

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2024/1079
<b>Responsible Officer:</b>	Sonya Constantinou – Consultant Planner (Creative Planning Solutions) – External Assessment
<b>Land to be developed (Address):</b>	53, 53A & 53B Warriewood Road, WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Subdivision - Community title subdivision and civil works
<b>Zoning:</b>	Pittwater Local Environmental Plan 2014 – R3 Medium Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	N/A
<b>Consent Authority:</b>	Northern Beaches Council
<b>Determination Level:</b>	Northern Beaches Local Planning Panel
<b>Land and Environment Court Action:</b>	N/A
<b>Owner:</b>	Northern Beaches Council (53 Warriewood Road) Sekisui House Services (NSW) Pty Limited (53A & 53B Warriewood Road)
<b>Applicant:</b>	Sekisui House Services (NSW) Pty Limited
<b>Application Lodged:</b>	26/08/2024
<b>Integrated Development:</b>	Yes – NSW Rural Fire Service and Department of Planning and Environment – Water
<b>Designated Development:</b>	N/A
<b>State Reporting Category:</b>	Residential subdivision
<b>Notified:</b>	Yes – between 04/09/2024 to 02/10/2024 and 04/04/2025 – 18/04/2025
<b>Advertised:</b>	No
<b>Submissions Received:</b>	Yes – 3 submissions received
<b>Clause 4.6 Variation:</b>	N/A
<b>Recommendation:</b>	Approval – Deferred commencement consent
<b>Estimated Cost of Works:</b>	\$ 2,704,376

### EXECUTIVE SUMMARY

Development Application DA2024/1079 (referred to herein as the DA or DA2024/1079) seeks consent for community title subdivision into five (5) super lots, the subdivision of the super lots and civil works at 53, 53A & 53B Warriewood Road, Warriewood NSW 2102.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) as Northern Beaches Council is the land owner of 53 Warriewood Road (1.9 metre x 261 metres drainage parcel). In accordance with the Northern Beaches Council, Council-related Development Applications Policy, DA2024/1079 is subject of a Management Statement under the policy which has required that the application be assessed by an external consultant planner.

The Application was notified under the Northern Beaches Community Participation Plan and the subject application has attracted three submissions in relation to vehicular movements, parking, waste arrangements and stormwater impacts from the development onto Pheasant Place, along with the retention of significant trees which have been addressed as part of the assessment.

The site is zoned R3 Medium Density Residential under *Pittwater Local Environmental Plan 2014* (PLEP) and is located within the Warriewood Valley Locality. The land is subject to several environmental affections including bushfire, flood affection and land of significant biodiversity values. The DA is integrated development as it is located within 40 metres of a watercourse and constitutes a controlled activity under section 91 of the *Water Management Act 2000*.

As part of the assessment, additional information was requested on 29 November 2024 and 6 June 2025. The first request sought additional information on a number of matters, which predominantly related to the development's inconsistency with the Warriewood Valley Strategic Review Addendum Report (2018), Warriewood Valley Release Area Landscape Masterplan and Design Guidelines (2018), for the following items:

- Creekline corridor
- Subdivision
- Landscaping
- Residential development proposed within the outer creekline corridor.

The Flood Study and Water Management Report were also inadequate and required updating to allow Council to undertake a detailed assessment in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979*.

A second request for information was issued to the applicant on 6 June 2025, to address the outstanding matters:

- Amended subdivision plan relating to the creation of Lot 6 and 7.
- Landscape Plans that illustrate the proposed 2.5 metres wide sharepath across the outer creekline corridor and connectivity with approved share path location at the northern boundary adjoining 53C Warriewood Road.
- Owner's consent for the vehicular access to and from residential Lots 3, 4, and 5 via Pheasant Place and will also extend Pheasant Place.
- Amendments to the road reserve of Lorikeet Grove.
- Reduction of access points from Warriewood Road.
- Bus shelter details to be provided on the plans.

The amended documentation received in July 2025, has demonstrated that the DA in its current form exhibits compliance with applicable environmental planning instruments and regulatory provisions.

The site is mapped upon the Urban Release Area Map -Sheet URA\_012 under clause 6.1 of PLEP within buffer area 1b, 1c and 1d and the rear of the site is identified as creekline corridor. Within the area designated as creekline corridor, the inner 25 metres creekline corridor is to be dedicated to Council for rehabilitation works of Narrabeen Creek and the outer 25 metres corridor is to be maintained under the community title scheme. The creekline corridor has been designed in accordance with the Warriewood Valley Strategic Review Addendum Report (2018), Warriewood Valley Release Area Landscape Masterplan and Design Guidelines (2018) and Warriewood Valley Urban Land Release Water Management Specification 2001.

Further, the DA has demonstrated that the proposed community title subdivision achieves the density requirements provided by clause 6.1 of PLEP, as a minimum of 31 dwelling will be provided for the site. The building envelope plan provided with DA2024/1079 will form part of the conditions of consent which ensures future redevelopment of the land for dwellings are consistent with the Warriewood Valley Locality. The subdivision layout and provision of infrastructure, such as roads and open space is consistent with the

prevailing subdivision pattern established within the broader Warriewood Valley area, ensuring a cohesive and well-planned development outcome.

The DA has been referred to Council's internal departments and external authorities who have supported the application subject to conditions of consent.

The development is consistent with all applicable environmental planning instruments and regulatory provisions. Therefore, the development is in the public interest.

The applicant has made an offer to enter into a Planning Agreement with Council under Section 7.4 of the EP&A Act to Council (VPA2025/0001). The most up-to-date Offer was received from the Applicant on 4 August 2025 and it was revised on 15 August 2025.

The updated Offer proposes the following:

- Bus Bay and Shelter – Warriewood Road between Manooka Place and Alameda Way (Item 5.5 of the Works Schedule (Appendix B) in the Traffic and Transport Strategy in the Warriewood Valley Contributions Plan),
- Shared Paths (Item 28B of the Works Schedule (Appendix B) in the Traffic and Transport Strategy in the Warriewood Valley Contributions Plan),
- Rehabilitation Works of Narrabeen Creek at 53A and 53B (53 optional) Warriewood Road, Warriewood (Item 2.71B, 2.71C and 2.71D Multi-functional Creek Line Strategy).
- Dedication of the inner 25m of the creek line corridor land to Council.

The offer to enter into a Planning Agreement with Council under Section 7.4 of the EP&A Act aligns with the scope of works associated with the DA, with the intention of the VPA to offset a monetary contribution under Section 7.11.

A deferred commencement consent is recommended, as this approach provides certainty that all required infrastructure is provided in accordance with the Warriewood Valley Contributions Plan and that the necessary rehabilitation works within the Narrabeen Creek corridor are undertaken. These works are subject of a VPA offer currently before Council, that is discussed in more detail within the report. In addition, the deferred commencement condition requires that an easement is obtained over Pheasant Place, which will serve to mitigate and formalise the traffic and waste management arrangements and address any potential operational impacts on neighbouring properties. Additionally, prior to works commencing on site Development Application DA2024/0586 must be commenced and finalised to ensure the land is suitable for residential accommodation.

This report concludes with the recommendation that the NBLPP as the consent authority **APPROVES** the DA subject to conditions and a deferred commencement consent.

## PROPOSED DEVELOPMENT IN DETAIL

This DA seeks consent for community title subdivision and civil works. The works are sought over three stages.

### Subdivision:

#### Stage 1:

- Community Lot 1 – Access Road and Outer Creek Offset
- Creation of Lots 2 and 3.
- Creation of residential Lots 4 – 12. (Refer to Figure 1).

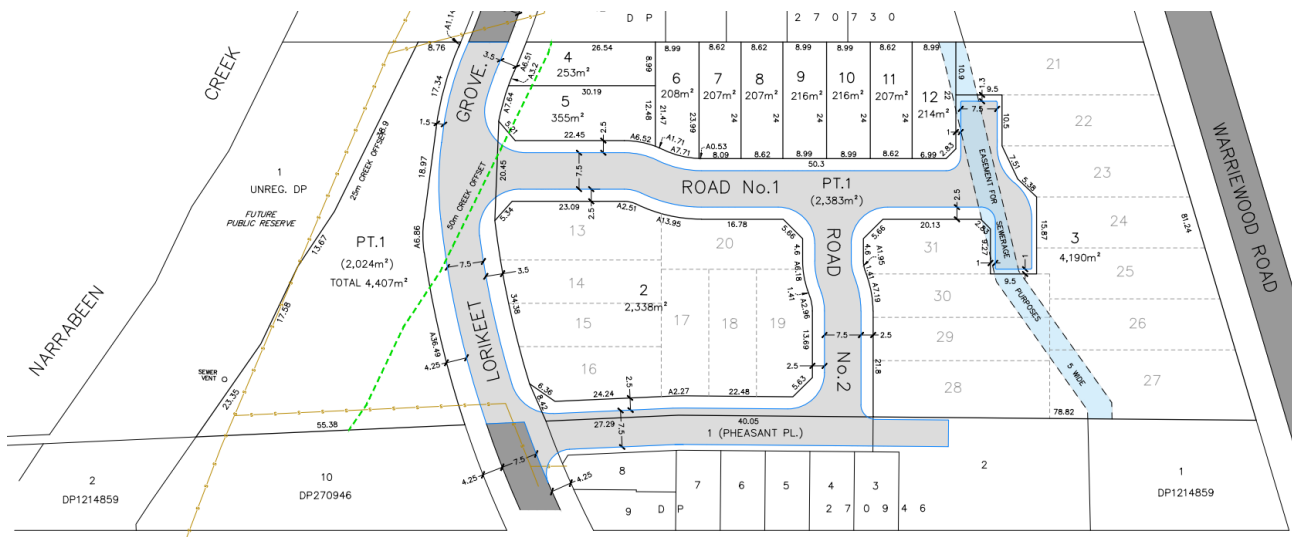


Figure 1: Stage 1 of proposed community title subdivision.

## Stage 2:

- Creation of Lots 13 – 20 (Figure 2). Which was identified as Lot 2 within Stage 1 of the community title subdivision.

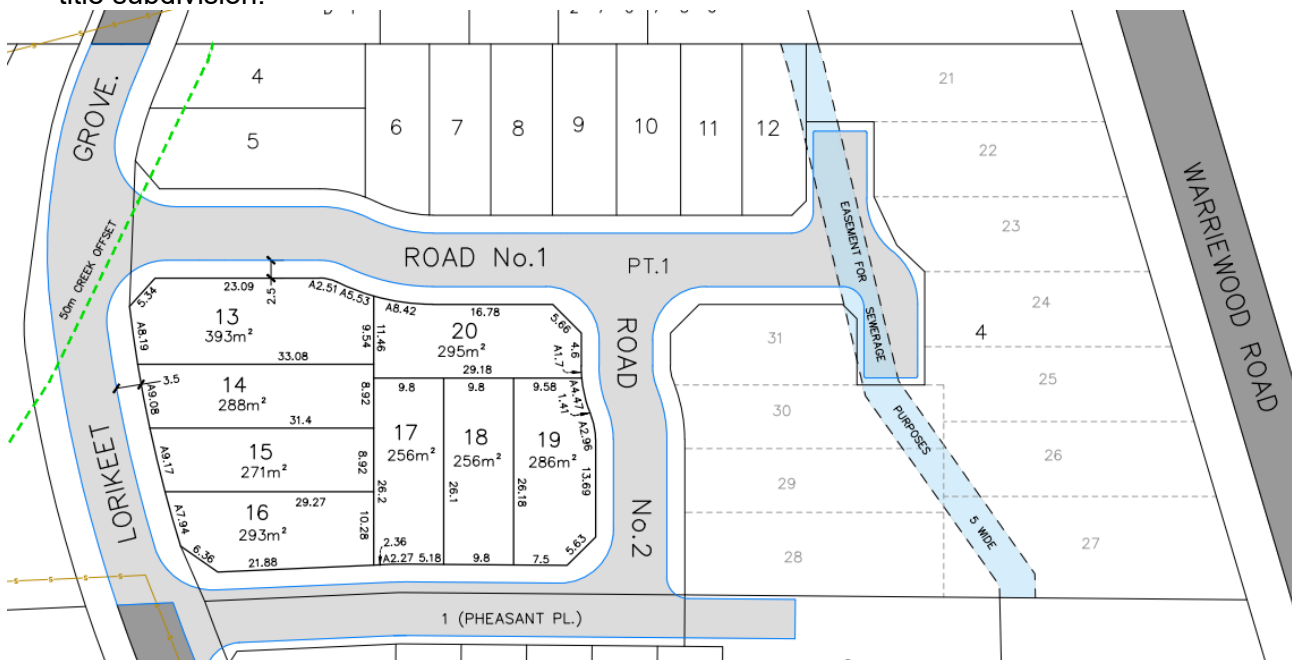


Figure 2: Stage 2 of proposed community title subdivision

## Stage 3:

- Creation of Lots 21 – 31 (Figure 3). Which was identified as Lot 3 within Stage 1 of the community title subdivision.

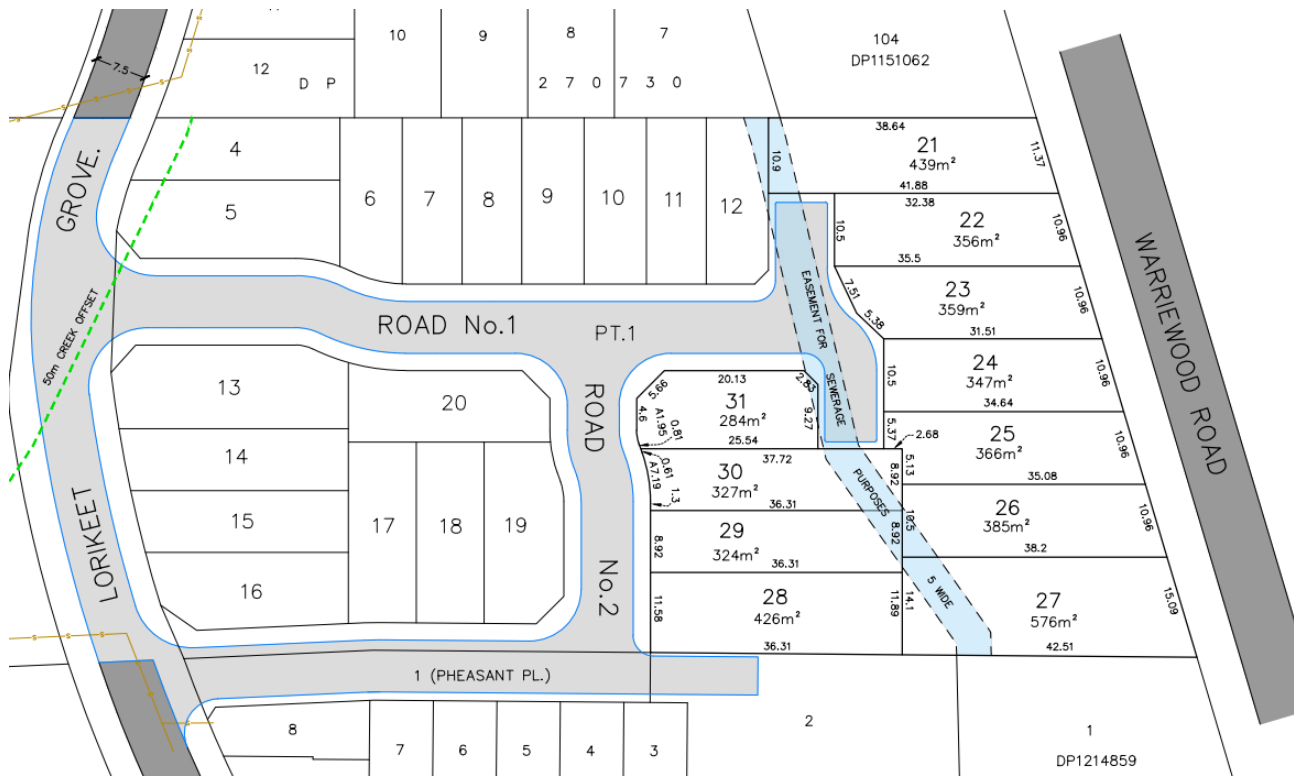


Figure 3: Stage 3 of proposed community title subdivision.

The staging of the community title subdivision will ensure all required roads and services are delivered within Stage 1, to allow for the orderly development of the land.

## Construction

The development includes the extension of Lorikeet Grove and a new private road through the site, along with the half-road frontage along Warriewood Road. The development also includes the provision of associated stormwater infrastructure, earthworks, a bus shelter at Warriewood Road and a pedestrian path.

## Land Dedication

Land to the south of proposed Lot 1, which abuts Narrabeen Creek will be dedicated to Council in accordance with the Warriewood Valley Contributions Plan.

## Tree Removal

The development seeks to remove 41 trees.

## ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties occurred, and referral to relevant internal and external bodies in accordance with the Act, Regulations and Pittwater Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;

- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan – C6.9 Residential Land Subdivision Approval Requirements

### SITE DESCRIPTION

<b>Property Description:</b>	<p>Lot 3 DP 1115877, 53B Warriewood Road Warriewood</p> <p>Lot 2 DP 1115877, 53A Warriewood Road Warriewood</p> <p>Lot 3 DP 942319, 53 Warriewood Road Warriewood</p>
<b>Detailed Site Description:</b>	<p>The subject site consists of three (3) allotments located on the southern side of Warriewood Road.</p> <p>The site is regular in shape with a frontage of 81.24 metres along Warriewood Road and a depth of 247.855 metres. The site has a surveyed area of 16,645m<sup>2</sup>.</p> <p>Northern Beaches Council is the owner of 53 Warriewood Road (Lot 3 DP 942319). This allotment has a width of 1.9 metres and a length of approximately 263 metres; and is utilised for an overland flow path.</p> <p>The site is located within the R3 Medium Density Residential zone under Pittwater Local Environmental Plan 2014 (PLEP). The land accommodates a two storey dwelling, fibro dwelling, multiple metal sheds, a metal carport, and an inground pool.</p> <p>The site slopes from the front north-eastern boundary downwards 10 metres to the rear south-western boundary.</p> <p>The site contains open grass areas, trees, and garden beds.</p>

Map:



Figure 4: Subject site consisting of three (3) allotments outlined in blue and highlighted in yellow.  
Source: NSW Spatial Explorer accessed August 2025.

## Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one and two storey dwelling houses in varying architectural style and design.

Development consent has also been granted for the neighbouring redevelopment of land at 45-49 Warriewood Road, which allowed for residential subdivision and the construction of two residential flat buildings.

## RELEVANT SITE HISTORY AND BACKGROUND

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

### DA2021/1478

Development Application for Subdivision of one lot into 22 Community Title Lots including the construction of 21 dwellings, civil works and landscaping. The application was withdrawn on 8 March 2022.

### PLM2022/0134

On 21 July 2022 a Pre-Lodgement Meeting was held for 18 lot Community Title Subdivision of the site, including the extension of Lorikeet Grove, an internal road, stormwater works, associated landscaping and demolition of the existing Site improvements to facilitate the future residential development of the Site.

The meeting notes concluded: *The subdivision is supported in principle, however it is noted that a minimum of 30 residential lots are required. In summary, detailed Planning advice in respect of the built form controls*

*setbacks and LOS requirements is limited as no indicative building envelopes have been submitted for consideration. It is recommended that any future DA is supported with a comprehensive set of plans and reports in accordance with the advice provided in these notes.*

#### **PLM2022/0235**

Pre-Lodgement Meeting was held with Council on 9 February 2023 for 31 allotments, including 29 community residential lots, 1 Community lot and 1 residual lot to be dedicated to Council.

The meeting notes concluded: *The notes reference the sub-division plan prepared by YSCO Geomatics, Ref 6321/8B dated 11/11/2022. The subdivision is supported in principle, however it is noted that a minimum of 30 residential lots are required. In summary, detailed Planning advice in respect of the built form controls setbacks and LOS requirements is limited as no indicative building envelopes have been submitted for consideration. It is recommended that any future DA is supported with a comprehensive set of plans and reports in accordance with the advice provided in these notes.*

#### **DA2024/0586**

Development Application DA2024/0586 was approved by Council on 9 July 2024 for demolition works and remediation of the site. The physical commencement and execution of this development application must be completed prior to the commencement of construction works on site, to ensure the land is suitable for residential occupation.

#### **Current Application – DA2024/1079**

DA2024/1079 was first notified between 04/09/2024 to 02/10/2024 in accordance with Council's Community Participation Plan (CPP), with three (3) submissions received.

Additional information was requested on 29 November 2024 to address the following:

- Clause 6.1 of *Pittwater Local Environmental Plan 2014* (PLEP) – minimum dwelling density requirement.
- Clause 7.1 of PLEP – acid sulfate soils.
- Inconsistency with the Warriewood Valley Strategic Review Addendum Report (2018), Warriewood Valley Release Area Landscape Masterplan and Design Guidelines (2018), for the following matters:
  - Creekline corridor
  - Subdivision
  - Landscaping
  - Residential development proposed within the outer creekline corridor.
- Owner's consent for the vehicular access to and from residential Lots 3, 4, and 5 via Pheasant Place and the extension of Pheasant Place.
- Engineering matters relating to vertical kerb and gutter for Road 1 and 2, width of Lorikeet Grove road reserve, shared path details, bus bay and parking bay, streetlight details, on-site stormwater detention and sediment and erosion control.
- Clause 5.21 of PLEP and Clauses C6.1, B3.11, and B3.12 of the Pittwater 21 Development Control Plan – Flood Study and Water Management Report.
- C6.1 of Pittwater 21 Development Control Plan – Stormwater quality management and filtration requiring the preparation of a Water Management Report.
- Subdivision and staging concerns.
- Additional information on the community management procedures.
- Biodiversity concerns relating to the absence of information to conduct an appropriate assessment against the requirements of the SEPP, PLEP 2014 and the Pittwater 21 Development Control Plan (the DCP).

In response to the RFI letter, a meeting was held with the applicant and Council staff on 17 December 2024.

Additional information was provided by the applicant on 28 March 2025. The application was renotified from 04/04/2025 – 18/04/2025.

A second request for information was issued to the applicant on 6 June 2025, to address the following outstanding matters:

- Amended subdivision plan relating to the creation of Lot 6 and 7.
- Landscape Plans that illustrate the proposed 2.5 metres wide sharepath across the outer creekline corridor and connectivity with approved share path location at the northern boundary adjoining 53C Warriewood Road.
- Owner's consent for the vehicular access to and from residential Lots 3, 4, and 5 via Pheasant Place and will also extend Pheasant Place.
- Amendments to the road reserve of Lorikeet Grove.
- Reduction of access points from Warriewood Road.
- Bus shelter details to be provided on the plans.

Additional information was provided to Council on 7 July 2025. The information provided did not require renotification in accordance with Council's participation plan.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allows Council to request additional information. Additional information was requested on 29 November 2024 and 6 June 2025. The first request sought additional information for the following matters:</p> <ul style="list-style-type: none"> <li>• Compliance with clause 6.1 of PLEP.</li> </ul>

Section 4.15 'Matters for Consideration'	Comments
	<ul style="list-style-type: none"> <li>• Information to demonstrate compliance with Clause 7.1 of PLEP.</li> <li>• Amended documentation that demonstrated compliance with the Warriewood Valley Strategic Review Addendum Report (2018), Warriewood Valley Release Area Landscape Masterplan and Design Guidelines (2018), for the following matters: <ul style="list-style-type: none"> <li>○ Creekline corridor</li> <li>○ Subdivision</li> <li>○ Landscaping</li> <li>○ Residential development proposed within the outer creekline corridor.</li> </ul> </li> <li>• Owner's consent for the vehicular access to and from residential Lots 3, 4, and 5 via Pheasant Place and the extension of Pheasant Place.</li> <li>• Engineering matters relating to vertical kerb and gutter for Road 1 and 2, width of Lorikeet Grove road reserve, shared path details, bus bay and parking bay, streetlight details, on-site stormwater detention and sediment and erosion control.</li> <li>• Flood Study and Water Management Report.</li> <li>• Subdivision and staging matters.</li> <li>• Community management procedures.</li> <li>• Additional biodiversity studies.</li> </ul> <p>A second request for information was issued to the applicant on 6 June 2025, to address the outstanding matters:</p> <ul style="list-style-type: none"> <li>• Amended subdivision plan relating to the creation of Lot 6 and 7.</li> <li>• Landscape Plans that illustrate the proposed 2.5m wide sharepath across the outer creekline corridor and connectivity with approved share path location at the northern boundary adjoining 53C Warriewood Road.</li> <li>• Owner's consent for the vehicular access to and from residential Lots 3, 4, and 5 via Pheasant Place and will also extend Pheasant Place.</li> <li>• Amendments to the road reserve of Lorikeet Grove.</li> <li>• Reduction of access points from Warriewood Road.</li> <li>• Bus shelter details to be provided on the plans.</li> </ul> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> <p>(iiia) <b>Voluntary planning agreement</b> The applicant has made an offer to enter into a Planning Agreement with Council under Section 7.4 of the EP&amp;A Act with Council (VPA2025/0001).</p> <p>The most up-to-date Offer was received from the Applicant on 4 August 2025 and it was revised on 15 August 2025. The Offer is being considered by Council and includes the following:</p> <p>The updated Offer proposes the following:</p> <ul style="list-style-type: none"> <li>• Bus Bay and Shelter – Warriewood Road between Manooka Place and Alameda Way (Item 5.5 of the Works Schedule (Appendix B) in the Traffic and Transport Strategy in the Warriewood Valley Contributions Plan),</li> <li>• Shared Paths (Item 28B of the Works Schedule (Appendix B) in the Traffic and Transport Strategy in the Warriewood Valley Contributions Plan),</li> <li>• Rehabilitation Works of Narrabeen Creek at 53A and 53B (53 optional) Warriewood Road, Warriewood (Item 2.71B, 2.71C and 2.71D Multi-functional Creek Line Strategy).</li> <li>• Dedication of the inner 25m of the creek line corridor land to Council.</li> </ul> <p>The offer to enter into a Planning Agreement with Council under Section 7.4 of the EP&amp;A Act aligns with the scope of works associated with the DA, with the intention to deliver the infrastructure (in the Offer) that will offset the total contribution amount payable under Section 7.11.</p>

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest. Additionally, the provision of a voluntary planning agreement ensures the delivery of critical infrastructure to the locality which is in the public interest.

## EXISTING USE RIGHTS

Existing use rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is classified as bush fire prone land as the south-eastern portion of the site is identified as a Vegetation Buffer. Section 4.14 of the *Environmental Planning and Assessment Act 1979* requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

The subject development includes subdivision and therefore requires a bush fire safety authority under section 100B of the *Rural Fires Act*.

The DA has been referred to Rural Fire Services NSW, who have provided General Terms of Approval under section 100B of the *Rural Fires Act*.

## FLOOD PRONE LAND

The site is located on land below the 1 in 100-year flood level and on land below the Probable Maximum Flood levels and is therefore classified as flood prone land.

The DA was supported by a Flood Impact Assessment prepared by Catchment Simulation Solutions. The DA was referred to Council's Natural Environment Referral - Flood officer to assess the application against the PLEP, DCP and other relevant policies. An assessment and discussion are provided within the relevant sections below.

## BIODIVERSITY VALUES

A small portion of the site is mapped as containing land of biodiversity value. The proposed works however do not seek to remove vegetation mapped as containing biodiversity values and where vegetation is sought for removal, the threshold is less than that provided by the biodiversity offset scheme.

A Flora and Fauna Assessment and Vegetation Management Plan was prepared by Kingfisher Urban Ecology & Wetlands for the proposed DA.

Council's Natural Environment – Biodiversity officer has reviewed the assessment provided and confirmed that the proposed DA will ensure remnant native trees and vegetation in the northwest and southwestern

areas of the site will be retained. The extent of excavation in the riparian zone, as shown on the Civil Engineering plans is noted, and it is assumed that the excavation within the dripline of the retained trees is minimal and will therefore allow for their retention and ongoing survival.

The proposed development has avoided and minimised impacts and the mitigation measures proposed, including the implementation of the Vegetation Management Plan, is unlikely to result in a significant impact to the local biodiversity values.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject DA has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Northern Beaches Community Participation Plan 2019.

As a result of the public exhibition process council is in receipt of three (3) submissions from:

Name:	Address:
Mr Robert Labrum	2 Ibis Place Street, Warriewood
Mrs Sarah Jacobs	101 Warriewood Road, Warriewood
Owners Corporation DP270946 c/- Mr Petar Dobrich	172 Pacific Street, North Sydney

The following issues were raised in the submissions:

- **Retention of two mature trees.**

### Comment:

Retention of vegetation on site has been maintained where possible. Where trees have been sought for removal, replacement planting has been proposed. The development also seeks to provide additional landscaping and implement a Vegetation Management Plan to ensure the inner 25 metres creek corridor is restored and rehabilitated for the long-term maintenance of the riparian corridor.

- **Impacts on Pheasant Place**

*The submission on behalf of Owners Corporation DP270946 outlined that there are no easement rights over Pheasant Place which benefit the development for the purpose of waste collection and services, parking and stormwater overflow.*

### Comment:

The recommended conditions of consent require an easement to be obtained for the development over Pheasant Place to allow for the collection of Council's waste vehicles and movement of vehicles requiring access to future Lots 17 and 18.

The implementation of a Community Management Statement will also allow for the efficient and effective collection of waste by Council's waste vehicles.

The documentation provided also illustrates that stormwater from the development will be contained within the site through an OSD system and will not discharge onto the adjoining properties at Pheasant Place.

- **Impacts during construction**

*What measures will be put in place to limit dirt, dust and excessive vibration during construction. Will the Developer be erecting screens or spraying water?*

Comment:

Impacts from the construction will be mitigated by recommended standard conditions of consent along with the implementation of a Construction Traffic Management Plan.

**REFERRALS**

Internal Referral Body	Comments
<p><b>Landscape Officer</b></p>	<p><b><i>Supported, with recommended conditions</i></b></p> <p>The DA was referred to Council's Landscape officer on three separate occasions. Within the first referral, concerns were raised regarding the lack of information provided on the landscape plans and the developments failure to comply with Warriewood Valley Landscape Masterplan.</p> <p>Within the first two referral responses concern was also raised regarding the location of the shared path.</p> <p>Within the referral response dated 21 July 2025, the officer provided the following commentary and supported the application subject to conditions.</p> <p><i>The following landscape works are required as part of the subdivision and civil infrastructure works, and are supported:</i></p> <ul style="list-style-type: none"> <li>• <i>a 2.1m wide footpath along Warriewood Road, including street tree planting, as shown on the Civil Plans, and inclusive of street tree planting the subject of conditions and the subject of a section 138 application.</i></li> <li>• <i>a 1.5m wide footpath to one side of Lorikeet Grove, including street tree planting, as shown on the Landscape Plans and Civil Plans,</i></li> <li>• <i>a 2.5m wide share-path connection to existing / proposed share paths within the Creekline Corridor, as shown on the Landscape Plans and Civil Plans,</i></li> <li>• <i>Tree removal as reported in the Arboricultural Impact Assessment, for identified trees impacted by civil cut and fill works, and as shown on the Landscape Plans.</i></li> </ul> <p><i>It is noted that the share-path location is assessed in the Flood Impact Assessment, and the proposed location is considered the most appropriate to reduce hazard.</i></p>
<p><b>Development Engineer</b></p>	<p><b><i>Supported, with recommended conditions</i></b></p> <p>The DA was referred to Council's Development Engineer on two separate occasions.</p> <p>The first referral requested further information on the following matters:</p> <p><b><i>Onsite Stormwater Detention (OSD)</i></b></p> <ul style="list-style-type: none"> <li>• <i>A DRAINS model is required to be submitted to Council to demonstrate compliance with the requirements of the Warriewood Valley Stormwater Management Specification 2001 and Councils Water Management for Development policy.</i></li> <li>• <i>Post-development peak flows both from the sector and in the channel at the downstream boundary of each sector are not to</i></li> </ul>

Internal Referral Body	Comments
	<p>exceed the pre-development flows for the full range of duration's and frequencies up to the 1%AEP level plus climate change.</p> <ul style="list-style-type: none"> <li>• During the preparation of the Water Management Report for the sector a model is to be established that: <ul style="list-style-type: none"> <li>– matches the peak sector outflow discharge to the pre-development condition of the sector within <math>\pm 5\%</math> of the peak reported in Appendix A</li> <li>– shows the pre-development hydrograph and the developed hydrograph with the tail cut at the duration of the storm</li> <li>– the developed hydrograph is to be no more than <math>\pm 10\%</math> of the pre-development hydrograph at any location on the rising or falling limb. All stormwater volume control structures and detention basins are to be above the 1%AEP flood levels. (Note that Water Quality control ponds can be below the 1%AEP flood level, but are to be above the 20% AEP flood level but wholly within the private buffer zone - See Section 4.5, Table 4.3 and Section 4.3.2).</li> </ul> </li> <li>• A stormwater quantity management assessment of the of the pipe drainage and OSD measures is to form part of an overall Water Management report and be prepared by a RPEng or NER Civil qualified engineer who has extensive experience in hydrological modelling and hydraulic design.</li> <li>• Full engineering plans are to be provided not conceptual minimum on site detention/stormwater drainage details are to be provided in accordance with section 9.7.3 of Councils Water Management for Development Policy.</li> </ul> <p><b>Hydraulic details and upgrade of Council's existing stormwater line (53 Warriewood Road)</b></p> <ul style="list-style-type: none"> <li>• A DRAINS model must be provided for the upstream catchment in accordance with Councils Water Management Policy for Development and Auspec One using an initial loss continuing loss Hydrological model as required by Australian Rainfall and Runoff 2019. The DRAINS model is also to incorporate Climate change increases as recommended in ARR 4.2 and the Warriewood Valley Water Management Specification 2001 to determine peak stormwater flows.</li> <li>• The existing 600m RCP Council stormwater line is be upgraded accordingly to a minimum capacity 1/100 AEP plus Climate change. An RCP pipeline is to be specified and Sydney Water cover requirements on their main sewer line are to be incorporated into the design.</li> <li>• The stormwater upgrade details are to include an energy dissipater structure at the end of the line which is compatible with the final creek works design.</li> <li>• A stormwater drainage long section incorporating a Hydraulic Grade Line Analysis is to also provided with the amended engineering plans.</li> <li>• Council's stormwater line which crosses Warriewood road is also to be upgraded to a minimum capacity 1/100 AEP plus Climate change capacity and appropriately upgraded /new inlet pits provided in Warriewood road, Pit blockage factors are to be in accordance with Auspec one and used in the DRAINS model.</li> <li>• An appropriately sized overland flow path is to be provided over Councils upgraded stormwater line within the site the cater for</li> </ul>

Internal Referral Body	Comments
	<p><i>all flows in excess of the 1/100 AEP storm events. A velocity vrs depth assessment is to be provided in accordance with the NSW Flood Risk Management Guideline.</i></p> <p><b>Road and footpath infrastructure design Please note detailed review of the roads and shared pathway design will be provided by Councils Traffic Coordinator, however the following comments are provided:</b></p> <ul style="list-style-type: none"> <li><i>The Lorikeet Grove cross section at the existing southern end does not match the existing road reserve width being approx. 16m width. The road the cross section is to be amended to match the existing southern road reserve formation. Cross sections of the proposed Lorikeet Grove extension are to be provided at both the southern and northern ends and mid way.</i></li> </ul> <p>The updated comments provided on 3 June 2025 supported the amended documentation subject to conditions of consent, which includes the provision of an OSD system and stormwater drainage upgrade works within Councils drainage reserve.</p>
Traffic Engineer	<p><b>Supported, with recommended conditions</b></p> <p>The DA was referred to Council's Traffic Engineer on three separate occasions. Within the first referral dated 19 November 2024, the following matters were raised:</p> <p><u>Road Network</u></p> <ul style="list-style-type: none"> <li><i>The development is to be amended to provide vertical faced kerb and gutter for internal roads, identified as Road 1 and Road 2.</i></li> <li><i>All footpaths must be increased to a width of 1.5m to be consistent with AS1428.2 and the Warriewood Valley Roads Masterplan (WVRM).</i></li> <li><i>The Lorikeet Grove road reserve is to be amended to a width of 16m to match the width approved on the adjacent site at 53C Warriewood Road.</i></li> <li><i>The proposed 2.5m shared path south of Lorikeet Grove needs further clarification to ensure it connects with existing and planned paths on adjacent lots, creating a continuous path network. Updated plans should illustrate this connectivity.</i></li> <li><i>Provide detailed design of internal roads (Road 1, Road 2, Lorikeet Grove and part of Pheasant Place).</i></li> </ul> <p><u>Bus Bay &amp; Parking Bay</u></p> <p><i>The Warriewood Valley Development Contributions Plan Amendment 16, Revision 3 envisages a bus shelter being provided on Warriewood Road between Manooka Place and Alameda Way (item 5.5). The indented bus stop proposed under this DA would be an appropriate location for this bus shelter noting that there are no bus shelters currently in place on the northbound side of Warriewood Road within reasonable proximity of the development. Detailed designs for both indents including provision of a bus shelter and the related parking restriction signposting will require separate approval under a Roads Act approval application. Notwithstanding the traffic concept plans for</i></p>

Internal Referral Body	Comments
	<p><i>signposting of the subdivision are to be updated to have the bus stop signposted as Bus Zone rather than No Stopping.</i></p> <p><u><i>Streetlighting</i></u>  <i>Details of streetlighting is to be provided on the DA plans to ensure lighting infrastructure does not interfere with other key services or landscaping.</i>  <i>Lighting must be provided for the shared path south of Lorikeet Grove on any sections which deviate from away from the Lorikeet Grove road alignment.</i></p> <p><i>Additional comments were provided on 13 May 2025 based on the amended information received from the applicant. The comments provided are as follows:</i></p> <p><i>The revised Civil Engineering plans dated 1/4/2025 have been reviewed it is noted that the plans now appear to incorporate vertical faced kerb and gutter on the internal road network and 1.5m width footpaths on Roads 01 &amp; 02. It is noted that indicative streetlighting details have also been plotted. These changes are supported.</i></p> <p><i>The following concerns are still evident with the amended plans:  The road reserve width of Lorikeet Grove is still shown as 15m rather than the 16m approved under N0027/16. Road Reserve widths are to be consistent with those in existence on adjacent lots. The comments made in Council's landscape referral response regarding the Shared Path are supported. The shared path should be located in the Outer Creekline Corridor and not along Lorikeet Grove. The shared path alignment must be demonstrated to connect to the shared path alignments approved under previous approvals on adjacent sites. Although the shared path is now shown wholly on the south side of Lorikeet Grove, the details for the 2.5m shared path are still not acceptable as they do not show connection to shared paths east or west of the subject site. The Shared Path must be shown to provide a continuous connection to the shared path on Brands Lane. The proposed 2.5 metre wide shared path should remain to the south of Lorikeet Grove with further details required to demonstrate how it is proposed to connect this shared path to existing shared path segments constructed and/or planned on adjacent lots east and west of the site as approved under past development consents. Updated details are to be reflected on amended DA plans.</i></p> <p><i>The indented parking bay for Warriewood Road appears to show three vehicle crossings within the parking bay. All proposed lots having a property frontage to Road 01, Road 02, Lorikeet Grove or Pheasant Place must have their vehicular access from these roads and not Warriewood Road. There are only two lots which do not have a property frontage to any of these roads and these are the only lots that will be permitted to have vehicular access from Warriewood Road. The Warriewood Valley Roads Masterplan has an objective to limit the number of property access points to Warriewood Road, this objective will be achieved if only those two lots access Warriewood Road. This would also maximise on-street parking availability within the parking indent on Warriewood Road as the additional vehicle</i></p>

Internal Referral Body	Comments
	<p>crossing to Warriewood Road would result in at least one additional lost parking space.</p> <p>The indented bus bay on Warriewood Road now includes details for signposting of the bus stop and Bus Zone. It is also noted that a 2.1m shared path as required is shown on the western side of Warriewood Road along the frontage of the sub division. These details are supported however as outlined in the previous referral comments it is proposed that a Bus Shelter will be sited at the head of the bus stop however the design details for the bus indent do not appear to allow sufficient width to accommodate a bus shelter. Although it is not required that the developer install the bus shelter a hard stand area upon which a bus shelter can stand that is located clear of the shared path is required. This detail must be shown on the DA plans. A separate Roads Act approval will then be required for subsequent lodgement and this would be conditioned.</p> <p>It is noted that the signage and linemarking plan includes details for a left turn ban out of Pheasant Place onto Lorikeet Grove. The reason for this left turn ban has not been outlined and in the absence of reasoning for its introduction it is not supported. The left turn ban should be deleted.</p> <p><b>Given that there are still a number of issues and missing information in the revised plans the subdivision is still unable to be supported.</b></p> <p>The third referral dated 9 July 2025, supported the application subject to conditions and the following commentary was provided:</p> <p>The applicant has provided a response to Council's request for additional information and amended plans which have satisfactorily addressed the traffic engineering concerns.</p> <p>It is noted, contrary to advice in applicants response, that a No Left Turn restriction for vehicles in excess of 6m remains in place on the plan number 220122-00-DA-C11.01 prepared by enspire. A review of the swept path plots provided with the original traffic impact assessment report reveals that vehicles in excess 6m would be unable to turn left out of Road 02 into Pheasant Place without removing parking opposite Road 02. As the number of vehicles impacted by this turn ban would be small, limited to waste collection vehicles and delivery trucks egressing via Road 02 its retention is not opposed. It is noted that detailed conditions relating to the Roads Act approval for works on the road reserve have already been recommended by the development engineering team. These have satisfactorily addressed requirements relating to the required Civil works.</p>
<p><b>Natural Environment - Flood</b></p>	<p><b>Supported, with recommended conditions</b></p> <p>The DA was referred to Council's Natural Environment Flood officer and the comments received on 17 October 2024 outlined that the Flood Study and Water Management Report were inadequate and need to be appropriately updated. The officer also outlined that the flood modelling must be based on the Ingleside, Elanora and Warriewood Overland Flow Flood Study (IEW OFFS). Mapping should</p>

Internal Referral Body	Comments
	<p>be provided that shows the locations of inner and outer creek corridors, the basin, building footprints, and the relevant design flood extents, all superimposed.</p> <p>Within the second referral response dated 12 May 2025, Council's officer supported the application subject to conditions of consent as the development demonstrated the following:</p> <ul style="list-style-type: none"> <li>• <i>The development complies with all parts of the LEP clauses (clause 5.21 and 5.22), as outlined in Section 4.1 of the FIA.</i></li> <li>• <i>The development complies with Pittwater 21 DCP - Clauses C6.1, B3.11, B3.12, A1.9 as the proposed building platform for each additional lot is at or above the Flood Planning Level (including climate change), which complies with Clause C6.1 of the PDCP.</i></li> <li>• <i>The proposed works would reduce flood storage by 2,517m<sup>3</sup>. However, this loss of flood storage does not translate into any adverse impact on peak flood levels on properties outside of the development site. This complies with the statement in Clause C6.1 of the PDCP: "The filling of land will only be permitted where it can be demonstrated within the Water Management Report that:</i> <ul style="list-style-type: none"> <li>○ <i>there is no net decrease in the floodplain volume of the floodway or flood storage area within the property, for any flood event up to the 1% AEP flood event and the PMF event including climate change considerations for both design events; and/or t</i></li> <li>○ <i>here is no additional adverse flood impact on the subject and surrounding properties and flooding processes for any flood event up to the PMF event including climate change impacts".</i></li> </ul> </li> <li>• <i>Whilst the proposed works are not predicted to have any adverse impacts on flood levels for properties outside of the development site, there are flood level impacts along the Warriewood Road frontage. Maximum increases in Warriewood Rd range from 0.08 metres in the 2-year ARI event, 0.23m in the 1% AEP event and over 0.6m in the PMF. However, these changes are a direct result of alterations to the underlying topography, ie the higher terrain along the site frontage (which largely prevent overland flow entering the site), formation of kerb and gutter, as well as reformation of the southern travel lane of Warriewood Road. From the FIA, these increases are attributed to the increase in elevation of the road and frontage rather than an increase in depth, and are therefore acceptable.</i></li> <li>• <i>In all design events up to the 1% AEP event, velocities on neighbouring properties to the east are predicted to decrease. However in the PMF, there are some very small patches where the velocity is predicted to increase by more than 10%, which is defined in Clause A1.9 of the PDCP as adverse. In this case, this is considered acceptable because these very small patches occur at locations where the velocity is only 0.5-1m/s, which is not high enough to cause erosion, and in areas impacted by overland flooding only, with areas subject to</i></li> </ul>

Internal Referral Body	Comments
	<p><i>mainstream flooding not predicted to experience any significant increase in velocity. In addition, the flood hazard category in the residential areas of neighbouring properties is generally H1, which is defined as “generally safe”, and hazard is not predicted to significantly increase.</i></p> <ul style="list-style-type: none"> <li><i>Flood emergency response complies with Clause B3.11 of the PDCP. Most of the residential lots have a flood hazard category of H1 in the PMF, however the rears of the 4 south-eastern lots have a flood hazard category of H3. Evacuation would be difficult for all lots in the PMF due to inundation of Lorikeet Grove. A Flood Emergency Assessment has been completed within the FIA and there is potential on all lots for a suitable shelter in place refuge above the PMF level.</i></li> </ul>
<b>Environmental Health - contaminated lands</b>	<p><b>Supported, with recommended conditions</b></p> <p>The DA was referred to Council’s Environmental Health officer and comments were provided on 27 August 2024:</p> <p><i>In this response consideration has been given to the Statement of Environmental Effects, the report "Detailed Site Investigation &amp; Remedial Action Plan" dated 14th March 2024 by Geotechnique Pty Ltd, and recent development consent numbered DA2024/0586 for "Demolition works and remediation of the site" granted by Council on 9th July 2024.</i></p> <p><i>The granting of consent under DA2024/0586 placed a condition (condition number 37) on the development requiring adherence with the Remedial Action Plan, and the provision of a validation and site monitoring report and survey within one month of completion of the remediation work.</i></p> <p><i>Environment Health supports the proposal, though it is recommended that a "deferred commencement" condition be placed on the development this condition to be satisfied prior to commencement.</i></p>
<b>Natural Environment - Biodiversity</b>	<p><b>Supported, with recommended conditions</b></p> <p>The DA was referred to Natural Environment – Biodiversity on two separate occasions. Within the first referral response dated 18 October 2024, concern was raised with the Flora and Funa Assessment provided and the inconsistent information submitted with the DA. Additional information was requested, which included a revised Flora and Fauna Assessment, Vegetation Management Plan and Landscape Plans.</p> <p>The additional information was reviewed by Council’s internal referral officer on 2 April 2025, who supported the application and additional information provided, based on the following comments:</p> <p><i>The updated Flora &amp; Fauna Assessment (Kingfisher Version Final A dated 21 March 2025) and Vegetation Management Plan (Kingfisher Version 3 March 2025) are noted. The updated documents have addressed the previous concerns.</i></p>

Internal Referral Body	Comments
	<p><i>Based on the submitted plans, the remnant native trees and vegetation in the north-west and southwestern areas will be retained. The extent of excavation in the riparian zone, as shown on the Civil Engineering plans is noted, and it is assumed that the excavation within the dripline of the retained trees is minimal and will therefore allow for their retention and ongoing survival.</i></p> <p><i>The proposed development has avoided and minimised impacts and the mitigation measures proposed, including the implementation of the VMP, is unlikely to result in a significant impact to the local biodiversity values</i></p>
<b>Water Management</b>	<p><b>Supported, with recommended conditions</b></p> <p>The DA was referred to Council's Water Management officer and within the first referral dated 14 October 2024, the following comments were provided:</p> <p><i>The proposal stormwater quality management system is relying primarily on proprietary stormwater filtration cartridges which is inconsistent with C6.1 of the DCP. To meet the requirements of C6.1 of the DCP, additional vegetated treatment measure must be included in the water treatment chain. A wetland or bio-filtration system is to be included within the private buffer strip (outer riparian corridor) to promote ecological outcome and infiltration.</i></p> <p><i>The Water Management Report provided with this DA must be updated to include the information within each of the relevant sections of this letter and must be updated to reflect the works proposed under this DA.</i></p> <p>Within the referral response dated 30 April 2025, the officer supported the application subject to conditions. A summary of the comments is provided as follows:</p> <p><i>The proposed stormwater quality management system is including water harvesting, filtration cartridges and vegetated swale prior to release to Narrabeen Creek. The proposed water management system is satisfactory, subject to conditions.</i></p>
<b>Waste</b>	<p><b>Supported, with recommended conditions</b></p> <p>The DA was referred to Council's waste officer, who first provided comments on 2 September 2024. The comments are summarised below:</p> <p><i>The road design is fully compliant with Waste Design Requirements. Approval from Waste Services is conditional upon the Positive Covenants for Waste Services being placed upon the community road lot of Pheasant Place and 14 Pheasant Place Warriewood. It is suggested that this be done as a priority as refusal to proceed with placement of the positive covenant from either property owner/s will result in the proposal being unworkable for waste collection purposes. The proposal is therefore unsupported.</i></p>

Internal Referral Body	Comments
	<p>Within the second referral response dated 26 March 2025, Council's officer confirmed that the applicant had amended the Community Management Plan to include waste procedures however owner's consent from Pheasant Place Community Association was still outstanding. Subject to the following requirements (which have been included within the conditions of consent), the officer has supported the application:</p> <p><i>The Community Management Statement (CMS) has been updated to include the matters identified by the Council including right of Council for Council Waste Collection. (Appendix 8). The Positive Covenant for Pheasant Place Community Association will be placed on their title through NSW Land Registry Services therefore separate process than the CMS.</i></p>
<p><b>Natural Environment – Riparian</b></p>	<p><b>Supported, with recommended conditions</b></p> <p>The DA was referred to Council's Natural Environment – Riparian officer and comments were first received on 14 October 2024. The officer was not in support of the application for the following reasons:</p> <p><i>This referral relates to the Narrabeen creek and the creekline corridor. Particular consideration has been given to the inner and outer riparian corridor.</i></p> <p><i>The inner 25m creekline corridor is to be dedicated to Council. General terms of approval and a controlled activity permit are required from the Department of Planning and Environment (DPE) – Water prior to any works in Narrabeen Creek and the creekline corridor.</i></p> <p><b>Creekline Corridor</b>  <i>Any part of residential lots, dwellings, garages, fences and other vertical built structures are not permitted within the 25 metre wide outer creekline Corridor. Proposed Lot 2 and 4 are encroaching on the riparian outer corridor and not conforming with DCP C6.1 Integrated Water Cycle Management requirements and outcomes. The boundaries of the inner and outer creekline corridor must be clearly labelled in the plans and included in the design legend.</i></p> <p><b>Creek Design</b>  <i>Further information is required about the proposed creek design. Detail about how the proposed excavation will connect to the creek is required including any bank stabilisation measures. The floodplain area located downstream of the main stormwater outlet line is to be designed to mitigate floodplain erosion and provide a stable connection to the creek, additional details are required. Further details around creek design requirements can be found in Section 4.4.4 Creek Design Requirements of the Warriewood Water Management Specification.</i></p> <p><b>Sediment And Erosion Controls</b>  <i>The downstream receiving environment is sensitive to water quality impacts. The proposed Sediment and Erosion control plan is insufficient to demonstrate site erosion mitigation during the various development stages. An amended sediment and erosion control plan is required with consideration of the earthworks staging and revegetation activities.</i></p>

Internal Referral Body	Comments
	<p>The officer's comments dated 30 April 2025, confirmed that the matters above had been satisfied and that the officer supported the application subject to conditions.</p>
<p><b>Parks, Reserves and Foreshores</b></p>	<p><b><i>Supported, with recommended conditions</i></b></p> <p>The DA was referred to Council's Parks, Reserves and Foreshores officer and comments were first received on 22 October 2024 raising concerns with the proposal's inconsistency with the DCP sections C6.1 Integrated Water Cycle Management, C6.2 Natural Environment and Landscaping Principles and WVLMDG and lack of information on how the public Inner Creekline Corridor would be dedicated to Council.</p> <p>Within the referral response dated 21 July 2025, the officer was supportive of the application on the following grounds:</p> <p><i>The application is for subdivision and civil infrastructure works as described in reports and as illustrated on plans. Council's Parks Reserves and Foreshores Referral section have assessed the application against the Pittwater Local Environment Plan (PLEP) and Pittwater development Control Plan (PDCP), and Warriewood Valley Landscape Masterplan and Design Guidelines, August 2018 (WVLMDG), As submitted in reports and plans, the works within the proposed public reserve including share path connection, creek rehabilitation and revegetation raise no concerns for Park Reserves and Foreshores Referral. The proposal supports increased community connection and use of public open space areas.</i></p>
<p><b>Strategic Planning</b></p>	<p><b><i>Supported, with recommended conditions</i></b></p> <p>The DA was referred to Council's strategic planning team and comments were first received on 24 October 2025. This department requested further information on the following matters:</p> <ul style="list-style-type: none"> <li>- An updated subdivision plan showing: <ul style="list-style-type: none"> <li>• extent of inner 25m creek line corridor as the only section of creek line land to be dedicated to Council,</li> <li>• the exact location of residential allotment (lot 2) in relation to inner and outer 25m creek line corridor,</li> <li>• location of shared pathway demonstrating its connection to the approved pathway on either side (attached).</li> </ul> </li> <li>- Owners consent from all the owners of Pheasant Place (private road).</li> <li>- Detailed design of internal roads (Road 1, Road 2, Lorikeet Grove and part of Pheasant Place).</li> <li>- Water management report, prepared in accordance with the Warriewood Valley Water Management Specifications, for the entirety of site, demonstrating that: <ul style="list-style-type: none"> <li>• the impervious area for the development site is modelled and that any new allotments complies with the modelled impervious area requirement;</li> <li>• rehabilitation works of the creek line corridor to contain 1% flood event; and all residential lots will be flood free.</li> </ul> </li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>- Details on maintenance schedule including funding for maintenance of the private infrastructure (water management facilities, outer 25m creek line corridor land, internal roads 1 and 2, and Pheasant Place) proposed as a part of this development including details in the event of conflict.</li> <li>- The applicant is advised that this site has a dwelling range that it must comply with under Clause 6.1(3) of the Pittwater Local Environmental Plan 2014 otherwise this is prohibited development.</li> </ul> <p>Within the second referral dated 17 June 2025, Council's officers raised concern with the development's compliance with the overall impervious area of the site, the total number of dwellings that could be provided as part of the subdivision, works within the outer creekline corridor and infrastructure related matters.</p> <p>Within the third referral dated 23 July 2025, Council's officer still raised concern with the developments ability to achieve compliance with the overall impervious area of the site and were not supportive of the application.</p> <p>Within the fourth referral dated 21 August 2025, Council's officer was in support of the application subject to conditions of consent which includes the provision of a Planning Agreement.</p>

External Referral Body	Comments
<b>Aboriginal Heritage Office – Northern Region</b>	<p>The application was referred to the Aboriginal Heritage Office (Northern Region). The external referral confirmed that:</p> <p><i>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</i></p> <p><i>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</i></p> <p><i>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council.</i></p>
<b>NSW Rural Fire Services</b>	<p>The application was referred to NSW Rural Fire Services (RFS) as the land is bushfire prone. General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, have been provided and are included within the conditions of consent.</p>
<b>Ausgrid</b>	<p>The application was referred to Ausgrid as per the requirements of section 2.48 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>. Ausgrid has no objection to the proposal and has no further comment.</p>
<b>NSW Department of Planning and Environment – Water</b>	<p>The DA is nominated integrated development under section 91 of the <i>Water Management Act 2000</i> as the development works are within 40m of a watercourse.</p> <p>As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, the NSW Department of Planning and Environment – Water has recommended the provision of General Terms of Agreement (GTA) which have been provided within the development consent.</p> <p>The development consent holder must apply to the Department for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## Water Management Act 2000

The objective of the *Water Management Act 2000* (WM Act) is the sustainable and integrated management of the state's water for the benefit of both present and future generations.

The site is located within 40m of a watercourse and as such requires a Controlled Activity Approval from the National Resource Access Regulator pursuant to section 91 of the WM Act.

The General Terms of Approval provided from Department of Planning and Environment as part of this assessment has confirmed that prior to any works commencing on site, a controlled activity approval must be obtained.

## **STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS) AND STATE REGIONAL ENVIRONMENTAL PLANS (SREPS)**

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

#### Coastal Management

The site is identified on the Coastal Wetlands and Littoral Rainforests Area Map as proximity area for coastal wetlands and therefore section 2.8 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* (RH SEPP) is a matter for consideration. Section 2.8(1) requires the following matters to be satisfied:

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—*
  - (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
  - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

The Water Management and Natural Environment Riparian referral officer's have assessed the DA based on the above requirements and have confirmed that the hydrological integrity of the adjacent coastal wetland will be maintained and there is no impact to quantity and quality of surface and groundwater flows to the nearby coastal wetland. Therefore Section 2.8 of the RH SEPP has been satisfied to allow for development consent to be issued.

#### Chapter 4 Remediation of Land

Section 4.6 of the RH SEPP requires a consent authority to consider the contamination status of the land and be satisfied that the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

A Detailed Site Investigation & Remedial Action Plan dated 14th March 2024 by Geotechnique Pty Ltd, and recent development consent numbered DA2024/0586 for demolition works and remediation of the site granted by Council on 9th July 2024 applies to the land to facilitate the use of the site for residential purposes.

The granting of consent under DA2024/0586 placed a condition (condition number 37) on the development requiring adherence with the Remedial Action Plan, and the provision of a validation and site monitoring report and survey within one month of completion of the remediation work. This condition has been reproduced as follows in the recommended conditions as a deferred commencement requirement:

Prior to the commencement of this development consent, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of Remedial Action Plan, REPORT NO 20223/3-AA dated 14 MARCH 2024 by Geotechnique Pty Ltd have been complied with throughout excavation, demolition and development work stages.

The certification shall also include:

- a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
- c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

To ensure the land is suitable for residential purposes a deferred commencement condition has been placed on the development consent, which is also at the recommendation of Council's environmental health officer.

Based on the above, the proposed development can satisfy the requirements provided by section 4.6 of the RH SEPP, pending the completion of condition 37 of DA2024/0586.

### State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.48(1)(b) of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TI SEPP), applies to a development application where development is carried out within 5m of an exposed overhead electricity powerline.

The proposal was referred to Ausgrid who raised no objections, subject to recommended conditions which have been included in the recommendation of this report.

### State Environmental Planning Policy (Biodiversity and Conservation) 2021

#### Chapter 2 – Vegetation in Non-Rural Areas

The site is located within the Northern Beaches Local Government Area (LGA), is zoned R3 Medium Density Residential, and is subject to the provisions under chapter 2. The aims of this Chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposal involves the removal of 23 trees that are declared under the DCP as requiring development consent for removal. An additional 18 trees will be removed which do not require the consent of Council. The proposal has been reviewed by Council's Landscape and Natural Environment referral officers, who support the application subject to compliance with the provided conditions of consent.

### PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.1 Minimum subdivision lot size	N/A

Clause	Compliance with Requirements
4.1AA Minimum subdivision lot size for community title schemes	N/A
5.21 Flood planning	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid Sulfate Soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity	Yes
7.10 Essential services	Yes

## Detailed Assessment

### 1.9A Suspension of covenants, agreements and instruments

A sewer easement 5m wide runs east to west across the subject site as marked within the figures below (Figure 5 and Figure 6). This easement is identified in the Second Schedule of the Title for Lots 2 and 3 in DP 1115877. As this easement has been imposed by Council the provisions provided under clause 1.9A do not benefit the applicant. Accordingly, no buildings (with the exception of the roadway) are permitted over this portion of the land, and this has been conditioned within the notice of determination.

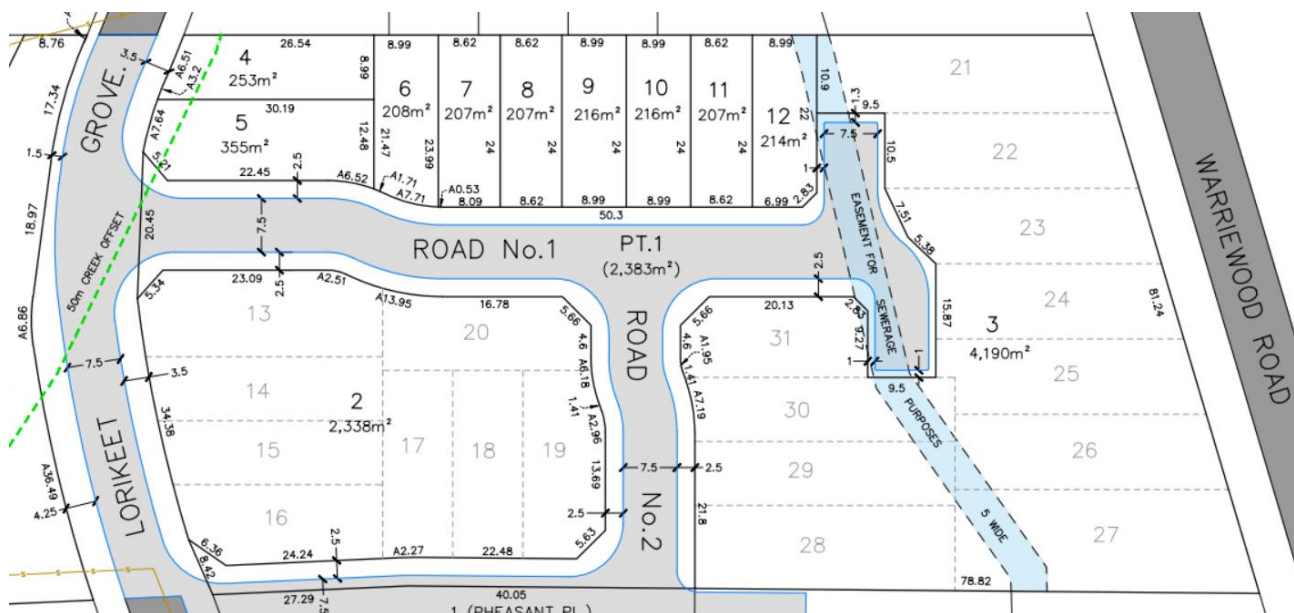


Figure 5 Location of sewer easement highlighted shaded in blue upon the subdivision plan.

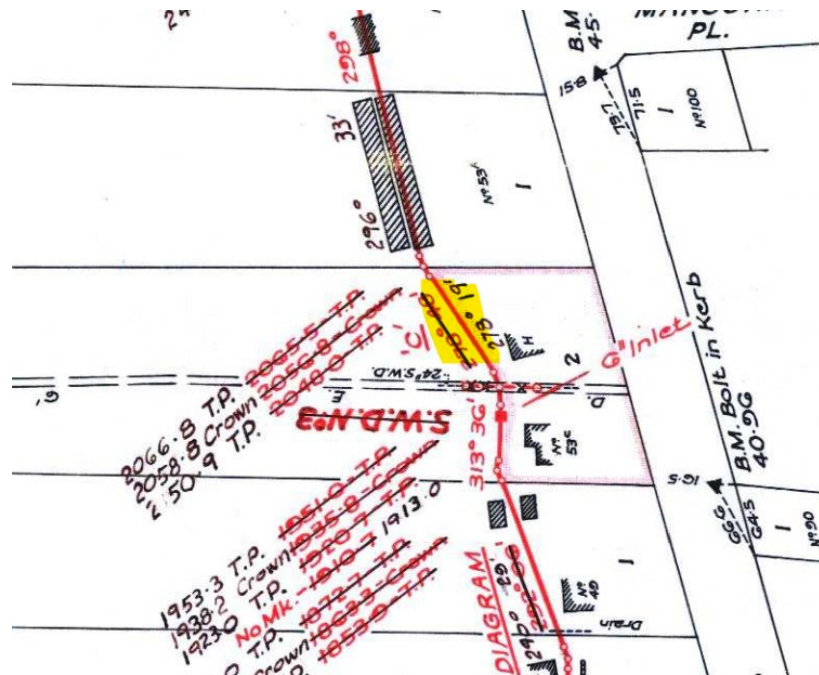


Figure 6 Excerpt of works as executed plan obtained from Northern Beaches Council which demonstrates the existence of the sewer easement. The location of the easement over the subject site has been highlighted in yellow.

## 2.1 Land use zone and permissibility

The land is zoned R3 medium density residential under the PLEP (Figure 7). Within the zone, development for the purpose of residential subdivision is permitted with development consent. The objectives of the zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

The development of the land for residential community title subdivision and associated works is consistent with the objectives of the zone as the development will provide for the housing needs of the community within a medium density residential environment in a manner that is compatible with surrounding land uses.

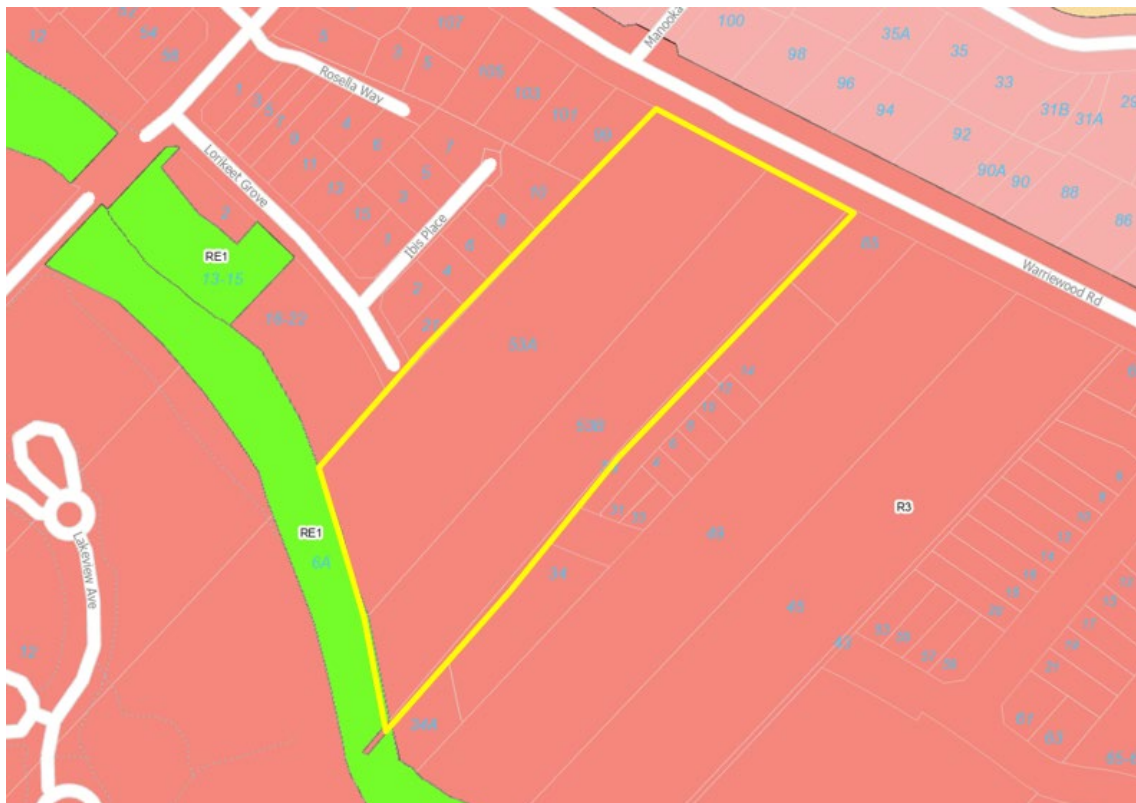


Figure 7 PLEP Land Zoning Map – site marked by yellow outline.

## 5.21 Flood Planning

The site is located on land below the 1 in 100-year flood level and on land below the Probable Maximum Flood levels and is therefore classified as flood prone land.

The DA was supported by a Flood Impact Assessment prepared by Catchment Simulation Solutions. The DA was referred to Council's Natural Environment Flood officer to assess the application against 5.21 of PLEP.

Council's Natural Environment Flood officer has considered the provisions under clause 5.21(2) of PLEP and is satisfied that the development achieves the following:

- a) *is compatible with the flood function and behaviour on the land, and*
- b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

The documentation provided by the applicant has also satisfied the provisions under clause 5.21(3) of PLEP. The conditions of consent also ensures the development satisfies the provisions of clause 5.21 of PLEP, allowing the consent authority to grant development consent for the proposed works.

## 6.1 Warriewood Valley Release Area

Clause 6.1 applies to land within the Warriewood Valley Release Area.

The site is mapped upon the Urban Release Area Map -Sheet URA\_012 under PLEP within buffer area 1b, 1c and 1d (Figure 8). Clause 6.1(3) requires that the total number of dwellings shown opposite that buffer area, sector or address in Column 2 of that table will be erected.

Specifically, the Urban Release Area Map -Sheet URA\_012 identifies a minimum of 17 dwellings or a maximum of 24 dwellings would be required for 53A Warriewood Road, a minimum of 13 dwellings or a maximum of 18 would be required for 53B Warriewood Road and a minimum of 1 dwelling be provided for 53 Warriewood Road.

The development will allow for a minimum of 31 dwellings to be provided for the land and demonstrates compliance with clause 6.1(3) of PLEP 2014.

The rear portion of the land has been mapped as creekline corridor. The 25m inner creekline corridor is to be dedicated to Council for rehabilitation consistent with the provisions of clause 6.1(4) of PLEP 2014 and forms part of the conditions of consent.

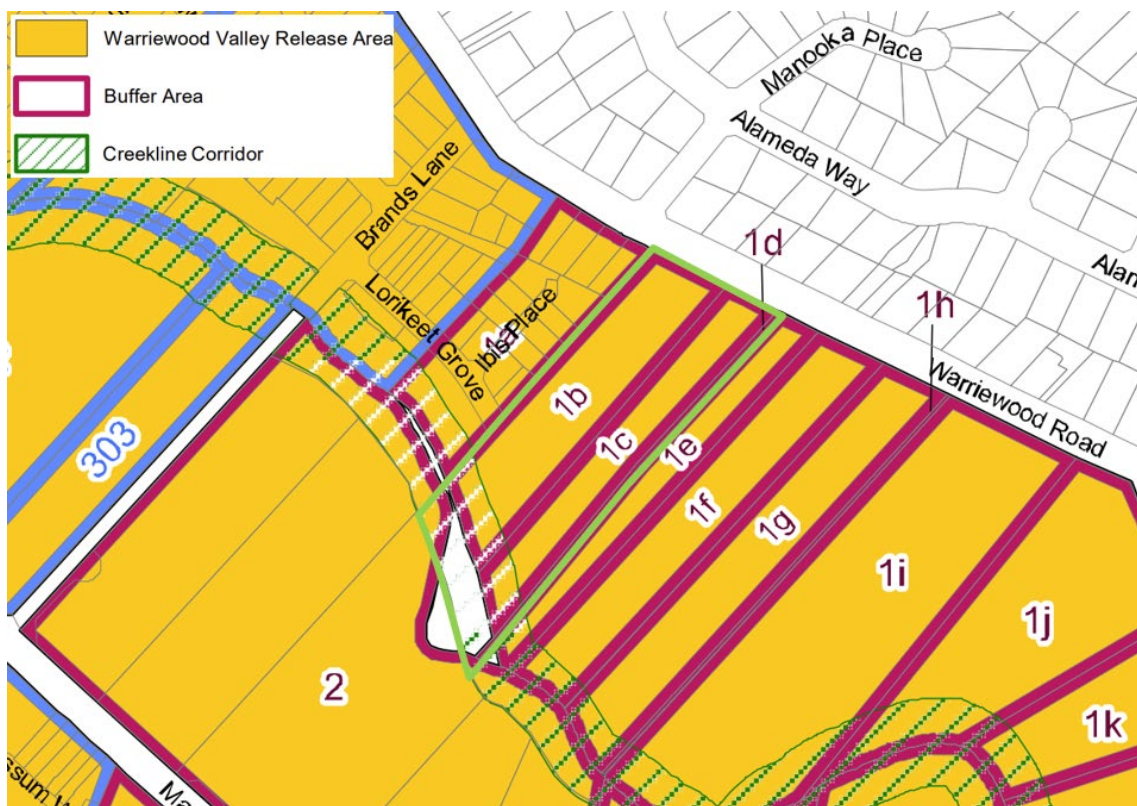


Figure 8: Urban Release Area Map -Sheet URA\_012. Site marked by green outline.

## 7.1 Acid sulfate soils

Clause 7.1 Acid sulfate soils requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 4 and Class 5, as indicated on Council's Acid Sulfate Soils Planning Map.

Works at depths beyond 2.0m below the natural ground surface and/or works by which the watertable is likely to be lowered more than 2.0 metre below the natural ground surface within a Class 4 acid sulfate soil area are required to be assessed to determine if any impact will occur.

Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land is required to be assessed to determine if any impact will occur.

The development does not propose any significant excavation to the extent that would lower the water table and therefore the requirements of clause 7.1 of PLEP has been satisfied.

## 7.6 Biodiversity

The rear of the allotment is land identified as Biodiversity on the Biodiversity Map Sheet BIO\_012 and therefore clause 7.6 of PLEP applies.

The Flora & Fauna Assessment (Kingfisher Version Final A dated 21 March 2025) and Vegetation Management Plan (Kingfisher Version 3 March 2025) identify that the remnant native trees and vegetation in the north-west and southwestern areas of the site will be retained. The extent of excavation within the riparian zone is limited to allow for retention and ongoing survival.

Further, the proposed development has avoided and minimised impacts on land identified as biodiversity and the mitigation measures proposed, including the implementation of the Vegetation Management Plan, mitigates significant impact to the local biodiversity values.

## PITTWATER DEVELOPMENT CONTROL PLAN

The Pittwater 21 Development Control Plan is applicable to the development.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
<b>Section B General Controls</b>		
<b>B3 Hazard Controls</b>		
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
<b>B5 Water Management</b>		
B5.13 Development on Waterfront Land	Yes	Yes
<b>B8 Site Works Management</b>		
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
<b>Section C Development Type Controls</b>		
<b>C6 Design Criteria for Warriewood Valley Release Area</b>		
C6.1 Integrated Water Cycle Management Land to which this control applies	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.4 The Road System and Pedestrian and Cyclist Network	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion		
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
C6.7 Landscape Area (Sector, Buffer Area or Development Site)	Yes	Yes
C6.8 Residential Development Subdivision Principles	Yes	Yes
C6.9 Residential Land Subdivision Approval Requirements	No	Yes
C6.10 Additional Specifications for development of Buffer Area 1a to 1m	Yes	Yes
<b>Section D Locality Specific Development Controls</b>		
<b>D16 Warriewood Valley Locality</b>		
D16.4 Water Management for individual allotments	Yes	Yes

### C6.9 Residential Land Subdivision Approval Requirements

The proposed development seeks approval for a community title subdivision that satisfies the density requirements provided by Clause 6.1 of PLEP. The site is zoned R3 Medium Density Residential under the PLEP and is situated within the Warriewood Valley locality.

The proposed subdivision layout is consistent with the strategic objectives for the locality. This consistency is further evidenced by the fact that the subdivision pattern aligns with the lot configurations already approved and established within the broader Warriewood Valley area, ensuring a cohesive and well-planned development outcome.

The building envelope plans submitted with the DA demonstrate compliance with clause 6.1 (discussed in detail above). The proposed subdivision will result in a development outcome that is consistent with the desired future character of the Warriewood Valley, allowing for a diversity of housing typologies and providing a clear framework for future development applications.

The proposal includes the creation of seven allotments identified as Lots 6 – 12 which have an area less than 225m<sup>2</sup> and a width less than 9m. The dimensions of the lots are detailed as follows and illustrated in Figure 9:

Proposed Lot	Area	Width
6	208m <sup>2</sup>	8.99m
7	207m <sup>2</sup>	8.62m

8	207m <sup>2</sup>	8.62m
9	216m <sup>2</sup>	8.99m
10	216m <sup>2</sup>	8.99m
11	207m <sup>2</sup>	8.62m
12	214m <sup>2</sup>	8.99m

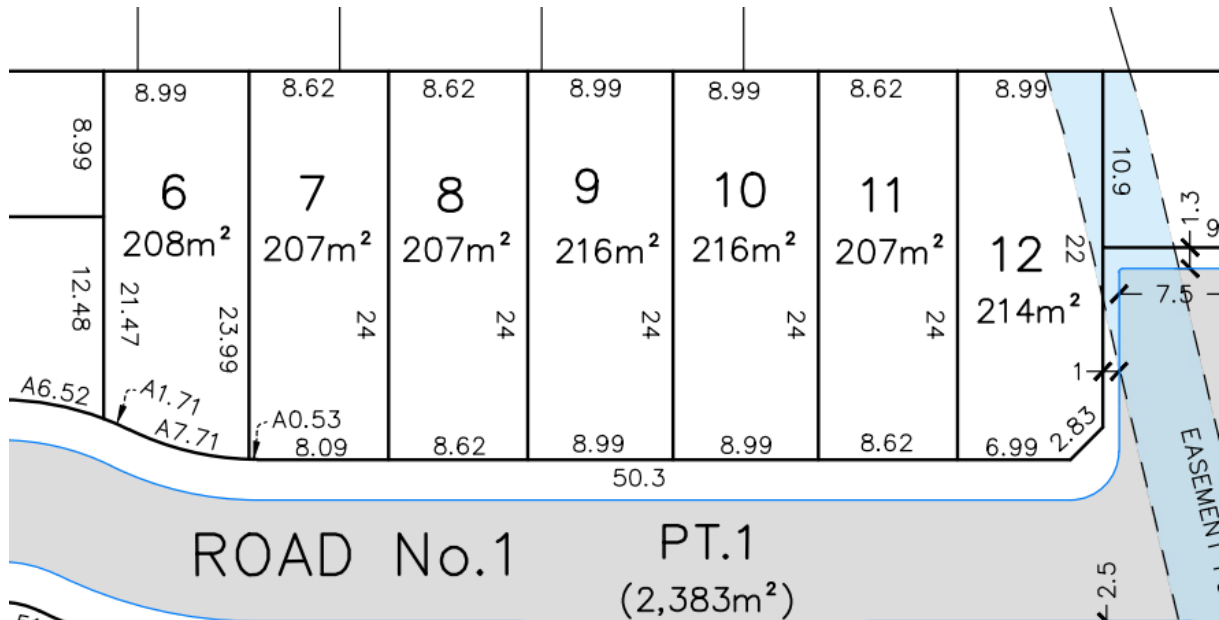


Figure 9 Lots 6 – 12 within Stage 1 of the subdivision.

The building envelopes provided with the DA demonstrate that the future dwellings on these lots will achieve the minimum requirements for landscaped areas, private open space, and deep soil zones. This ensures that even with a lot width less than 9 metres, the future development will retain a high level of amenity by efficiently utilising the available space within the approved envelopes. Furthermore, the northern orientation of these allotments will ensure the resultant dwellings achieve more than the minimum solar access to the principal living areas and private open space, as required by the DCP.

A separate Development Application (DA2024/1847) has been submitted for these allotments, seeking approval for the construction of seven semi-detached dwellings. The plans and documentation provided with this application confirm that the proposed future dwellings will fit comfortably within the allotments while achieving the objectives of the DCP. This provides greater certainty regarding the final development outcome of these allotments.

While the DA does not include internal floor plans for Lots 6 to 12, the building envelope plans will form part of the consent and will be registered on the Section 88B Instrument. The registration of the building envelope plans on the Section 88B Instrument provides a mechanism to ensure the development outcome will achieve compliance with clause 6.1 of PLEP and ensures the development is consistent with the desired character of the locality.

## 7.12 CONTRIBUTIONS

The Warriewood Valley Contributions Plan Amendment 16, Revision 4 2022 (the adopted Plan) applies to the subject site.

Table B in the adopted Plan provides that residential development, including secondary dwellings, requires the payment of \$76,766 per dwelling (2025/2026 rate).

A total development contribution of \$2,226,214 is payable to Council in accordance with the Warriewood Valley Development Contributions Plan (as amended). The contribution is based on 31 dwellings

accommodated on the three residential superlots as shown on the stamped approved building envelope plan, as follows:

- A contribution for 29 additional dwellings/allotments, and
- A credit for two existing dwellings.

The contribution comprises:

- a) A monetary contribution paid to Council prior to the issue of any Subdivision Works Certificate or Construction Certificate. The monetary contribution will be adjusted at the time of payment and when the quantum of land to be dedicated is known, in accordance with the provisions of the *Warriewood Valley Development Contributions Plan* (as amended), and
- b) The dedication of creekline corridor land to Council, measured at 25 metres from the rear property boundary, in lieu of monetary contributions calculated in accordance with Table 4 of the Contributions Plan. The land to be dedicated is to be shown on an amended Plan of Subdivision which must be approved by Council prior to the issue of any Subdivision Certificate. Dedication of the creek land will occur through the registration of the final Plan of Subdivision after any required rehabilitation works in the creek corridor are completed.

Any additional dwellings that occur on the land (including secondary dwellings) will be subject to additional development contributions to be considered as part of a future development consent.

### **Housing and Productivity Contribution**

As the proposed development seeks development consent for subdivision that is to be used for residential purposes, the development is to be subject of a Contribution under the Housing and Productivity Contribution required by the Ministerial Planning Order for the Housing Productivity Contribution. The development generates a Contribution of 25 new residential allotments, which necessitates a monetary payment through the NSW Planning Portal prior to the issue of a Subdivision Works Certificate, the obligation of which is required through recommended condition.

### **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

### **PLANNING CONCLUSION**

Development Application DA2024/1079 seeks consent for community title subdivision into five (5) super lots, the subdivision of the super lots and civil works at 53, 53A & 53B Warriewood Road, Warriewood NSW 2102.

The application is referred to the NBLPP as Northern Beaches Council is the land owner of 53 Warriewood Road. In accordance with the Northern Beaches Council, Council-related Development Applications Policy, DA2024/1079 is subject of a Management Statement under the policy which has required that the application be assessed by an external consultant planner.

The Application was notified under the Northern Beaches Community Participation Plan and the subject application has attracted three submissions in relation to vehicular movements, parking, waste arrangements and stormwater impacts from the development onto Pheasant Place, along with the retention of significant trees which have been addressed as part of the assessment.

Overall, the development is consistent with all applicable environmental planning instruments and regulatory provisions. Additionally, to facilitate the delivery of the subdivision, the applicant is entering into a planning agreement to provide key infrastructure to service the development and the Warriewood Valley locality. Therefore, the development is in the public interest.

Accordingly, it is recommended that the NBLPP **approve** the application, subject to the recommended conditions and a deferred commencement consent attached to this report.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT Northern Beaches Local Planning Panel as the consent authority grant approval in the form of a deferred commencement consent to Development Application DA2024/1079 for community title subdivision into five (5) lots and civil works at 53, 53A & 53B Warriewood Road, Warriewood NSW 2102. subject to the conditions printed below:

### DEFERRED COMMENCEMENT CONDITIONS

#### 1. Final Certification - Compliance with Remedial Action Plan

Prior to the consent becoming operational, it must be demonstrated to the satisfaction of Northern Beaches Council that compliance with the Remedial Action Plan as per condition 37 of Development Approval DA2024/0586 has been achieved.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 76 of the *Environmental Planning and Assessment Regulation 2021*. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Reason: To ensure the land is appropriately remediated prior to further works commencing.

#### 2. Planning Agreement

The developer shall enter into a "Planning Agreement" with Northern Beaches Council pursuant to section 7.4 of the *Environmental Planning and Assessment Act 1979* to deliver work identified in the Warriewood Valley Contributions Plan and generally consistent with the developer's amended Offer dated 15 August 2025 and associated documents and plans.

The Offer includes the following items of "Contribution Works" as referenced in the Contributions Plan and in accordance with Council's Voluntary Planning Agreement Policy:

- a) Item 5.5 Bus Shelter – Warriewood Road at Alameda Way (Works Schedule (Appendix B) in the Traffic and Transport Strategy in the Warriewood Valley Contributions Plan)

- b) Item 28B Shared Paths (Works Schedule (Appendix B) in the Traffic and Transport Strategy in the Warriewood Valley Contributions Plan)
- c) Items 2.71B, 2.71C and 2.71D Rehabilitation Works of Narrabeen Creek at 53, 53A and 53B Warriewood Road, Warriewood (Multi-functional Creek Line Strategy (Rehabilitation Works) in the Warriewood Valley Contributions Plan)

The Executed Planning Agreement is to be registered on the title of the land before this condition is satisfied. Upon execution, there is to be provision of a bank guarantee or bond to the satisfaction of Council for the total value of the contribution works.

Note: Please be advised that no decision as to whether Council will enter a Planning Agreement has been made and there is no representation that such a decision will be made until the offer to enter into a Planning Agreement with Council under Section 7.4 of the EP&A Act has been exhibited, assessed and determined by Council in accordance with the *Environmental Planning and Assessment Act 1979*.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 76 of the *Environmental Planning and Assessment Regulation 2021*. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

### 3. Easement for vehicular access

The development proposes to utilise the private road reserve of Pheasant Place for both vehicular access to Lots 3, 4, and 5 and for the collection of waste by Council's waste vehicles. To formalise this arrangement, a legal agreement creating an easement for vehicular access and manoeuvring must be obtained from the owner's of Pheasant Place. Evidence of this agreement must also be provided to Council.

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

Once this agreement has been formalised, an easement benefiting Lots 3, 4, and 5 and Council's waste vehicles, for vehicular access only must be provided upon the Title and 88B Instrument.

Reason: To ensure lawful vehicle access can be provided to residential allotments and for the collection of waste.

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 4. Approved Plans and Supporting Documentation

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
220122-00-DA-C01.21	4	Specification Notes	Enspire Solutions	28/03/2025
220122-00-DA-C01.41	5	General Arrangement Plan	Enspire Solutions	28/03/2025
220122-00-DA-C02.01	7	Demolition Plan	Enspire Solutions	04/07/2025

220122-00-DA-C03.01	5	Erosion And Sedimentation Plan	Enspire Solutions	28/03/2025
220122-00-DA-C03.21	3	Erosion And Sedimentation Control Details	Enspire Solutions	21/03/2025
220122-00-DA-C04.01	5	Bulk Earthworks Cut And Fill Plan	Enspire Solutions	04/07/2025
220122-00-DA-C04.21	4	Bulk Earthworks Cut And Fill Sections Sheet 01	Enspire Solutions	28/03/2025
220122-00-DA-C04.22	4	Bulk Earthworks Cut And Fill Sections Sheet 02	Enspire Solutions	28/03/2025
220122-00-DA-C05.01	10	Siteworks And Stormwater Management Plan Sheet 01	Enspire Solutions	04/07/2025
220122-00-DA-C05.02	10	Siteworks And Stormwater Management Plan Sheet 02	Enspire Solutions	04/07/2025
220122-00-DA-C05.11	2	Narrabeen Creek Rehabilitation Works	Enspire Solutions	28/03/2025
220122-00-DA-C06.01	4	Road Typical Cross Sections	Enspire Solutions	28/03/2025
220122-00-DA-C07.01	4	Road Longitudal Sections	Enspire Solutions	28/03/2025
220122-00-DA-C11.01	6	Pavement, Signage And Linemarking Plan	Enspire Solutions	04/07/2025
220122-00-D-C13.01	5	Site Sections	Enspire Solutions	28/03/2025
220122-00-DA-C14.01	4	Sitework Details	Enspire Solutions	28/03/2025
220122-00-DA-C17.01	4	Stormwater Drainage Longitudal Section	Enspire Solutions	28/03/2025
220122-00-DA-C20.01	4	Pre-Development Catchment Plan	Enspire Solutions	28/03/2025
220122-00-DA-C21.01	4	Post-Development Catchment Plan	Enspire Solutions	28/03/2025
220122-00-DA-C22.01	4	Turning Path Plan Sheet 01	Enspire Solutions	28/03/2025
220122-00-DA-C22.02	4	Turning Path Plan Sheet 02	Enspire Solutions	28/03/2025
220122-00-DA-C22.03	4	Turning Path Plan Sheet 03	Enspire Solutions	28/03/2025
220122-00-DA-C22.04	4	Turning Path Plan Sheet 04	Enspire Solutions	28/03/2025
220122-00-DA-C02.01	7	Demolition Plan	Enspire Solutions	04/07/2025
220122-00-DA-C04.01	5	Bulk Earthworks Cut And Fill Plan	Enspire Solutions	04/07/2025
220122-00-DA-C05.01	10	Siteworks And Stormwater Management Plan Sheet 01	Enspire Solutions	04/07/2025
220122-00-DA-C05.02	10	Siteworks And Stormwater Management Plan Sheet 02	Enspire Solutions	04/07/2025
220122-00-DA-C05.01	6	Siteworks And Stormwater Management Plan Sheet 01	Enspire Solutions	04/07/2025

LA01	E	Landscape Site Plan	Taylor Brammer	04/07/2025
LA02	E	Landscape Detail Plan 1	Taylor Brammer	04/07/2025
LA03	D	Landscape Detail Plan 2	Taylor Brammer	04/07/2025
LA04	A	Planting Character And Schedule	Taylor Brammer	01/08/2024
LA05	D	Tree Retention And Removal	Taylor Brammer	04/07/2025
LA06	E	Landscape Calculations	Taylor Brammer	28/07/2025
LA07	A	Landscape Details	Taylor Brammer	01/08/2024
-	-	Building Envelope Plan and Landscape Calculations	SHAWOOD	August 2025
6321/18D Sheet 1 of 3	-	Community Scheme – Stage 1	YSCO Geomatics	13/06/2025
6321/18D Sheet 2 of 3	-	Community Scheme – Stage 2	YSCO Geomatics	13/06/2025
6321/18D Sheet 1 of 3	-	Community Scheme – Stage 3	YSCO Geomatics	13/06/2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Vegetation Management Plan	3	Ecological Consultants Australia Pty Ltd	March 2025
Flora and Funa Assessment	Final A	Ecological Consultants Australia Pty Ltd	March 2025
Civil Engineering Works Development Application Report	4	Enspire Solutions	28/03/2025
Community Management Statement	-	Colin Biggers & Paisley	-
Flood Impact Assessment	2	Catchment Simulation Solutions	March 2025

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

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

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

#### 5. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	-
Department of Planning and Environment	IDAS-2024-10634 – Integrated Development Referral – General Terms of Approval	14 October 2024
NSW Rural Fire Service	Integrated Development Application – s100B – Subdivision – Community Title Subdivision	8 October 2024

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.

## 6. Prescribed Conditions

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

## 7. 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.

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

## FEES / CHARGES / CONTRIBUTIONS

### 8. Warriewood Valley - Contribution Condition

The Warriewood Valley Contributions Plan Amendment 16, Revision 4 2022 applies to the subject site.

A total development contribution of \$2,226,214 is payable to Council in accordance with the Warriewood Valley Development Contributions Plan (as amended). The contribution is based on 31 dwellings accommodated on the three residential superlots as shown on the stamped approved building envelope plan, as follows:

- A contribution for 29 additional dwellings/allotments, and
- A credit for two existing dwellings.

The contribution comprises:

- a) a monetary contribution paid to Council prior to the issue of any Subdivision Works Certificate or Construction Certificate. The monetary contribution will be adjusted at the time of payment and when the quantum of land to be dedicated is known, in accordance with the provisions of the Warriewood Valley Development Contributions Plan (as amended), and
- b) the dedication of creekline corridor land to Council, measured at 25m from the rear property boundary, in lieu of monetary contributions calculated in accordance with Table 4 of the Contributions Plan. The land to be dedicated is to be shown on an amended Plan of Subdivision which must be approved by Council prior to the issue of any Subdivision Certificate. Dedication of the creek land will occur through the registration of the final Plan of Subdivision after any required rehabilitation works in the creek corridor are completed.

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Principal Certifier at the appropriate time as stated above.

Written evidence (receipt/s) from Council for the payment of the monetary contribution is to be provided to the Certifying Authority prior to issue of the subdivision certificate.

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land (other than those already identified above) in lieu of the monetary contribution above (or any portion of that monetary contribution) through a Planning Agreement between Council and the Applicant in accordance the Warriewood Valley Development Contributions Plan (as amended) and Council's Planning Agreement Policy. The Planning Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council – Development Contributions.

Reason: To provide for contributions in accordance with the Contributions Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Warriewood Valley Release Area.

### 9. Housing Productivity Contribution

- |    |   |
|----|---|
| 1. | The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 3, is required to be made: |
|----|---|

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$12,000
Transport project component	\$ 0
<b>Total housing and productivity contribution:</b>	<b>\$300,000</b>

2. The HPC may be paid in instalments for each stage of the subdivision authorised by this consent for which a subdivision certificate is sought. The amounts of the instalments that are payable for each stage are as follows:

Stage 1 of residential subdivision	Amount of instalment
Housing and productivity contribution (base component)	\$12,000
Transport project component	\$0
<b>Total housing and productivity contribution:</b>	<b>\$72,000</b>

Stage 2 of residential subdivision	Amount of instalment
Housing and productivity contribution (base component)	\$12,000
Transport project component	\$0
<b>Total housing and productivity contribution:</b>	<b>\$96,000</b>

Stage 3 of residential subdivision	Amount of instalment
Housing and productivity contribution (base component)	\$12,000
Transport project component	\$0
<b>Total housing and productivity contribution:</b>	<b>\$132,000</b>

Each amount in the table must be adjusted at the time of payment in accordance with condition 3.

3. The amount payable at the time of payment is the amount shown as the total housing and productivity contribution for each stage specified in the tables to condition 2, adjusted by multiplying it by:

**highest PPI number**

**consent PPI number**

where—

**highest PPI number** is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

**consent PPI number** is the PPI number last used to adjust HPC rates when consent was granted.

**June quarter 2023 and PPI** have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

4. The HPC must be paid before the issue of the first subdivision certificate in relation to the development, or if it is paid in instalments, before the issue of the subdivision certificate for the relevant stage of the subdivision.

5. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).

6. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC may be made, instead of as a monetary contribution, in the following ways:

- a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
- b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 3 at the time of payment. Each part of an instalment that is to be made as a monetary contribution is also to be adjusted in accordance with condition 3 at the time its payment.

- |    |   |
|----|---|
| 7. | Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025. |
|----|---|

Reason: Statutory requirement.

#### 10. Construction, Excavation and Associated Works Security Bond(s)

The applicant is to lodge a bond with Council for the following:

##### **Upgrade of Councils existing 600mm RCP stormwater line**

As security against for failure to complete the upgrade of Councils existing 600mm RCP to twin 900mm RCP pipes within the existing drainage reserve required as part of this consent a bond of \$150,000.

##### **Crossing / Kerb & Gutter / Footpath Works, Stormwater Drainage and Road Works (Warriewood Road and Lorikeet Grove)**

As security against any damage or failure to complete the construction of any road and footpath works, vehicular crossings, and removal of any redundant driveways required as part of this consent a bond of \$350,000.

##### **Security Bond**

As security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site a bond of \$50,000.

##### **Maintenance for Civil Works**

A maintenance bond of \$100,000 for the construction of the road ,drainage and footpath works in Warriewood Road and Lorikeet Grove. The maintenance bond will only be refunded upon completion of the twelve month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council prior to issuing of practical completion for the road infrastructure works.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

##### **Maintenance for Riparian Biodiversity and Vegetation Management Works**

A maintenance bond of \$150,000 for the completion of the Riparian Biodiversity and Vegetation Management Works. The maintenance bond will only be refunded upon completion of the five-year Riparian Biodiversity and Vegetation Management works in accordance with the approved plans and to the satisfaction of Council.

##### **Narrabeen Creek Protection Works**

As security against any damage to Narrabeen Creek including sedimentation, caused by failure of sediment and erosion controls or other construction related work activities as a bond of \$100,000. Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Subdivision Works Certificate.

Reason: Protection of Council's infrastructure.

## 11. Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

At the commencement of building works or the issue of a subdivision certificate (whichever comes first), and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site, (excluding proposed Lot 1 Public Reserve), must be managed as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. The instrument may be extinguished from the lot where a lot has been developed, and the hazard has been removed. The name of authority empowered to release, vary, or modify the instrument must be Northern Beaches Council.

When establishing and maintaining an IPA the following requirements apply in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Reason: Statutory requirement

## 12. Soil and Water Management Plan

A Soil and Water Management Plans (SWMP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The SWMP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004).

Details demonstrating compliance are to be submitted to the Principal Certifier for approval prior to the issue of the Subdivision Works Certificate.

Reason: To protect the receiving environment.

## 13. Construction Environment Management Plan

A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the environmental risks and mitigation methods identified in the Flora and Fauna Report and Vegetation Management Plan. The CEMP must identify and appropriately manage invasive species (e.g. *Ludwigia peruviana*). The CEMP must be kept in the site office.

An induction plan for site personnel must be prepared and implemented that addresses the CEMP. Induction records must be maintained and available onsite at all times.

The CEMP and site induction plan must be submitted to the Principal Certifier for approval prior to the issue of the Subdivision Works Certificate.

Reason: To protect native vegetation, wildlife, habitats and receiving waterways.

#### **14. Detailed Design of Creek Works**

A certificate from a suitably qualified engineer who has membership of Engineers Australia and the National Engineering Register (NER), stating that the creek works have been designed in accordance with the Civil Engineering Works drawings and report as referenced in this consent condition "Approved Plans and Supporting Documentation" from enspire.

As the creek line corridor is to be dedicated to Council, the complete detailed design of all creek works and inner riparian corridor is to be submitted and approved in writing by Council prior to the issue of any Subdivision Works Certificate.

The engineer certificate and Council approval shall be submitted to the Certifier prior to the release of the Subdivision Works Certificate.

Reason: To protect native vegetation, wildlife, habitats and receiving waterways.

#### **15. On-Site Stormwater Detention**

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 Ensfire Solutions, drawing number 220122-00-DA C05.01 Issue 9,C05.02 Issue 10,C14.01Issue 4,dated 28/3/25 Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- 1) Climate change factors are to be included in the design of all drainage infrastructure in accordance with the Warriewood Valley Water Management Specification (February 2001).

Detailed drainage plans, including engineering certification, are to be submitted to the Certifier for approval prior to the issue of the Subdivision Works Certificate.

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

#### **16. Stormwater Drainage Upgrade Works (Council drainage reserve)**

The applicant is to submit a stormwater drainage engineering plans to Council for approval. The submission is to include Civil Engineering plans for the design and upgrade of the existing stormwater line within the Council drainage reserve to the twin 900mm RCP stormwater lines as proposed in the Ensfire engineering concept plans Plan Nos C 05 02 -10 and C 17 01 -4. The plans are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Works Certificate.

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

#### **17. Utilities Services including the Sydney Water main carrier line.**

Prior to the issue of the Subdivision Works Certificate, written evidence of the following service provider requirements must be provided to the Principal Certifier:

- a) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity and installation of street lighting poles in Warriewood Road and Lorikeet Grove.

- b) a written response from Sydney Water as to whether the proposed stormwater drainage upgrade works being the installation of twin 900mm RCP stormwater lines would affect any Sydney Water infrastructure including the 1800mm Sydney Water main carrier line , and whether further requirements need to be met. The applicant is to provide confirmation specifically that the proposed construction clearance to the carrier line meets Sydney Water specifications.
- c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Works Certificate.

Reason: To ensure relevant utility and service providers' requirements are provided to the Principal Certifier.

### **18. Submission of Roads Act Application for Civil Works in the Public Road**

Engineering plans and specifications for all roads, drainage, streetscape and other civil engineering works required by this consent within the existing public road reserve of Warriewood road 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 Civil Engineering plans for the design of the works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1, The Warriewood Valley Roads Masterplan (WVRMP) June 2018 and Pittwater DCP 21 as relevant to achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan(Public Domain ) dated October 2007. The plans shall be prepared by a Civil Engineer who is RPENG (NSW) or NER qualified.

The design must include the following information:

- a) The works in relation to the full length of Warriewood Road are to include provision of a bus bay, indented parking, stormwater drainage up grade works, half road reconstruction, undergrounding of existing over head power, landscaping works and linemarking/signage. The engineering plans are to be generally in accordance with the concept engineering plans prepared by Enspire Solutions C0 501 -9, C0 502 -10, C0 601 4, C0 701 -4, C0 11 01- 4.
- b) The kerb and gutter (vertical face only) face is to be 10.9m from the existing northern kerb face of Warriewood Road. The shared pedestrian concrete pathway within Warriewood Road frontage is to be 2.1m wide and align with the existing pathway and vehicle crossing on either side of the site.
- c) Road shoulder and road pavement formation design is to be certified by a geotechnical engineer to satisfy the WVRMP for pavements to meet the ESA pavement design of 2x10<sup>^6</sup>. The AC seal is to be extended 1000mm past the existing road centre line.
- d) Provision of street lighting using Ausgrid standard lights/poles is to be provided in Warriewood Road.
- e) Undergrounding of the existing overhead power infrastructure for the full frontage at no cost to Council.
- f) The existing water main is to be relocated to within the footpath verge area of the frontage. Fire hydrants are to be spaced at appropriate intervals in accordance with the relevant specification.
- g) The existing stormwater water infrastructure in Warriewood Road is to be upgraded to a 5/100 AEP plus climate change. This includes the existing Warriewood Road 675mm pipe crossing and the new lead stormwater line from the southern side of Warriewood Road to the site. The stormwater inlet pit on the northern side of Warriewood road is to be upgraded to feature a 3m wide lintel.
- h) The engineering plans are to detail 2 (no) vehicle crossings in Warriewood servicing proposed lot 26 and 27.

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 Certifier prior to the issue of the Subdivision Works Certificate.

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

#### **19. Pre-Commencement Dilapidation Report**

The applicant must prepare and submit a dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Principal Certifier prior to the issue of the any Subdivision Works Certificate and the commencement of any works including demolition.

Reason: Protection of Council's Infrastructure during construction.

#### **20. Geotechnical Report recommendations have been correctly incorporated into designs and structural plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Crozier Geotechnical dated July 2024 are to be incorporated into the construction plans. Prior to issue of the Subdivision Works Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

#### **21. Certification of Water Management Report**

The Applicant shall submit a certificate from a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the Water Management Report and all associated engineering plans as referred to in this consent and detailed design are in accordance with the Warriewood Valley Water Management Specification (February 2001), and as meeting the requirements of these conditions.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Works Certificate.

Reason: To ensure water is managed appropriately and in accordance with the requirements of the Warriewood Valley Water Management Specification and Pittwater 21 DCP.

#### **22. Traffic Management and Control**

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Subdivision Works Certificate. The Traffic Management Plan shall be prepared to TfNSW 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.

#### **23. Submission of Engineering plans for the construction of Lorikeet Grove and widening of Pheasant Way.**

Engineering plans and specifications for all roads ,drainage ,streetscape and other civil engineering works required by this consent for the new Lorikeet Road extension and Pheasant Way Road widening are to be submitted to the Certifier for approval.

The application is to include Civil Engineering plans for the design of the works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1, The Warriewood Valley Roads Masterplan (WVRMP) June 2018 and Pittwater DCP 21 as relevant to achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan(Public Domain ) dated October 2007. The plans shall be prepared by a Civil Engineer who is RPENG (NSW) or NER qualified.

The design must include the following information:

- a) The works in relation to the full length of Lorikeet Grove to include stormwater drainage works, full width road construction to match the existing western and eastern side constructed road widths of Lorikeet Grove, footpath works , landscaping works and line marking/signage. The engineering plans are to be generally in accordance with the concept engineering plans prepared by Enspire Solutions 220122-00 DA ,C0 501 - Rev 9, C05.02 Rev 10, C0 601 Rev 4,C0 701 - Rev 4., C11.01 Rev 5,C17.01 Rev 4, C14.01 Rev4.
- b) Road shoulder and road pavement formation design is to be certified by a geotechnical engineer to satisfy the WVRMP for pavements to meet the ESA pavement design of 2x10<sup>^6</sup>.
- c) Provision of street lighting using Ausgrid standard lights/poles is to be provided in Lorikeet Grove and Pheasant Place.
- d) Undergrounding of power infrastructure for the full frontage at no cost to Council.
- e) Fire hydrants are to be spaced at appropriate intervals in accordance with the relevant specification.
- f) Stormwater drainage works as detailed on the Enspire Plan No 220122-00- DA C05.01 Revision 9, DA-C05.02 Rev 10,DA-C06.01 Revision 4, DA-C07.01 Revision 4, DA-C14.01 Rev 4.
- g) Details of the 2.5m shared pedestrian path which is to start at the existing approved alignment at Lot 10 DP 270946 Warriewood Road ( denoted as F -Right of Footway2.5m wide) and connect to the existing concrete footpath to the existing western formation of Lorikeet Grove. (adjacent to No 21 Lorikeet Grove Lot 12 DP 270730). The engineering plans are to be amended to deleted the 2.5m shared pedestrian path within the proposed Lorikeet Grove Road Reserve.
- h) The road reserve width of Lorikeet Grove is to be 16m.

The fee associated with the assessment and approval if Council is the certifier is to be in accordance with Council's Fee and Charges.

The engineering plans are to be approved by the Certifier prior to the issue of the Subdivision Works Certificate.

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

#### **24. Detailed Design of Stormwater Treatment Measures**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with as referenced in this consent condition "Approved Plans and Supporting Documentation" from enspire and Council's Water Management for Development Policy.

The end of line vegetated swale as shown on the enspire engineering drawings and report as referenced in this consent condition "Approved Plans and Supporting Documentation" from enspire cannot be substituted by another water quality devices or mechanism.

The certificate shall be submitted to the Certifier prior to the release of the Subdivision Works Certificate.

Reason: Protection of the receiving environment.

## **25. Compliance with Ecologist's Recommendations – Pre-construction**

All impact mitigation measures specified in the approved Flora and Fauna Assessment (Kingfisher Version Final A dated 21 March 2025) and Vegetation Management Plan (Kingfisher Version 3 March 2025) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

## **26. No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Subdivision Works Certificate.

Details demonstrating compliance are to be submitted to the Certifier prior to issue of a Subdivision Works Certificate.

Reason: To protect native vegetation.

## **27. Engagement of Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with the revised Flora and Fauna Assessment (Kingfisher Version Final A dated 21 March 2025) and Vegetation Management Plan (Kingfisher Version 3 March 2025).

The Project Ecologist must have one of the following memberships / accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Certifier prior to issue of a Subdivision Works Certificate.

Reason: To protect native vegetation and wildlife.

## **28. Public Domain Landscape Plans**

Landscape Plans shall be issued under section 138 and 139 of the Roads Act for works in the road reserve to document the following:

- i) location of all share paths along Warriewood Road and internal roads in coordination with the Civil Plans,
- ii) street tree planting of three (3) *Lophostemon confertus* (Brushbox) trees along Warriewood Road verge, detailed in accordance with S-1 of the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain),
- iii) all other street trees as shown on the approved Landscape Plans shall be detailed in accordance with S-4 of the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain),
- iv) Street tree planting shall be the subject of documentation under a separate application under Section 138 and 139 of the Roads Act for works in the road reserve

Reason: To protect native vegetation and wildlife.

## **29. Submission of an Amended Plan of Subdivision**

Prior to issue of any Subdivision Works Certificate, an amended Plan of Subdivision which must be approved by Council. This amended plan of subdivision is to include:

- The inner creekline land in accordance with the Executed Planning Agreement and is to include Right of access for maintenance benefitting Northern Beaches Council. The dedication of this creek land is occur through the registration of the final Plan of Subdivision after any required rehabilitation works in the creek corridor are completed.
- Right of way on the alignment of the cycleway for public access and maintenance benefitting Northern Beaches Council.

Reason: To ensure the orderly development of land.

### 30. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Subdivision Works Certificate.

The CTMP must address following:

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

adversely affected by vehicles servicing the development site to undertake works or activity during site works.

- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
  - Compare the post-construction report with the pre-construction report,
  - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works. Should any damage have occurred, identify remediation actions taken.
  - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

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

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

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

### **31. 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 Subdivision Works 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.

### **32. Submission of Engineering plans for the construction of Lorikeet Grove and widening of Pheasant Way**

Engineering plans and specifications for all roads, drainage, streetscape and other civil engineering works required by this consent for the new Lorikeet Road extension and Pheasant Way Road widening are to be submitted to the Certifier for approval.

The application is to include Civil Engineering plans for the design of the works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1, The Warriewood Valley Roads Masterplan (WVRMP) June 2018 and Pittwater DCP 21 as relevant to achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan (Public Domain) dated October 2007. The plans shall be prepared by a Civil Engineer who is RPENG (NSW) or NER qualified.

The design must include the following information:

- a) The works in relation to the full length of Lorikeet Grove to include stormwater drainage works, full width road construction to match the existing western and eastern side constructed road widths of Lorikeet Grove, footpath works, landscaping works and line marking/signage. The engineering plans are to be generally in accordance with the concept engineering plans prepared by Enspire Solutions 220122-00 DA, C0 501 - Rev 9, C05.02 Rev 10, C0 601 Rev 4, C0 701 - Rev 4., C11.01 Rev 5, C17.01 Rev 4, C14.01 Rev4.
- b) Road shoulder and road pavement formation design is to be certified by a geotechnical engineer to satisfy the WVRMP for pavements to meet the ESA pavement design of 2x10<sup>^6</sup>.
- c) Provision of street lighting using Ausgrid standard lights/poles is to be provided in Lorikeet Grove and Pheasant Place.
- d) Undergrounding of power infrastructure for the full frontage at no cost to Council.
- e) Fire hydrants are to be spaced at appropriate intervals in accordance with the relevant specification.
- f) Stormwater drainage works as detailed on the Enspire Plan No 220122-00- DA C05.01 Revision 9, DA-C05.02 Rev 10, DA-C06.01 Revision 4, DA-C07.01 Revision 4, DA-C14.01 Rev 4.
- g) Details of the 2.5m shared pedestrian path which is to start at the existing approved alignment at Lot 10 DP 270946 Warriewood Road (denoted as F -Right of Footway 2.5m wide) and connect to the existing concrete footpath to the existing western formation of Lorikeet Grove. (adjacent to No 21 Lorikeet Grove Lot 12 DP 270730). The engineering plans are to be amended to deleted the 2.5m shared pedestrian path within the proposed Lorikeet Grove Road Reserve.
- h) The road reserve width of Lorikeet Grove is to be 16m.

The fee associated with the assessment and approval if Council is the certifier is to be in accordance with Council's Fee and Charges.

The engineering plans are to be approved by the Certifier prior to the issue of the Subdivision Works Certificate.

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

### **33. Flood effects caused by development**

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level, other than what has been approved in this development consent.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval, prior to the issue of a Subdivision Works Certificate.

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

### **34. Floor levels**

The building platform for the future dwelling on each lot is to be built as high at or above the Flood Planning Level, and large enough to provide adequate space for each dwelling particularly for the lots in the south-east corner.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval, prior to the issue of a Subdivision Works Certificate.

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

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

### **35. Tree Removal Within the Property**

This consent approves the removal of existing prescribed trees on the subject site as identified in the Arboricultural Impact Assessment. A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

### **36. Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.**

Reason: Compliance with the General Terms of Approval (GTA) issued by Department of Planning and Environment-Water.

### **37. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA2024/1079 provided by Council to Department of Planning and Environment-Water.**

Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required.

Reason: Compliance with the General Terms of Approval (GTA) issued by Department of Planning and Environment-Water.

The application for a controlled activity approval must include the following plan(s):

- Site plans
- Detailed civil construction plans
- Soil and water management plan
- Erosion and sediment control plans
- Construction stormwater drainage outlet plan
- Vegetation management plan
- Landscape plan
- Construction detailed basin design plans
- Construction detailed bulk earthworks plans

The plan(s) must be prepared in accordance with Department of Planning and Environment-Water's guidelines located on the website.

Reason: Compliance with the General Terms of Approval (GTA) issued by Department of Planning and Environment-Water.

### **38. 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.

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

### **39. Utilities Services**

Prior to the commencement of demolition works, written evidence of the following service provider requirements must be provided to the Principal Certifier:

- a) Electrical and telecommunications supply is to be undergrounded to all the lots. The undergrounding of utility services and pad mounted substations are to be located to minimise impacts public domain landscaping. A letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b) Street Facilities lighting is to be provided to all new and existing roads in accordance with the requirements of Ausgrid.
- c) All existing overhead electrical infrastructure is to be undergrounded for the Warriewood Road road reserve site frontage to the nearest power poles fronting adjoining properties in accordance with Ausgrid requirements.
- d) A written response from Sydney Water as to whether the proposed installation of the twin 900mm RCP stormwater line works subject to this consent would affect Sydney Water 1800mm main carrier line infrastructure, and whether further requirements need to be met in accordance with Sydney Water specifications.
- e) Other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of demolition works.

Reason: To ensure relevant utility and service providers' requirements are provided to the Principal Certifier.

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

### 40. Compliance with Biodiversity Impact Mitigation Measures - During Construction

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report and Vegetation Management Plan are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To avoid and minimise impacts to biodiversity.

### 41. Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

### 42. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected, including:
  - i) all prescribed trees within the site, or otherwise existing trees nominated for retention on the approved plans,
  - ii) all trees and vegetation located on adjoining properties,
  - iii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
  - i) tree protection shall be in accordance with AS4970 Protection of trees on development sites, and the recommendations of the approved Arboricultural Impact Assessment,
  - ii) the following arboricultural requirements shall be adhered to unless authorised by an Arborist with minimum AQF level 5 qualifications: existing ground levels shall be maintained within the tree protection zone of trees to be retained; removal of existing tree roots at or >25mm (Ø) diameter is not permitted; no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained; and structures are to bridge tree roots at or >25mm (Ø) diameter,
  - iii) the activities listed in section 4.2 of AS4970 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
  - iv) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373 Pruning of amenity trees,
  - v) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and
  - vi) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken as compliant to AS4970 Protection of trees on development sites.

Reason: Tree and vegetation protection.

### 43. 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.

#### **44. Implementation of Construction Traffic Management Plan**

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

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

#### **45. 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.

#### **46. Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

#### **47. Site filling - Virgin Excavated Natural Material (VENM)**

Where site fill material is necessary, fill materials must:

- 1) Be Virgin Excavated Natural Material (VENM) only, as defined in The Protection of the Environment Operations Act 1997.
- 2) 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.

The Applicant shall provide certification by a N.A.T.A. approved laboratory to the Principal Certifier for approval prior to importation of material.

Reason: To ensure protection of the natural environment.

#### **48. Flood effects caused by development**

There is to be no stockpiling of materials or fill between the creek and Lorikeet Grove, in case of flooding during construction.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

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

#### **49. Substitution of Stormwater Treatment Measures**

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

The end of line vegetated swale as shown on the Enspire engineering drawings and report as referenced in this consent condition “Approved Plans and Supporting Documentation” from Enspire cannot be substituted by another water quality devices or mechanism.

#### **50. Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom’s ‘Managing Urban Stormwater: Soils and Construction’ (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

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

Reason: Protection of the receiving environment.

#### **51. Riparian Corridors Vegetation Management**

The Biodiversity Management Plan annual report is to be delivered to Council on a yearly basis for a period of five years. Council access to the site must be allowed for inspection of the inner riparian corridor vegetation management.

The reports and Council visit are forming part of the Council approval process for the issue of the construction certificate for the inner constructed riparian corridor.

Reason: Biodiversity/Vegetation Conservation and Management.

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

#### **52. Compliance with Biodiversity Impact Mitigation Measures - Post Construction**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report and Vegetation Management Plan are to be implemented at the appropriate stage of development.

Written and photographic evidence of compliance is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To avoid and minimise impacts to biodiversity.

#### **53. Protection of Habitat Features – Certified by Ecologist**

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

#### **54. No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

#### **55. Priority Weed Removal and Management**

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

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

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

#### **56. Landscape Completion**

Landscape works are to be implemented in accordance with the approved Landscape Plans, unless otherwise imposed by conditions.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

#### **57. Signage and Linemarking – Implementation**

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 a Subdivision Certificate.

Reason: To ensure compliance with the Road Act.

#### **58. Certification of Works as Executed**

A registered surveyor is to certify that the finished ground levels have been constructed in accordance with this consent and the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

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

#### **59. Completion of Water Management Report**

The Applicant shall submit a Water Management Report certifying the all works associated with the water management system required under these conditions of consent and the Warriewood Valley Water Management Specification (February 2001) and submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure Stormwater Management has been built in accordance with the plans and specifications required under this consent.

#### **60. Certification of Water Management Report**

The Applicant shall submit a certificate from a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required within this development consent is to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure Stormwater Management has been built in accordance with the plans and specifications required under this consent.

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

### **61. No building works permitted above or below existing easements**

No building works are permitted above or below the existing sewer easement that traverses the site. The only exception is to allow for the creation of roads, driveways or fences.

Reason: To maintain access to existing infrastructure provisions and to ensure compliance with Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan.

### **62. Maintenance of creekline corridor**

No buildings are permitted within the inner or outer creekline corridor. The only exception is the provision of fences, driveways or roads. No dwellings or habitable areas are to be permitted within the creekline corridor.

Reason: To ensure compliance with Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan.

### **63. Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

### **64. Compliance with Biodiversity Impact Mitigation Measures - Ongoing**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report and Vegetation Management Plan are to be implemented at the appropriate stage of development.

Successful establishment/initiation of ongoing biodiversity measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Subdivision Certificate.

Reason: To avoid and minimise impacts to biodiversity.

### **65. Control of Domestic Dogs/Cats**

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife and habitat.

### **66. Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plans and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

#### **67. Flood Management**

There shall be no filling of the land below the 1% AEP flood level, other than what has been approved as part of this consent.

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

#### **68. Maintenance of Stormwater Treatment Measures - Major**

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

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

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome.

Evidence supporting the replacement must be retained on site and made available to Council as required.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: To maintain local environmental amenity.

### **CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

#### **69. Asset Protection Zones**

At the issue of subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, A suitably worded instrument(s) created pursuant to section 88 of the Conveyancing Act 1919 must be placed on the Proposed Lot 1 which requires the area identified in Figure 2: Bushfire Hazard Assessment prepared by Eco Logical Australia (Project No:24NEW8684, Version 2; dated 8 August 2024) to be managed as an Asset Protection Zone (IPA). The instrument may be extinguished from the lot where a lot has been developed and the hazard has been removed. The name of authority empowered to release, vary, or modify the instrument must be Northern Beaches Council.

At the issue of subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, A suitably worded instrument(s) created pursuant to section 88 of the Conveyancing Act 1919 must be placed on the Proposed Lots 3 and 4 which requires the area identified in Figure 2: Bushfire Hazard Assessment prepared by Eco Logical Australia (Project No:24NEW8684, Version 2; dated 8 August 2024) to be managed as an Asset Protection Zone (IPA) and prohibits the construction of buildings other than class 10b structures within the APZ. The name of authority empowered to release, vary, or modify the instrument must be Northern Beaches Council.

Reason: Statutory requirement

## 70. Construction Standards

At the issue of subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, a restriction to the land use pursuant to section 88B of the Conveyancing Act 1919, shall be placed on proposed Lot 2 and proposed Lots 3 & 4, immediately abutting Lorikeet Grove, requiring the construction of any dwelling, to be not less than BAL 29, under Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas.

Reason: Statutory requirement

## 71. Access – Public Roads

Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

Perimeter roads, such as the extension of Lorikeet Grove, must comply with the following requirements of Table 5.3b of Planning for Bush Fire Protection 2019:

- are two-way sealed roads;
- minimum 8m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstruction, including tree branches, is provided.

Non-perimeter roads, including the widening of Pheasant Place, must comply with the following requirements of Table 5.3b of Planning for Bush Fire Protection 2019:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstruction, including tree branches, is provided.

Cul-de-sac turning heads, must be provided to dead end roads incorporating either a minimum 12 metre radius turning circle or turning heads compliant with A3.3. Vehicle turning head requirements of Planning for Bush Fire Protection 2019.

Reason: Statutory requirement

## 72. Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:

- reticulated water is to be provided to the development where available;

- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - b) no part of a tree is closer to a power line than the distance set out in accordance with the speciation's in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer sheathed flexible gas supply lines are not-used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Reason: Statutory requirement

### **73. Certification of Council Drainage Works and Works as Executed Data in accordance with Local Government S68 Approval**

The Applicant shall submit certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 68 approved plans. Works as Executed data (details overdrawn on a copy of the approved drainage plan) certified by a registered surveyor in relation to boundaries and/or relevant easements prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' within the subject site, shall be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

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

### **74. Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval**

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Subdivision Works Certificate plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Principal Certifier for approval prior to the issue of the Subdivision Certificate.

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

### **75. Warriewood Valley - Dedication of Creek line Land Proposed**

A Subdivision Certificate must be issued by Council.

Prior to the issue of a Subdivision Certificate, the following documents are to be submitted to Council:

- A draft Plan of Subdivision which clearly identifies the allotment containing the inner creek line land to be dedicated to Council. The draft Plan must include a notation that the land is to be transferred to Council for a public reserve or drainage reserve.
- Works-As-Executed plans for all structures or facilities on the land to be dedicated to Council.

Reason: To provide for contributions in accordance with the Contribution Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Warriewood Valley Release Area.

#### **76. Works as Executed Drawings – Creek Works**

Works as Executed Drawings for the creek works, including surveyed levels, must be prepared and submitted to the Principal Certifier prior to the release of the Subdivision Certificate.

Reason: Enabling effective asset management

#### **77. Implementation of Biodiversity Management Plan**

All requirements in the Biodiversity Management Plan are to be implemented prior, during and post construction.

Details demonstrating compliance are to be certified by the project ecologist and submitted to the Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: Biodiversity/Vegetation Conservation and Management.

#### **78. Certification for Creek Works**

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the creek works have been completed in accordance with the creek and riparian plans approved at Occupation Certificate stage.

Council is to approve the constructed riparian and creek works approved at Subdivision Works Certificate stage prior to the issue of any Subdivision Certificate.

The engineer certificate and Council approval shall be submitted to the Certifier prior to the release of the Subdivision Certificate.

Reason: To ensure creek works are completed in accordance with the consent approval.

#### **79. Easement Creation**

The Applicant shall create an easement for drainage (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s). The stormwater drainage easement for the twin 900mm RCP stormwater lines located within the former Council drainage reserve is to be a minimum of 3.5m wide.

The Applicant shall create an easement for services (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all utility services are located within the appropriate easement(s).

The Applicant shall create an easement for stormwater drain water in favour of Council over the channel/floodway to encompass the 1 in 100 year recurrence frequency predicted water surface level, including a 500mm freeboard and a 500mm minimum margin in plan. The easements are to be detailed on the final plan of subdivision.

The Applicant shall create an easement for access and maintenance to the inner creek line corridor in favour of Council (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision.

The Applicant shall create an easement for access and maintenance of the alignment of the shared pathway in the outer creek line corridor in favour of Council (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.

#### **80. Landfill**

Where it is intended to place filling on the allotments to a depth greater than 0.5m, the fill shall be compacted in accordance with AS 3798-2007. Certification from a Geotechnical Engineer for the fill and compaction shall be submitted to Council for approval prior to the issue of the Subdivision Certificate.

Reason: To ensure landfill is managed appropriately.

#### **81. Positive Covenant for Drainage Structures**

The Applicant shall submit a positive covenant (under the provisions of Section 88B of the Conveyancing Act) to be created on the final plan of subdivision and accompanying 88B instrument.

The covenant will require the proprietor of the land to maintain the twin 900mm RCP stormwater line which is to be handed over to Council in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure ongoing maintenance of the on-site stormwater detention system

#### **82. Positive Covenant for On-site Stormwater Detention**

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, requiring the proprietor of the land to maintain the on-site stormwater detention structures and water quality systems in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate

Reason: To ensure ongoing maintenance of the on-site detention system.

#### **83. Provision of Services for Subdivision**

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure that utility services have been provided to the newly created lots.

#### **84. Restriction as to User (On-site Stormwater Detention)**

The Applicant shall create a restriction as to user (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument for the on-site stormwater detention and water quality systems, restricting any alteration or additions to the system.

The terms of such restriction are to be prepared to Council's standard requirements. Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure no modification to the on-site stormwater detention structure without Council's approval.

#### **85. Services**

The Applicant shall ensure all utilities/services and street lighting is installed. The Applicant is to submit a Certification stating the above requirement has been complied with by the relevant authority(s) and/or authorised contractor.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure services have been provided in accordance with the relevant authorities requirements.

#### **86. Certification of On-site Detention System (New Subdivision)**

A Certificate is to be submitted by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifier that the on-site stormwater detention system has been constructed in accordance with the approved subdivision works certificate and relevant conditions of Development Consent. The Subdivision Certificate will not be released until this certification has been submitted and the Principal Certifier has confirmed that this condition has been satisfied.

Reason: To ensure the On-site Detention System has been built to the appropriate standard.

#### **87. Sydney Water Compliance Certification**

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and fees 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.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

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

#### **88. Electrical Substations**

The applicant shall dedicate the land required for an electricity sub-station as a public road. The dedication is to be detailed on the final plan of subdivision, to be submitted to Council with the application for a Subdivision Certificate.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To comply with statutory requirements of the energy authority.

#### **89. Subdivision Certificate Application**

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

#### **90. Neighbourhood Management Statement Stormwater and private road infrastructure management**

A Neighbourhood management statement is to accompany the Community Management Plan and the Management Statement shall include wording in relation to the on going maintenance and renewal of:

- 1) The Stormwater management system including the on site stormwater detention tanks and water quality control devices. A maintenance and operation manual is also to be prepared for the stormwater management system and referred to in the management statement.
- 2) The private internal road infrastructure including street lighting, concrete footpaths, signage and services.

Reason: To ensure ongoing access for servicing of waste facilities.

#### **91. Title Encumbrances**

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure proper management of land.

#### **92. Easement for vehicular access**

An easement benefiting Lots 3, 4, and 5 and Councils waste vehicles over Pheasant Place, for vehicular access only must be provided upon the Title and 88B Instrument.

Reason: To ensure lawful vehicle access can be provided to residential allotments and for the collection of waste.

#### **93. Certification for the Installation of Stormwater Treatment Measures**

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

The certificate shall be submitted to the Principal Certifier prior to the release of a Subdivision Certificate.

Reason: Protection of the receiving environment.

#### **94. Stormwater Treatment Measures Operation and Maintenance Plan**

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

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

**A. Detail on the stormwater treatment measures:**

- a) Work as executed drawings.
- b) Intent of the stormwater treatment measures including modelled pollutant removal rates.
- c) Site detail showing catchment for each device.
- d) Vegetation species list associated with each type of vegetated stormwater treatment measure.
- e) Impervious area restrictions to maintain the water balance for the site.
- f) Funding arrangements for the maintenance of all stormwater treatment measures.
- g) Identification of maintenance and management responsibilities
- h) Maintenance and emergency contact information.

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

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

**Additionally for vegetated devices:**

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

**C. Maintenance schedule and procedure - ongoing**

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

Details demonstrating compliance shall be submitted to the Principal Certifier prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

#### **95. Works as Executed Drawings – Stormwater Treatment Measures**

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

The drawings shall be submitted to the Principal Certifier prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

#### **96. Dwelling density**

The building envelope plan prepared by Shawood is to be registered on Title (under the provisions of Section 88B of the Conveyancing Act) to ensure a minimum of 31 dwellings are provided upon the site. Dwellings are to be wholly located within the 'ground floor footing' area marked upon the plan. Any variation to the approved building envelope area will require development consent from Council in the form of a modification to the development consent. Northern Beaches Council shall be the sole authority to vary, release or modify this restriction.

Reason: To ensure compliance with Pittwater Local Environmental Plan 2014 dwelling density requirements within the Warriewood valley locality.

## **FINAL DECLARATION**

Consultant Name: Sonya Constantinou

In submitting this report to Council, I declare that I do not have a conflict of interest in making this recommendation.