.gov.au/>

10. A suitably qualified professional is to provide certification that the Construction Certificate detail is consistent with the relevant provisions of the General Terms of Approval, issued by the NSW Office of Water, as referenced in this consent.
11. Plants are to be arranged and spaced, so that at completion of works, they present as a grown completed landscape. Plant material should be arranged through pre-order plant contracts to achieve required advanced sizes.
12. The approved landscape plans are to be amended, as follows;
 - a. The plant schedule is to be amended to nominate a 45L pot size for the 10 x Banksia integrifolia.
 - b. The landscape plans shall be amended to demonstrate consistency with the approved architectural drawings in terms of the footprints of the buildings.
 - c. The incorporation further vegetation/plantings within the 3m setbacks between townhouses 5-6 and 9-14. The 3m setback areas are to comprise a 750mm wide path immediately abutting each respective townhouse, with a 1.5m wide planter in the centre. Where the setback area is above the basement carpark, the 1.5m wide planter shall be an elevated planter, which a minimum soil depth of 800mm, comprising plants with a minimum maturity height of 1m. Where the setback area beyond the basement carpark, the 1.5m wide planter shall be at grade, comprising plants with a minimum maturity height of 3m. A boundary fence, with a maximum height of 1.8m, may run along the centreline of the 3m setback, but must not extend forward of the front building line.
 - d. The incorporation of 1 additional locally native canopy tree, with maturity heights



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in excess of 8.5m, within the deep soil zones located between Building A and the 8m wide Driveway Access Road.

13. Certification is required from a suitably qualified traffic and access consultant that the layout and design of the basement carpark (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) is strictly in accordance with the provisions of AS2890.1-2004 and that all disabled parking spaces and the internal access route dimensions/gradient comply with AS2890.6-2009.
14. Certification from a suitably qualified access consultant is to be provided to confirm that the sixteen (16) adaptable units, common areas, parking spaces associated with adaptable units and access thereto, is strictly in accordance with the provisions of AS4299-1995: Adaptable Housing.
15. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.
16. The architectural drawings and landscape plans are to be amended to incorporate direct pedestrian access between all ground floor units and the surrounding area of communal open space.
17. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the Sydney Water Act, 1994. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

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

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

18. Structural Engineering details relating to the approved development are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer who is registered on the National Engineers Register (NER) maintained by Engineers Australia and has appropriate experience and competence in the related field.



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19. Prior to the issue of the Construction Certificate the development should be re-assessed using flood modelling that was established as part of the Flood Study (Martens & Associates, 2017, Version 5 or as updated) to demonstrate that no lots are flood affected in the 100 year average recurrence interval flood event plus 30% increase in rainfall intensity (for climate change). The flood modelling should also demonstrate no impact on flood levels on other properties in accordance with the requirements of Councils DCP.
20. Civil engineering detailed design for the proposed works are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who is registered on the National Engineers Register (NER) maintained by Engineers Australia and has appropriate experience and competence in the related field. The design shall take regard of all of the requirements of the Water Management Specification (2001) and the Water Management Report (Martens & Associates, 2017, Version 4, or as updated).
21. Prior to the issue of a Construction Certificate, an updated Water Management report shall be prepared in accordance with the requirements of the Water Management Specification (2001) and the conditions of this consent and include a completed checklist from the WMS (2001) to be signed by an engineer that is listed on the National Engineers Register maintained by Engineers Australia. The updated report shall be submitted to the Principal Certifying Authority.
22. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
23. The Outer Creekline Corridor plans shall comprise the following activities and uses:
- creekline rehabilitation;
 - bioretention systems and stormwater conveyance systems as identified in the Water Management Report (Martens & Associates, 2017, Version 4 or as updated)
 - buffer vegetation planting;
 - recreational amenity;
 - maintained grassland with tree planting;
 - viewing areas;
 - protection of existing vegetation; and
 - expansion of vegetation communities.
- Structures that are permitted within the Outer creekline corridor must provide public benefits, including viewing platforms over water bodies, connecting footpaths, seating, lighting and refuse bins.
24. A Landscape Maintenance Plan is to be prepared and submitted to Council that outlines the technique and frequency of maintenance tasks during the establishment of the landscaping on the subject site. The Landscape Maintenance Plan is to be implemented



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for a period 24 months immediately following the completion of landscape and hardscape works on site. The Landscape Maintenance Plan is to incorporate maintenance and care of hardscape elements (e.g. paving, retaining walls, secured pedestrian access paths), weeding, watering, mowing, consideration of other endemic species where plantings do not respond to the conditions as expected and a procedure for the replacement of failed plantings.

25. A Vegetation Management Plan (VMP) is to be prepared and submitted to Council that is in accordance with the VMP guidelines prepared by DPI (Water) outlines the technique and frequency of maintenance tasks during the establishment of the landscaping within the inner creekline corridor to be dedicated to Council. The Vegetation Management Plan is to be implemented for a period 24 months immediately following the completion of landscape and hardscape works on site. The Vegetation Management Plan is to incorporate maintenance and care of hardscape elements (e.g. paving, retaining walls, secured pedestrian access paths), weeding, watering, mowing, consideration of other endemic species where plantings do not respond to the conditions as expected and a procedure for the replacement of failed plantings.
26. A Bush Fire Emergency and Evacuation Plan shall be prepared for each of the proposed buildings and shall comply with the NSW Rural Fire Service document 'Guide for Developing a Bush Fire Emergency Evacuation Plan'.
27. Civil engineering detail is required to demonstrate the location of all services, including connections to individual townhouses. All services are to be located underground, in common trenches, below pathways or hard surfaces. Underground services must not be located in areas of deep soil planting, or in a position that would compromise any proposed landscaping. Certification from a suitably qualified landscape architect is to be provided to this effect.
28. The upgrade to the bridge between the cul-de-sac in Jubilee Avenue and the subject site is to be undertaken prior to the release of any Occupation or Subdivision Certificate.
29. **Deleted.**
30. **Deleted.**
31. For the avoidance of doubt, prior to any works commencing on the site an environmental monitoring is to be conducted in accordance with the requirements of the Warriewood Valley Water Management Specification (WMS, 2001). This is to include wet and dry weather monitoring of water quality, the collection and analysis of sediment samples, biotic index (SIGNAL) sampling and stream gauging. The monitoring data is to be provided in a report that demonstrates that all the relevant data has been collected and that the data has been compared with the requirements of the WMS, 2001.
32. An archival report is to be prepared, to record the context of the house, the landscaped setting, the glasshouses and the smaller cottage. A copy of the report is to be forwarded to Council's Local Studies Group at Mona Vale Library.



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33. With the exception of works required by the NSW RFS, this consent does not authorise any works to the existing dwelling house at the site. Separate development consent will be required in this regard.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
2. Where site fill material is necessary, fill materials must:
 - a. be Excavated Natural Material (ENM) only, as approved under the NSW Environment Protection Authority Resource Recovery Exemption (2014);
 - b. be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.
 - c. Be the subject of testing and monitoring throughout the course of the works, and is to consist of clean fill inert material only, that is, non-contaminated excavated material and soil, and suitable material. Putrescible and non-putrescible solid waste (including demolition material) is not permitted. All imported fill must be sourced locally where practicable to reduce traffic movements.
 - d. Be deposited and works carried out in strict compliance with *Managing Urban Stormwater: Soils and Construction* (Landcom 2004).
3. Prior to commencement of any works, temporary sedimentation and erosion controls in accordance with the approved Erosion and Sediment Management Plan are to be installed to eliminate the discharge of sediment from the site and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction including:
 - a. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
 - b. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
 - c. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to conform to the specifications and standards quoted and to any conditions of approval of those measures.
 - d. Measures shall be applied, to the satisfaction of council, to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development.
 - e. Measures required in permits issued under the Water Management Act shall be implemented. This Act requires that people obtain approval for any proposed



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- works within 40 metres of a watercourse. Permits should be sought from the NSW Office of Water.
- f. Approved runoff and erosion controls shall be installed before site vegetation is cleared (other than that associated with the construction of the controls). These shall be as shown on an ESCP approved by council.
 - g. Topsoil shall be stripped only from approved areas and stockpiled for re-use during site rehabilitation and landscaping.
 - h. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, waters, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned. All stockpiled materials are to be retained within the property boundaries.
 - i. Uncontaminated runoff shall be intercepted up-site and diverted around all disturbed areas and other areas likely to be disturbed. Diversion works shall be adequately stabilised.
 - j. Runoff detention and sediment interception measures shall be applied to the land. These measures will reduce flow velocities and prevent topsoil, sand, aggregate, or other sediment escaping from the site or entering any downstream drainage easements or waters.
4. Personnel with appropriate training, or demonstrated knowledge and experience in erosion and sediment control shall be responsible for supervising the installation and maintenance of approved erosion and sediment control measures – during and after construction and until the site has been restored to the satisfaction of council.
 5. An all-weather accessway at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.
 6. The site must be fenced throughout construction and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
 7. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

8. No works are to be carried out in Council's Road Reserve without the written approval of



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the Council.

9. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
10. No skip bins or materials are to be stored on Council's Road Reserve.
11. No native canopy trees are to be removed from Council's Road Reserve without prior approval from Council.
12. Prior to commencement of works, at least three photographs of the road reserve and footpath area adjoining the site, one front-on and one from each side of the property, are to be submitted to Northern Beaches Council with the notification of commencement of works, showing the condition of the street trees and road reserve. The photographs must be dated, and accompanied by a statement that they are a true and accurate representation of the scene depicted.
13. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - a. The builder's name, builder's telephone contact number both during work hours and after hours.
 - b. That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - c. That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - d. That no skip bins or materials are to be stored on Council's Road Reserve.
 - e. That the contact number for Northern Beaches Council for permits is 9970 1111.
14. All construction in the public road reserve must be undertaken by a Council authorised contractor. Alternatively, prior to the commencement of works, Council must be notified of each contractor undertaking works within the public road reserve. Each contractor must be able to provide/demonstrate each of the following;
 - Incorporated company/ business name and ABN;
 - Public Liability Insurance;
 - Professional Indemnity Insurance;
 - Workers Compensation Insurance;
 - Accident/ Injury Insurance Cover;



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- Other Insurances;
- Company Licences, Registrations, Permits, Certificates etc.;
- WorkCover Construction Industry General Induction Card;
- WHS Documents;
- Employee qualifications – Certificates, Licences etc.;
- Contractor Services;
- Client Services; and
- WHSMS Self Evaluation.

15. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
16. The Construction Traffic Management Plan (CTMP) is to be implemented, throughout the construction phase of the development on site, including site preparation or demolition.
17. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
18. The public footways and roadways adjacent to the site are to be maintained in a safe condition at all times during the construction phase. Pedestrian access is to be maintained at all times during the construction phase.
19. During construction, if any obvious or potential Aboriginal heritage items are unearthed, works are to be suspended and the Aboriginal Heritage Office is to be contacted for advice and a likely site inspection. Works may only proceed when Aboriginal Heritage Office staff gives approval.
20. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report referenced in this consent are required to be complied with before and throughout the development period, particularly with regard to the following:
 - a. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
 - b. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
 - c. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that



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major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.

- d. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
- e. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*, is to be forwarded to Council or the Private Certifying Authority with the Occupation Certificate.
3. All dwellings are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
4. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
5. Damage to Council's assets adjacent or near to the site that has occurred as a result of this development, including road, kerb and gutter and drainage facilities, are to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction is to occur at the full cost to the developer. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the accredited certifier with the Occupation Certificate application.
6. All infrastructure works, including roads, drainage, landscaping and civil engineering works, required under this Consent are to be completed prior to the issue of the Occupation Certificate.



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7. A suitably qualified professional is to provide certification that the as-built development is consistent with the relevant provisions of the General Terms of Approval, issued by the NSW Office of Water, as referenced in this consent.
8. Certification from a suitably qualified professional is required with regard to all waterproofing and drip irrigation systems associated with all planters.
9. A qualified landscape architect is to certify that all landscaping works have been undertaken prior to the issuing of any Occupation Certificate. The landscape architect is to confirm that all plants are arranged and spaced, so that they present as a grown completed landscape.
10. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.
11. A suitably qualified professional is to provide certification that the water management system has been constructed/installed in accordance with the relevant plans, documentation and the National Construction Code, and that:
 - a. The construction of the water management system has been supervised and certified by person(s) with appropriate experience and expertise in Civil/Environmental Engineering / Environmental Science, Hydrology and Hydraulics, and must be NER registered members of the Institution of Engineers (Australia), and
 - b. Works associated with the water management system have been completed in accordance with information required under the deferred commencement conditions of this consent and have been installed to the manufacturers' specification (where applicable). Certification is to be provided in accordance with the *Warriewood Valley Water Management Specification (February 2001)*.
12. Works-As-Executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements or which will require ongoing maintenance by Council. The plans are to be in paper and electronic format (dwg or dxf file) and comprise at least the following:
 - Boundary layout;
 - Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
 - Fire access road;
 - Signage (including type and wording), line marking;
 - Easements, survey numbers and marks, reduced levels and co-ordinates;
 - Stormwater drainage locations, pipe sizes and types, pit sizes and types, subsoil drains, on-site detention basins, debris control structure;
 - Water quality devices (for stormwater), creek line corridors;
 - Significant landscaping.
13. A maintenance period is to apply to all civil engineering works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period



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will apply for six (6) months after the issue of the Occupation Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or would reasonably be expected under the design conditions. A security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.

14. Certification is required from a suitably qualified traffic and access consultant that the layout and design of the as-built basement carpark (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) is strictly in accordance with the provisions of AS2890.1-2004 and that all disabled parking spaces and the internal access route dimensions/gradient comply with AS2890.6-2009.
15. Certification from a suitably qualified access consultant is to be provided to confirm that the sixteen (16) adaptable units, common areas, parking spaces associated with adaptable units and access thereto, have been constructed strictly in accordance with the provisions of AS4299 – Adaptable Housing.
16. Documentation is to be submitted by a licensed plumber confirming that the floor of the car wash bays are graded and drain to the sewer. The documentation is also to confirm that the perimeter of the car wash bays is suitably bunded to prevent stormwaters entering the sewer.
- 17. Deleted.**
18. Evidence is to be provided to confirm the engagement of a suitably qualified landscape architect who will be responsible for the implementation of the Landscape Maintenance Plan for a minimum period of 24 months. The landscape architect is to confirm that they will undertake to:
 - a. visit the site immediately following completion of the landscaping and hardscape works on site (those other than in the creekline corridor); and
 - b. visit the site on a three (3) monthly basis for a period of 24 months to ensure implementation of the Landscape Maintenance Plan.
19. Evidence is to be provided to confirm the engagement of a suitably qualified ecologist who will be responsible for the implementation of the Vegetation Management Plan for a minimum period of 24 months. The ecologist is to confirm that they will undertake to:
 - a. visit the site immediately following completion of the works in the creekline corridor on site; and
 - b. visit the site on a three (3) monthly basis for a period of 24 months to ensure implementation of the Vegetation Management Plan.
20. Certification is to be provided by the project architect that the finishes of the as-built development are consistent with those shown in the approved plans, and any conditions of consent.



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21. A Plan of Management is to be produced to provide for the ongoing management of the development and is to include:

- a. **The responsibilities, management, operation, ongoing maintenance and repair of all common property and infrastructure including the Asset Protection Zone (APZ) areas, accessways and all infrastructural works including the fire trail (or fire access road), 8m wide Driveway Access Road, 5.5m central private access way and the communal detention basin etc.**
- b. **space management strategies including activity coordination, site cleanliness, rapid repair of vandalism and graffiti, and the maintenance of lighting and landscaping (including all planter boxes).**
- c. **the maintenance requirements of the communal water management facilities, as outlined in the approved Water Management Report referenced in this consent and amended via condition.**
- d. **maintenance requirements and responsibilities for the access driveway and bridge from Jubilee Avenue in accordance with condition B68.**

F. Matters to be satisfied prior to the issue of the Subdivision Certificate:

1. A subdivision certificate must not be issued until an Occupation Certificate has been issued in respect of the works authorised by this consent.
2. The following documents and payments are to be submitted to Council in a single package to ensure the efficient release of the relevant Subdivision Certificate:
 - a. A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*;
 - b. Copies of the Subdivision Plans (original plus 6 copies);
 - c. The Certifying Authority's Compliance Certificates. Each component of the works as outlined above are to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. Certification is to include:
 - i. Certification to Council, by an experienced civil engineer who is listed on the National Engineers Register (NER) NER maintained by Engineers Australia, that all roads, drainage and other civil engineering works have been carried out and completed in accordance with the engineering plans and specifications required under the Conditions of this Consent.
 - ii. All appropriate infrastructure as outlined in the Conditions of Consent and approved Construction Certificate plans and specifications has been provided to service the proposed lots including roads, drainage facilities, landscaping, water management facilities, civil engineering works and services.
 - iii. the construction of the water management system has been supervised and certified by person(s) with appropriate experience and expertise in Civil/Environmental Engineering / Environmental Science, Hydrology and Hydraulics, and must be listed on the National Engineers Register (NER) maintained by Engineers Australia.
 - iv. Works associated with the water management system have been



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completed in accordance with information required under the conditions of this consent (including the deferred commencement conditions) and have been installed to the manufacturers' specification (where applicable). Certification is to be provided in accordance with the *Warriewood Valley Water Management Specification (February 2001)*;

- d. Security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.
- e. Creation of appropriate easements where service lines or drainage lines pass through private property other than the lot which they benefit.
- f. Certification of appropriate easements to provide legal access over the 8m wide internal road for all owners/occupants of 4 Forest Road and the Community Title estate previously known 6 Forest Road (all dwellings in Bert Close, Valley Place and Hillview Crescent).
- g. Evidence of the payment of s94 contributions.
- h. The creation of a s88B instrument relating to relevant lots requiring the ongoing provision of the APZs.
- i. The creation of a s88B instrument, that is to be carried onto the title of any future dwellings on the site, to advise that vehicular access via Jubilee Avenue will be closed once vehicular access to Forest Road becomes available.
- j. The creation of a s88B instrument relating to the Flood Emergency Response Plan
- k. The creation of a s88B instrument relating to the rainwater tanks within the apartment buildings and townhouses and the requirement to provide to connect each apartment and townhouse to the rainwater tanks for the purposes of cold water laundry and toilet flushing purposes.
- l. Notification to Council, certified by an appropriately qualified Water Engineer, of any properties to be notated under Section 149(2) Planning Certificates and specifying the applicable flood categories as set out in the *Flood Risk Management Policy for Development in Pittwater* (Pittwater 21 DCP Appendix 8).
- m. A Certificate by a qualified Engineer or Architect confirming that all driveways have been constructed in accordance with the approved plans and Council's Pittwater 21 DCP.
- n. Works-As-Executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements or which will require ongoing maintenance by Council. The plans are to be in paper and electronic format (dwg or dxf file) and comprise at least the following:
 - Boundary layout;
 - Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
 - Signage (including type and wording), line marking;
 - Easements, survey numbers and marks, reduced levels and co-ordinates;
 - Stormwater drainage locations, pipe sizes and types, pit sizes and types, subsoil drains, debris control structures;
 - Water quality devices, creek line corridors (where relevant);
 - Significant landscaping.

o. Deleted

p. The creation of a s88B instrument detailing the maintenance requirements



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of the communal water management facilities, as outlined in the approved Water Management Report referenced in this consent and amended via condition.

q. The creation of appropriate easements to ensure that Lots 2, 3 and 4 have legal access over the proposed internal roads.

2. Prior to the issue of a Subdivision Certificate, an updated Water Management report shall be prepared in accordance with the requirements of the Water Management Specification (2001) and the conditions of this consent and include a completed checklist from the WMS (2001) to be signed by an engineer that is listed on the National Engineers Register maintained by Engineers Australia. The updated report shall be submitted to the Principal Certifying Authority.

G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further



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requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

7. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.