

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0053
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Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot 7 DP 1251955, 121 Dove Lane WARRIEWOOD NSW 2102 Lot 1 DP 1266557, 111 Dove Lane WARRIEWOOD NSW 2102 Lot 4 DP 1251955, 101 Dove Lane WARRIEWOOD NSW 2102
Proposed Development:	Subdivision of land and construction of dwelling houses semi-detached dwellings and attached dwellings
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Morehuman Warriewood Pty Ltd
Applicant:	Craig & Rhodes Pty Ltd

Application Lodged:	25/02/2021
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Residential - Other
Notified:	10/03/2021 to 24/03/2021
Advertised:	10/03/2021
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 14,130,165.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development is for the staged 31 lot community title subdivision (undertaken in 2 stages) and construction of a total 31 residential dwellings, roads, drainage, landscaping and associated services for each lot.

The proposed staged development comprises of the following:

Stage 1 is for a community title subdivision consisting of 19 housing lots at 111 and 121 Dove Lane,

Warriewood, which when registered will be their own lot within a deposited plan, with a single community lot containing the laneway. Stage 1 will involve the:

- Construction of one (1) dwelling house (VILLA 1);
- Construction of six (6) semi-detached dwellings (SEMI 1-6);
- Construction of twelve (12) attached dwellings (TOWN HOUSE 1-12); and
- Construction of a "community property" laneway connecting Dove Lane and Fern Creek Road.

Stage 2 is for a community title subdivision consisting of 12 housing lots at 101 Dove Lane, Warriewood, which when registered will be on their own lot within a deposited plan, with a single community lot containing the laneway. Stage 2 will involve the:

- Construction of eight (8) attached dwellings (TOWN HOUSE 13 - 20);
- Construction of four (4) dwelling houses (VILLA 2 - 5); and
- Construction of a "common property" laneway connecting Dove Lane and Fern Creek Road.

The building form varies between two and three stories across the site, with some of the attached dwellings TH1 – TH 5 and semi-detached dwellings SM1-SM6 comprising of three stories with the third floor integrated in the roof form and reading as partially a floor within the roof.

The proposed development involves landscape planting within each individual site to be completed as part of the development works. Each laneway contains water quality and water quantity management devices to be maintained via the community title scheme.

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, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant 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 and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 6.1 Warriewood Valley Release Area
 Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
 Pittwater Local Environmental Plan 2014 - 7.3 Flood planning
 Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection
 Pittwater Local Environmental Plan 2014 - 7.10 Essential services
 Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
 Pittwater 21 Development Control Plan - C6.8 Residential Development Subdivision Principles
 Pittwater 21 Development Control Plan - C6.9 Residential Land Subdivision Approval Requirements
 Pittwater 21 Development Control Plan - D16.1 Character as viewed from a public place
 Pittwater 21 Development Control Plan - D16.5 Landscaped Area for Newly Created Individual Allotments
 Pittwater 21 Development Control Plan - D16.6 Front building lines
 Pittwater 21 Development Control Plan - D16.12 Fences
 Pittwater 21 Development Control Plan - D16.13 Building colours and materials

SITE DESCRIPTION

Property Description:	Lot 7 DP 1251955 , 121 Dove Lane WARRIEWOOD NSW 2102 Lot 1 DP 1266557 , 111 Dove Lane WARRIEWOOD NSW 2102 Lot 4 DP 1251955 , 101 Dove Lane WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of three (3) allotment located to the north of the existing section of Fern Creek Road and to the south of Fern Creek. The site will be accessed by the Fern Creek Road Extension to be built as approved under DA2018/1044 (currently an unformed road reserve). The site consists of three allotments being 101, 111 and 121 Dove Lane.</p> <p>The site is irregular in shape with a width from east to west of 240m and a depth of 54m, with the Fern Creek Road extension separating the two sites 101 and 111 Dove Lane. The site has a combined total area of 9,309.2m².</p> <p>The site is located within the R3 Medium Density Residential zone and is a vacant site, with no buildings upon it.</p> <p>The site has a moderate slope from the south to the north, with the steepest part of the site along the south-western boundary sloping up to the south. The site has a row of vegetation along the south-western boundary with a mixture of medium and tall trees. The central part of the site is void of significant canopy trees with low lying shrubs.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by</p>

Fern Creek to the north, surrounding vacant land identified for future residential development, and new residential dwelling development to the south along the existing section of Fern Creek road. Adjoining the southern boundary is the driveway/access handle for an existing residential property to the south. To the east is vacant residential land identified for future development.

Map:



SITE HISTORY

The land has been subject to a number of recent development applications to create residential development in the Warriewood Valley release area. A search of Council's records has revealed the following relevant history:

- DA2018/1044 'Subdivision to create Road Reserve and three development lots, extension of Fern Creek Road in an easterly and westerly extension and remediation of contaminated land' was approved by Northern Beaches Council on 15 May 2019.
- PLM2020/0251 - Prelodgement meeting was held for subdivision of the land into 33 Residential lots (and integrated housing) on 3 November 2020.
- DA2020/1727 - Subdivision of 121 Dove Lane to create three lots (being 2 residential lots and 1 residue lot) forming the first stage of the development of this sector within Warriewood Valley, approved by Northern Beaches Council on 20 August 2021.

Application History

The application was referred to the Design Sustainability Advisory Panel (DSAP) for comment. The DSAP supported the the overall scheme and offered some recommendations to improve further upon the development. The applicant provided a response to the DSAP comments and the DSAP recommendations are addressed later in this report.

As a result of internal and external referrals, additional information was required to address engineering, water management, strategic planning and the NSW Rural Fire Service. The applicant provided the necessary documentation to address these referral bodies and resolve the concerns/queries. The application was not required to be renotified as the design did not change or result in additional environmental impacts as a result of the additional information.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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	<p>Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018</p> <p>Phase one and two contamination investigations were undertaken for the previous subdivision application (DA20181/044) which created the residue lots and roads. The investigations found the site had a low risk of gross ground chemical contamination, however was impacted by some buried rubbish fill and two areas of environmental concern (AEC) were identified within the site.</p> <p>A Remediation Action Plan was prepared to address the AEC's and is required to be implemented (condition 34) under DA2018/1044. The subject development will occur subsequent to that approved under DA2018/044 (to create the roads) and therefore Council can be satisfied the site will be made suitable for a residential use, prior to any further subdivision of the land.</p>
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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 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 50(1A)</u> of the EP&A Regulation 2000 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 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to stormwater, response to DSAP, water</p>

Section 4.15 Matters for Consideration'	Comments
	<p>management and staging information. This information was provided and assessed by Council to resolve issues raised by Council's referral teams.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 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 93 and/or 94</u> of the EP&A Regulation 2000 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 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 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><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</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>(i) Environmental Impact 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) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
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.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land and the proposed development is for a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes / a special fire protection purpose under Section 100B of the Rural Fires Act 1997. As such, the proposal is integrated development and requires a bush fire safety authority from the NSW Rural Fire Service.

The application was referred to the NSW RFS as integrated development. The NSW RFS issued a bush fire safety authority, subject to conditions. The recommendations of the Bush Fire Report, along with the conditions from the NSW RFS as part of the bush fire safety authority, have been included as part of the recommended conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 10/03/2021 to 24/03/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Warriewood Residents Association Incorporated	25 Utingu Place BAYVIEW NSW 2104

The following issues were raised in the submissions and each have been addressed below:

- Will the council please ensure that the houses follow the guidelines contained in the master plan with regard to all its conditions and in particular dwelling density, height, colour scheme and landscape/planting for the gardens and street frontages. We would further ask that special mention of these conditions be include in the approval documents to alert any certifiers engaged to make certain that the master plan is followed as they will be made responsible for compliance.

The matters raised within the submissions are addressed as follows:

- Will the council please ensure that the houses follow the guidelines contained in the master plan with regard to all its conditions and in particular dwelling density, height, colour scheme and landscape/planting for the gardens and street frontages. We would further ask that special mention of these conditions be include in the approval documents to alert any certifiers engaged to make certain that the master plan is followed as they will be made responsible for compliance.*

Comment:

The above issues with regards to dwelling density, building height, colours and landscaping are assessed below in the assessment report and have been considered by the Design Sustainability Review Panel and the relevant experts in Council as part of the assessment of the application. The proposed development is compliant with dwelling density, height and is

supported by Council's landscape/urban design officers. An 88b restriction will be placed on the consent which required each lot to be developed in accordance with the approved building plans as part of this application to require adherence to the scheme as submitted.

REFERRALS

Internal Referral Body	Comments
Design and Sustainability Advisory Panel	<p>The application was referred to the Design Sustainability Advisory Panel (DSAP) for comment.</p> <p>The proposal was supported by the Panel and the following concluding comments were provided by the Panel:</p> <p><i>The Panel is very supportive of the proposal and the overall approach to the site planning built form and articulation, however the Panel recommends that the street design and landscape design be tested in greater detail to create a development that further complements its unique landscape setting.</i></p> <p><i>The recommended amendments to the design are relatively minor and should be incorporated in any revision to the design.</i></p> <p>The recommendations regarding the development were made by the Panel and these are responded to below, with the applicant also providing their separate response to each item of additional information provided to Council:</p> <p><i>1. Consider enhancing the public domain design and landscape character to further complement the landscape context.</i></p> <p><u>Comment:</u> The application was considered by Council's landscape officer where conditions have been recommended to amend the landscape plan as necessary to comply with the Warriwood Valley requirements. It is noted that Fern Creek Road and Dove Lane are approved under a separate application, however a street tree planting scheme is also shown on the proposed plans for this development which is to be implemented. Subject to adherence to the landscape officers conditions, the proposal is acceptable.</p> <p><i>2. Consider changing lanes into 10 km per hour shared ways with unit paving, landscape verges and no dedicated footpaths; This approach would also provide a safe precinct for children to play.</i></p> <p><u>Comment:</u> The applicant provided the following comments 'The current Dove Lane and Fern Creek Road are already approved under an existing DA Consent DA2018/1044 with dedicated footpath proposed in the road reserve. We disagree with reducing the speed to 10km/hr considering the site is adjacent to the future public reserve to the north which would be a more appropriate area for children to play.'</p> <p><i>The above requirement for 10km/h speed limits could be implemented as part of a local committee requirement and the applicant not incorporating this into the design does not carry sufficient weight to refuse the application.</i></p> <p><i>3. Permeable paving would create a better response to stormwater management and a</i></p>

Internal Referral Body	Comments
	<p><i>greater sense of the housing being in a landscaped rather than urban setting.</i></p> <p><u>Comment:</u> The applicant has met the required water quality treatments under the Pittwater DCP and the laneways are also required to facilitate waste collection, which could result in long term maintenance issues if permeable paving was used. The applicant not incorporating permeable paving into the design does not have sufficient weight to refuse the application.</p> <p><i>4. Consider a 30 km per hour maximum speed throughout the development.</i></p> <p><u>Comment:</u> The applicant has no objections to this and the issue of speed limits is a matter for the local traffic committee.</p> <p><i>5. Co-ordinate tree planting in the public domain with car movements, by testing car swept paths with tree trunks and canopies in the traffic model;</i></p> <p><u>Comment:</u> Council's waste team have confirmed that waste collection is required to occur from the laneways, which limits the ability of canopy tree planting in the laneways. The remaining landscaping in the road reserve is accepted by Council's landscape team.</p> <p><i>6. Consider planting trees and shrubs in private lots before sale of the houses;</i></p> <p><u>Comment:</u> The applicant has confirmed landscaping is proposed as part of the integrated housing development and this will form part of the 88b, that the development is carried out in accordance with the approved plans which includes landscaping.</p> <p><i>7. Prepare a comprehensive and detailed landscape plan that encompasses public domain and private lots and is maintained through all stages of the project.</i></p> <p><u>Comment:</u> The landscape plan is acceptable by Council's landscape officers and they have imposed additional conditions for the construction certificate for additional detail upon the landscaping plans as part of the CC.</p> <p><i>8. Alternative arrangements for waste management should be investigated with the aim of reducing the pavement width in laneways or having garbage collected from the end of laneway. This may lead to some alteration of Lane/street alignments and swept paths or alternative engagement of private contractors.</i></p> <p><u>Comment:</u> This issue was discussed with the Waste team following the DSAP meeting, however, Council's waste team require waste collection from the laneways and do not accept an outcome where residents are required to wheel bins to a centralised collection point, waste collection from directly outside the property is expected from the community in this type of development for individual dwelling houses. The laneway widths have been designed to minimum dimensions to allow waste collection to occur from laneways as demonstrated by the swept paths submitted with the engineering plans.</p> <p>Overall, the proposed development was supported by the DSAP and the applicant has provided an adequate response to the recommendations, with none of the recommendations having sufficient weight for refusal of the application due to not being adopted in the design. The development is considered acceptable with regards to landscaping and waste collection by Council's referral officers.</p>

Internal Referral Body	Comments
Assessment - Fire and Disability upgrades	No objections to proposed construction of a staged medium density residential development with 31 dwellings, subdivision, and associated works. No additional/special conditions required.
Environmental Health (Contaminated Lands)	<p>General Comments</p> <p>The subject site had a Phase 1 & 2 contamination assessment undertaken by GeoEnviro in September 2017 which identified areas of environmental concern. Buried rubbish fill was identified therefore a Remedial Action Plan was developed in May 2018. Council will apply appropriate conditions relating to remediation of the subject land.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Environmental Health (unsewered lands)	<p>General Comments</p> <p>This application seeks consent for residential development upon unsewered land. And as such, Council's Environmental Health team are required to consider the likely impacts. Sydney Water have a main sewer line in close proximity therefore appropriate conditions be applied.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Landscape Officer	<p>The development application is for a proposed staged medium density residential development. The development is to be undertaken in two stages, including:</p> <ul style="list-style-type: none"> • Stage 1 is for a community title subdivision consisting of 19 housing lots at 111 and 12 Dove Lane, Warriewood, containing one (1) dwelling house, six (6) semi-detached dwellings, twelve (12) attached dwellings, and construction of a "community property" laneway connecting Dove Lane and Fern Creek Road. • Stage 2 is for a community title subdivision consisting of 12 housing lots at 101 Dove Lane, Warriewood, containing eight (8) attached dwellings, four (4) dwelling houses, and construction of a "common property" laneway connecting Dove Lane and Fern Creek Road. <p>The application is assessed by Landscape Referral against the following Pittwater Development Control Plan:</p> <ul style="list-style-type: none"> • D16.1 Character as viewed from a public place • D16.5 Landscaped Area for newly created individual allotments • D16.12 Fences <p>Landscape Concept Plans and a Arboricultural Impact Assessment are provided with the development application.</p> <p>Development consent DA2018/1044 provides approved streetscape works to the road verge (footpath, street trees and landscaping) in accordance with Public Domain Plan sheet No. 1 and Conditions of Consent 9 - Road verge landscaping and infrastructure, that is documented as Dove Lane and Fern Creek Road on the Landscape Concept Plans.</p>

Internal Referral Body	Comments
	<p>The proposed development will result in the removal of five (5) high retention value trees eleven (11) low retention value trees, impacted by development works without a design alternative to retain.</p> <p>Landscape Referral provide no objection to the development proposal.</p>
NECC (Bushland and Biodiversity)	<p>The Flora and Fauna Assessment has addressed the impacts of the subdivision development against the relevant biodiversity legislation and controls, including the Biodiversity Conservation Act, cl.7.6 Biodiversity of Pittwater LEP and P21 DCP controls. The report concluded that up to 0.14 ha of native vegetation may be cleared as part of the future development construction works, and will not trigger the area thresholds criteria and a BDAR will not be required. Therefore the assessment satisfies the controls and is supported subject to conditions.</p>
NECC (Development Engineering)	<p>UPDATED COMMENTS</p> <p>The majority of the previous issues have been addressed no objections to the community and dwelling construction subdivision subject to conditions.</p> <p>PREVIOUS COMMENTS</p> <p>The application for the community title 2 stage subdivision was reviewed and cannot be supported for the following reasons:</p> <ol style="list-style-type: none"> 1) The DRAINS model has been reviewed and is generally acceptable however the design engineers certification is to be provided that the model has been prepared in accordance with the Warriewood Valley Water Management Plan and Australian Rainfall and Runoff 2017 Certification is to be prepared by a RPENG or NER qualified Civil Engineer accordingly. 2) The design engineer is also to review the 5% AEP storm for the OSD tank 2 catchment the predeveloped flows appear to exceed the post development flows. 3) It is also noted that the previous Section 138A roads act application previously approved by council (S138A 2021/0007) for the Stage One Dove Lane Roads and drainage system provided a comprehensive upstream catchment DRAINS model. All upstream and site up to the 1 % AEP storm event plus climate change are contained within the proposed Dove Lane pit and pipe/road drainage system and downstream 1500mm RCP pipe which will be connected to Fern creek. 4) The applicant is also to provide a draft community management statement that contains laws referencing the maintenance of all community facilities including the Water quality and quantity devices including OSD tanks, swales, filter cartridges etc. A separate operations and maintenance manual is to be prepared by the design engineer for all the water quality and quantity stormwater treatment devices/ OSD tanks. It is noted that the current paragraph in the stormwater management report references Council as having maintenance responsibilities.
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The development is for the subdivision and construction of dwelling houses. The delivery of civil infrastructure such as roads and drainage has been completed as part of a previous Development Application. In this previous application the drainage infrastructure was sized to cater for the 1% AEP plus climate change rainfall event. This ensures that none of the proposed dwellings or allotments are identified as being below the Flood Planning Level subject to any residential flood related development controls.</p>

Internal Referral Body	Comments
NECC (Water Management)	<p>The supplied documentation has been assessed satisfactory.</p> <p>The proposed stormwater treatment chain includes rain water tanks (with reuse), proprietary gross pollutant trap and proprietary cartridges filters (inside OSD tank) prior to the connection to Fern Creek via a stormwater pipe system.</p> <p>The proposed treatment chain size and location is satisfactory and meets the Council stormwater quality objectives.</p> <p>Due to the sensitivity of the downstream environment it is imperative that an erosion and sediment management strategy is developed to ensure protection of this area. Construction activity and scheduling impacting on the downstream environment requires further assessment to determine acceptable water quality and water quantity thresholds during construction.</p> <p>It is required that a project ecologist is involved before and during construction to ensure sediment and erosion controls measure are suitable to guarantee the protection of the downstream environment with specific attention to preservation of possible red-crowned toadlet (<i>Pseudophryne australis</i>) population.</p> <p>Should the applicant demonstrate that this is achieved, the application can be supported on this basis conditions of consent are provided.</p>
Road Reserve	<p>There is limited impact on existing Council road infrastructure. There are no details of road widths, provision of footpath. Development engineering to provide condition regarding design of public road and footpath network.</p>
Strategic and Place Planning (Urban Design)	<p>The proposal is to create 33 dwellings comprising of 5 villas, 6 semi-detached, 20 townhouses and 2 sub-divided lots. The proposal has addressed the following issues identified during Pre-Lodgement Meeting:</p> <ol style="list-style-type: none"> 1. Proposal to comply with the Voluntary Planning Agreement (VPA) between Frasers Development and Northern Beaches Council and Reference Council Documents: <ol style="list-style-type: none"> a. Warriewood Valley Landscape Masterplan and Design Guidelines, August 2018 (WVLMDG) b. Warriewood Valley Roads Masterplan, August 2018 (WVRM) <p>Response: DA-2018/1044 was granted on approval on 15 May 2019 for subdivision for development lots, an extension to Fern Creek Road, drainage infrastructure and remediation. The DA placed environmentally sensitive parts of the former site in a separate lot (now under public ownership) and created a structure for future development to deliver a new public and medium density housing adjoining a vegetated ridgeline and creek corridor.</p> 2. The WVRM states that laneways are not suitable for single frontage lots and must not be the primary street frontage for any buildings. The proposed laneways should be upgraded to Access Streets with Traffic Lane Widths Total 7.5m carriageway to cater for traffic, parking, cyclists. Cycle Lane to share roadway with vehicles, Verge Width 2.5m on both sides, Footpath Width 1.5m on one side of the carriageway. Total Road Reserve Width 12.5m minimum (Refer WVRM & WVLMDG for more information)

Internal Referral Body	Comments
	<p>Response: The proposed lane is a 6m wide carriageway that is clear at all times of on-s parking or any other obstructions to facilitate waste collection.</p> <p>3. Fern Creek Road is a Local Street with share-path/cycleway to be provided. (Refer W & WVLMGD for more information)</p> <p>Response: A 1.5m wide footpath will be provided to one side of Fern Creek Road aligni with the footpath for the adjoining properties in accordance with approved DA2018/1044</p> <p>4. Built form controls and information in line with the LEP/DCP controls to be provided w Development Application (such as building footprint/layout /height, one/ two storey buildi envelope controls, boundary setbacks, private open-space area/garage/driveway locatio sunlight/ privacy analysis, etc)</p> <p>Response: The proposal complies substantially with the built form controls except for m variations to the front setback for Semi 1, Semi 2 and Townhouse 12; side setbacks to u floor of Townhouse 6 and 20. The variations can be supported as the proposed built forr well articulated generally and the proposal fronts on to a park across Dove Lane.</p> <p>5. With the driveway locations determined, public domain amenity and facilities such as trees, footpath, street parking/ lighting location, etc can be located.</p> <p>Response: Public domain amenities have been provided.</p> <p>6. Compliance with the 25% (semi/ townhouse) to 35% (villa) of site area for open space requirements to be demonstrated.</p> <p>Response: Open space requirement calculations have been provided demonstrating compliance.</p> <p>7. Solar access to Private Open Space (Clause D16.9 DCP) of 2 hours of direct sunlight demonstrated.</p> <p>Response: Solar access compliance has been demonstrated.</p> <p>8. More built form variations/ articulations should be introduced to create streetscape int Building break of 1.5m minimum width to be provided between every 3 attached dwelling the same lot width (Clause C6.8 DCP). More information on the Villas should be provide</p> <p>Response: Built form variations/ articulations have been incorporated to create streetsc interest.</p> <p>9. More details on material finishes to be provided.</p> <p>Response: Appropriate material finishes have been provided.</p>
Strategic and Place Planning (S94 Warriewood Valley)	<p>Introduction</p> <p>This assessment is informed by the additional information received by Council on 17 Jur 2021 and whether these additional details resolves the concerns initially raised by Strate and Place Planning (S&PP) in its response of 6 April 2021 (TRIM 2021/213624).</p> <p>The description of this development, based on the Statement of Environmental Effects prepared by City Plan reads as follows:</p> <p><i>Medium density residential development with 31 dwellings and subdivision to be undertaken in 2 stages. Specifics and details of the proposed development, in</i></p>

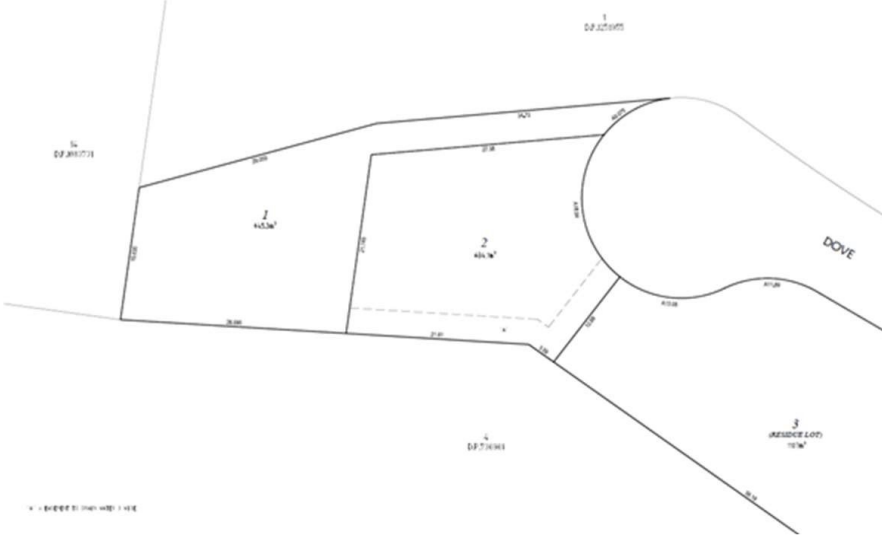
Internal Referral Body	Comments
	<p><i>accordance with the information provided in the Statement of Environmental Effect prepared by City Plan Strategy & Development Pty Ltd (in January 2021), as follows:</i></p> <p>Stage 1 is for a community title subdivision consisting of 19 housing lots at 111 and Dove Lane, Warriewood, which when registered will be their own lot within a deposit plan, with a single community lot containing the laneway. Stage 1 will involve the:</p> <ul style="list-style-type: none"> • Construction of one (1) dwelling house (VILLA 1); • Construction of six (6) semi-detached dwellings (SEMI 1-6); • Construction of twelve (12) attached dwellings (TOWN HOUSE 1-12); and • Construction of a "community property" laneway connecting Dove Lane and Creek Road. <p>Stage 2 is for a community title subdivision consisting of 12 housing lots at 101 Dove Lane, Warriewood, which when registered will be on their own lot within a deposit plan, with a single community lot containing the laneway. Stage 2 will involve the:</p> <ul style="list-style-type: none"> • Construction of eight (8) attached dwellings (TOWN HOUSE 13 - 20); • Construction of four (4) dwelling houses (VILLA 2 - 5); and • Construction of a "common property" laneway connecting Dove Lane and Creek Road. <p><i>The proposal includes on-site stormwater detention tanks beneath the private access ways of the development</i></p> <p>Assessment of additional information (received 17 June 2021)</p> <p>The additional information provided by the developer after the request for information is as follows:</p> <ol style="list-style-type: none"> 1. We agree and can accept a condition of consent that obligations under VPA2018/0 need to be met prior to issue of Subdivision Certificate. 2. Noted and no further action required. Note we have also met with DSAP and from that meeting was the development complies with Council controls and provides a high standard of architectural quality and landscape treatment. There is also a wide diversity of housing types and design is reflected by diverse material selection which is thoughtfully considered. 3. Please refer to attached Sketch-0008 with assist understanding of the overall site staging. <ul style="list-style-type: none"> • Stage 1 – DA01 (DA2020/1727) – Will be the 2 Residential Lot T Lot and 1 Residue Lot under Torrens Title Subdivision. • Stage 2 – DA02 (DA2021/0053) – 19 Integrated Housing Lot and 1 Community Lot Community Title Subdivision. NB – <i>this involves the residue lot under DA2020/1727</i> • Stage 3 – DA03 (DA2021/0053) – 12 Integrated Housing Lot and 1 Community Lot Community Title Subdivision. • We are seeking to register to subdivision for DA2021/0053 before Construct Certificate of the individual allotments.

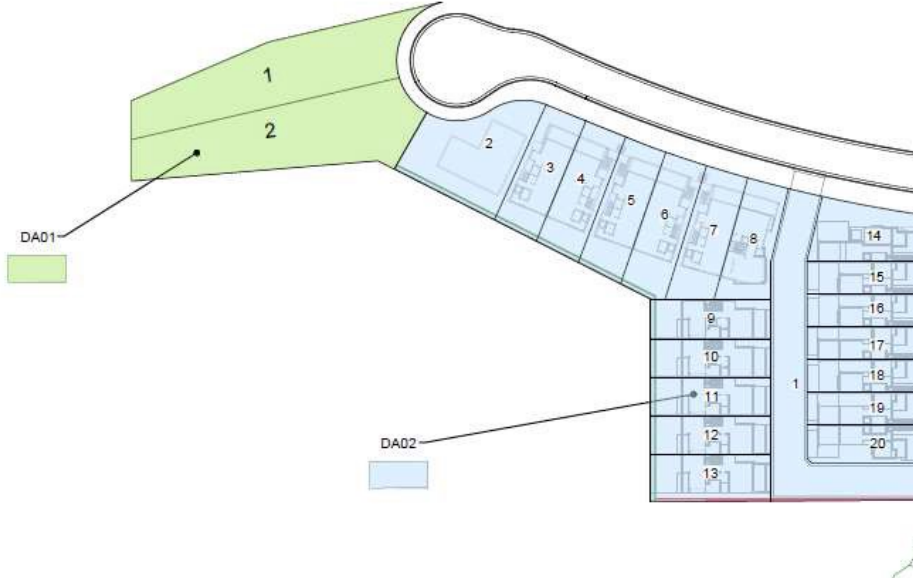
Internal Referral Body	Comments												
	<p>4. Noted. The full detailed maintenance regime can be adequately addressed as a DA condition of consent similar to other developments in the area. Note the Community Management Statement will state the water management devices will be the Community Association's responsibility and a Stormwater maintenance manual will be provided prior to Issue of Subdivision Certificate.</p> <p>It is understood that a bushfire report has now been submitted and considered by NSW as the DA involves subdivision of bushfire prone land. The additional information has been assessed against the original issues raised by S&P (shown below in italix), namely:</p> <p><i>1. The obligations under the Executed Planning Agreement VPA2018/0001, registered on the Title of the properties the subject of this DA, are still to be completed before Subdivision Certificate can be issued for any residential subdivision.</i></p> <p><i>Additionally, DA2020/1727 (still undetermined) seeks to create a parcel that is part of this development (the current DA2021/0053); a Subdivision Certificate cannot be issued regarding DA2020/1727 until such time as the obligations under the subject Executed Planning Agreement have been complied with.</i></p> <p>Updated S&PP Response Clause 5 of the Executed Planning Agreement specifically relates to Contributions and Acknowledgements of the Executed Planning Agreement and sets out the contributions the Developer (as the part of the obligations of the PA) and that the contributions are to be provided "prior to the issue of any Subdivision Certificate for residential development of the Developer Land". Schedule 4 – Developer Contributions of the PA reads as follows:</p> <p>Schedule 4 – Developer Contributions (clause 5) 1. Contributions <i>The Developer agrees to provide the Developer Contributions in accordance with Schedule in the manner set out in the table below:</i></p> <table><tr><th></th><th>Column 1</th><th>Column 2</th></tr><tr><th>Item</th><th>Contributions</th><th>Delivery Event and Timing</th></tr><tr><td>1</td><td>Fern Creek Road Works</td><td>Construction of an extension of Fern Creek Road, including on-street parking, street trees and footpath (but excluding parking bays on the reserve side) and dedication of land to the Council by the Developer at no cost to the Council in accordance with clause 2 of this Schedule 4 prior to the issue of any Subdivision Certificate for residential development of the Developer Land</td></tr><tr><td>2</td><td>East-West Road Works</td><td>Construction of a new east-west road connecting Fern Creek Road with the eastern half of Sector 9, including new on-street parking, street trees and footpath (but excluding parking bays on the reserve side) and dedication of land to the Council by the Developer at no cost to the Council in accordance with Clause 2 of this Schedule 4 prior to the issue of any Subdivision Certificate</td></tr></table>		Column 1	Column 2	Item	Contributions	Delivery Event and Timing	1	Fern Creek Road Works	Construction of an extension of Fern Creek Road, including on-street parking, street trees and footpath (but excluding parking bays on the reserve side) and dedication of land to the Council by the Developer at no cost to the Council in accordance with clause 2 of this Schedule 4 prior to the issue of any Subdivision Certificate for residential development of the Developer Land	2	East-West Road Works	Construction of a new east-west road connecting Fern Creek Road with the eastern half of Sector 9, including new on-street parking, street trees and footpath (but excluding parking bays on the reserve side) and dedication of land to the Council by the Developer at no cost to the Council in accordance with Clause 2 of this Schedule 4 prior to the issue of any Subdivision Certificate
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Internal Referral Body	Comments
	<p>for residential development of the Developer Land.</p> <p>3 Stormwater Infrastructure Establishment Works - Developer Construction of the section of stormwater infrastructure that is required to be located within the Fern Creek Road Works at a cost to the Council in accordance with Clause 4 of this Schedule prior to the issue of any Subdivision Certificate for residential development of the Developer Land.</p> <p>4 Monetary Contribution to undergrounding power lines Contribution of 50% of the total cost to Council of undergrounding the high voltage power lines that run along the current boundary of 9 and 12 Fern Creek Road to be undertaken prior to the issue of any Subdivision Certificate for residential development of the Developer Land.</p> <p>The Developer contributions as per the Executed PA regarding the construction of roads (being the extension of Fern Creek Road and the East-west Road) and the stormwater infrastructure as part of the extension of Fern Creek Road are the subject of the development consent (DA2018/1044). On 31 May 2021, Council issued a Roads and Stormwater Infrastructure approval for the construction of the roads and associated stormwater infrastructure (being the subject of the Developer contributions stated in the PA above) – TRIM2021/46978 and TRIM2021/469796, 2021/469814. However, it does not appear that a Construction Certificate has been issued specifically for the construction of these infrastructure items the subject of the Roads Act approval and the Developer contributions of the Executed PA.</p> <p>Additionally, part of the subject property is a re-subdivision of properties (under DA2020/1727) which is not yet determined. If this is the only issue delaying determination of this DA (DA2021/0053), there is an option to impose a condition 1 to DA2020/1727, via a Deferred Commencement Consent, for DA2020/1727 to be approved before the Consent can be commenced.</p> <p><u>Assessment Officer Comment:</u> DA2020/1727 has been approved, this is resolved.</p> <p>2. It is understood that this subject DA seeks to construct a total 31 dwellings, with a dwelling range permitted for the subject land of “not more than 33 dwellings or less than 26 dwellings” as specified by Clause 6.1 of Pittwater LEP.</p> <p>A related DA, DA2020/1727, creating the lot that is subject of this DA will also create residential lots. In the event that DA2020/1727 and this DA (DA2021/0053), the balance of dwellings permitted under the dwelling range is 2. This results in a dwelling per residential lot under the subdivision DA2020/1727, and to exceed 2 dwellings (being the balance) will result in prohibited development as the dwelling range under Clause 6.1 of Pittwater LEP is not a development standard (see Lotus at Pittwater Council; Karara at Pittwater Council).</p> <p>Given the size and dimensions of the two residential allotments, and what has been submitted for the subject DA as integrated housing (as known under the Pittwater LEP), there is opportunity to consider a redesign that improves efficient use of residentially zoned land and enhance the overall design of the subdivision and individual dwellings on each allotment.</p>

Internal Referral Body	Comments
	<p>Updated S&PP Response</p> <p>The applicant has noted the advice from S&PP “to consider a redesign to improve efficient use of residential zoned land and enhance the overall design of the subdivision and individual dwelling on each allotment”. The applicant states that the design is compliant and no further action is required due to earlier meetings with DSAP (Design & Sustainability Advisory Panel). However, according to the Northern Beaches DSAP Charter, the panel are advisory only and do not have authority in relation to assessing applications.</p> <p>It is understood that part of the land (the subject of the current DA) is to be created from DA2020/1727 that is not yet determined as there was a requirement for a bushfire report submitted to ascertain the treatment of the bushfire hazard on the lots under DA2020/1727. Confirmation has been sought as to whether that DA is capable of accommodating the remaining dwellings allocated (1 dwelling per lot) or otherwise. As it is yet to be determined that the Asset Protection Zone can be reasonably accommodated and there is no impediment for a dwelling to be accommodated on each of the two residential lots and future treatment of the ‘residue’ lot under DA2020/1727; uncertainty with the current DA remains.</p> <p>The treatment of the bushfire hazard also applies to the current DA. For that reason, our advice remains - that the applicant take the opportunity to consider a redesign that improves efficient use of residential zoned land and enhance the overall design of the subdivision and individual dwelling on each allotment.</p> <p>It is the responsibility of the Assessment Officer to determine if the proposed residential subdivision, particularly those identified as bushfire prone land is able to accommodate the Asset Protection Zone, the water management and impervious area modelled for each lot (as per Pittwater DCP Controls D16.4 and 16.5) and the dwelling on same; whilst ensuring that the overall impervious area and landscaped area for the total subdivision is in accord with C6.7 under Pittwater DCP. Concern is also raised that the Water Management response does not appear to assess the Water Management Specifications for Warriewood Valley as required under Pittwater DCP Control C6.1 (TRIM2021/513105).</p> <p>Should the Assessment Officer determine that, on balance, to recommend approving the current DA whilst DA2020/1727 is not determined, then the option may be via a Deferred Development Consent to ensure that the part of the land is created by an approved subdivision DA.</p> <p>Notwithstanding the above, this DA seeks consent for 31 dwellings and is within the permitted dwelling range. Development contributions have been calculated on the 31 dwellings, based on the published contribution rate for 2021/22 under the Warriewood Valley Contribution Plan. It is acknowledged that NSW RFS are still to provide their concurrence to this DA under Division 4.8 of the Environmental Planning and Assessment Act, and should their response require changes to the development in particular the quantum of residential lots or dwellings under this DA then it should be referred to S&PP – Development Contributions to recalculate the development contributions applicable to the development before determination.</p> <p><i>Assessment Officer Comment: DA2020/1727 has been determined and amended plans received to address the bushfire issue, providing an area for a dwelling in each lot outside Bushfire APZ. In regards to DA2021/0053, the Rural Fire Service have provided an amended set of General Terms of Approval in consultation with the applicant to ensure the Bushfire APZ's work with the proposed lot and dwelling configuration, this issue has been resolved.</i></p>

Internal Referral Body	Comments
	<p><i>assessment has been undertaken by the assessing officer with regards to the impervious of each individual lots and it is found the lots achieve the minimum impervious area (notwithstanding the minimum 4m dimension being varied, see detailed discussion later report).</i></p> <p><i>In regards to the assessment of Water Quality, additional information was requested by Council's Water Quality Management Team and the applicant provided additional details to the satisfaction of the Water Quality Management Officer, therefore this issue is considered resolved by the relevant Water Quality Expert at Council.</i></p> <p><i>3. The staging sequence for this DA remains unclear and it is up to the applicant to provide the staging sequence, specifically:</i></p> <p><i>Is the applicant seeking to register the subdivision before Construction Certificate or Occupation Certificate of the individual allotments?</i></p> <p>Updated S&PP Response</p> <p>The applicant advised that they are seeking to register the subdivision - to create 31 allotments - under Community Title before Construction Certificate for each dwelling. The applicant has provided a staging plan SK0008, indicating that this DA will be undertaken in two stages,</p> <ul style="list-style-type: none"> • Subdivision of Community Lot (Lot 1) and 19 residential lots (lots 2 to 20 inclusive) and construction of dwellings in the western area (known as Stage 2 on the submitted Plans) • Subdivision of Community Lot (Lot 1) and 12 residential lots (lots 2 to 13 inclusive), and construction of dwelling in the eastern area (known as Stage 3 on the submitted Plans). <p>The Assessing Officer has advised, via email dated 2 August, that the staging sequence for each Stage will be subdivision of lots and construction of associated infrastructure and then construction of dwellings on each created lot.</p> <p>Development contributions calculated for this development is on the basis of:</p> <ul style="list-style-type: none"> • Stage – subdivision of lots in the western area (known as Stage 2 on the submitted Plans) and then construct a dwelling on each lot. This will result in an approved 19 dwellings • Stage – subdivision of lots in the eastern area (Stage 3 on the submitted Plans) showing lots 2 to 20 inclusive) and then construct a dwelling on each lot. This will result in an approved 12 dwellings <p>Although the total 31 new lots and dwellings will be achieved, the DA is seeking to have the development so the contributions payable for each stage should be imposed if the DA is approved.</p> <p>Notwithstanding the above, the following matters need to be resolved by the Assessing Officer:</p> <p>a) There is also no detail on how this adheres with Control C6.9 (under Pittwater L</p>

Internal Referral Body	Comments
	<p>to ensure that the approved dwellings are built on the concurrent lots if the lots are registered first.</p> <p>b) The applicant's overall site staging plan SK008 includes the lands the subject of DA2020/1727 (for the creation of 2 residential lots and a residue lot) as the residue is part of the development site for the current DA2021/0053. Nonetheless, SK008 is inconsistent with DA2020/1727 in terms of the lot boundaries and is a concern given the relationship of both DA's. This should be rectified before either DA is determined.</p> <p><u><i>Assessment Officer Comment:</i></u> An 88b restriction will be placed on the title to require the lots to be developed in accordance with the approved plans. The applicant provide an updated subdivision plan for DA2020/1727 which conforms to the arrangement in the staging plan SK008, with this arrangement approved under DA2020/1727.</p> <div style="display: flex; align-items: flex-start;"> <div style="flex: 1;"> <p>This plan is from DA2020/1727 showing the subdivision to create the 2 residential allotments and the residue lot. The residue lot will be part of the development site under DA2021/0053. This Plan, provided under the current DA, identifies different boundaries for the residential allotment (shaded in green) under the DA2020/1727</p> </div> <div style="flex: 2;">  </div> </div>

Internal Referral Body	Comments
	 <p>c) It is the Assessment Officer's responsibility to assess the individual dwellings on each allotment including the water management and landscaped area requirements for individual residential lots, under Controls D16.4 and D16.5 respectively.</p> <p>d) A condition should be included on any development consent that a Section 88B Instrument being prepared to ensure that the approved dwelling under this DA is to be built on the respective residential lots under the approved subdivision.</p> <p>e) Should the Assessment Officer determine that, on balance, to recommend approval of the current DA whilst DA2020/1727 is not determined, then the option may be via Deferred Development Consent to ensure that the part of the land is created by an approved subdivision DA.</p> <p><u>Assessment Officer Comment:</u> An assessment has been carried out with regards to the landscaped area of each lot and is considered later in the report, with the total amount of landscaped area achieved for each lot (notwithstanding a variation to the 4m minimum dimension for some lots). An 88b restriction will be applied to the consented development in accordance with the approved building plans. DA20201727 has been approved, this is resolved.</p> <p>4. The water management for the overall subdivision/dwellings appear to be wholly contained on land labelled "Community Property". Nonetheless, details of the maintenance regime for the proposed water management facility should be provided for Council's consideration to ensure they are maintained to an appropriate standard in perpetuity.</p> <p>Updated S&PP Response</p> <p>The applicant has indicated that the proposed underground OSD/WSUD tanks, for Stage 1 and Stage 3 of this development (DA2021/0053), are located underneath the Accessway (Community Lot). Nonetheless the following concerns are raised:</p>

Internal Referral Body	Comments
	<p>a) the referral responses from NECC has not addressed the Water Management Specification for Warriewood Valley nor deduced that the subdivision includes water management facilities and impervious area requirements in accord with Pittwater LDC Control C6.1. (TRIM2021/513105)</p> <p>b) It is the responsibility of the Assessment Officer to determine if the proposed residential lots particularly those identified as bushfire prone land is able to accommodate the Asset Protection Zone, the water management and impervious modelled for each lot (as per Pittwater DCP Controls D16.4 and 16.5) and the dwelling on same; whilst ensuring that the overall impervious area and landscaped area for total subdivision is in accord with Control C6.7 under Pittwater DCP.</p> <p>The applicant submitted a draft Neighbourhood Management Statement (2021/490344) however there is no reference to the Stormwater Filter and Maintenance Manual submitted with this DA. Given the submission of the Neighbourhood Management Statement, the Assessment Officer should seek advice from Waste Management on the collection of waste receptacles for this development.</p> <p>An updated Neighbourhood Management Statement will be required, to include the maintenance requirements specified in the Stormwater Filter and Maintenance Manual, relevant, Waste Officer comments and any other maintenance of private infrastructure to ensure the private infrastructure is maintained to an appropriate standard in perpetuity. This should be a condition on any development consent.</p> <p><i><u>Assessment Officer Comment:</u> Council's development engineer has imposed conditions require the an 88b to be prepared 'requiring the proprietor of the land to maintain the on-stormwater detention structure in accordance with the standard requirements of Council. This condition could capture this requirement for the Stormwater Filter and Maintenance Manual be included in the maintenance requirements in the 88b. Council's engineers have included this condition prior to CC that 'The detailed design of all works associated with the water management system must provide for a complete system, which meets the objectives and requirements of the Warriewood Valley Water Management Specification (February 2007). The system is to be in accordance with the revised Water Management Report in accordance with condition C1.' Therefore, the requirements are picked up in the conditions of consent recommended by Council's engineers.</i></p> <p><i>Council's waste team have recommended a condition that the Neighbourhood Management Statement address Waste collection in accordance with Council's Waste Management Guidelines. Council's waste team support the proposal and are satisfied collection can occur from the laneways.</i></p> <p>Development Contributions:</p> <p>The Warriewood Valley Section 94 Contributions Plan Amendment 16 Revision 3 (the Plan) applies to all new developments in the Warriewood Valley Release Area. The Plan, prepared in accordance with legislative requirements, provides the mechanism by which development contributions can be levied on developments within the catchment area for the WWV Contributions Plan. Additionally, it addresses the public services and facilities that will be required to meet the needs of the future residents and workers of the Release Area.</p> <p>The subject development seeks to create 31 residential allotments, a dwelling in each lot (total 31 dwellings). The contribution rate (applicable for the 2021/22 financial year) is \$7</p>

Internal Referral Body	Comments
	<p>per dwelling/lot.</p> <p>The contribution amount for Stage 2 (\$71,548 x 19 lots or dwellings) = \$1,359,412.00</p> <p>The contribution amount for Stage 3 (\$71,548 x 12 lots or dwellings) = \$858,576.00</p> <p>A condition will be imposed clearly stating the amount payable, and that the contribution amount will be adjusted at time of payment in accord with the Plan.</p> <p>IN the event there are changes in the quantum of residential lots or dwellings being applied under this DA, then it should be referred to S&PP – Development Contributions to recalculate the development contributions applicable to the development before determination</p>
Traffic Engineer	<p>The proposal seeks for a staged medium density residential development with 31 dwellings and subdivision, at 101, 111 and 121 Dove Lane, Warriewood. There are 62 parking spaces provided for the proposed 31 dwellings.</p> <p>Reviewing the development application with respect to its traffic impact and parking provision the proposal is considered acceptable in the context of Warriewood Valley Master plan. It is subject to the proposed access streets to allow for kerbside parking to accommodate parking spaces for the visitors.</p> <p>The proposed access streets and lane ways are subject to the detailed assessment of the development engineers.</p> <p>In view of the above, the proposal is supported on traffic and parking grounds.</p>
Waste Officer	<p>Waste Management Assessment</p> <p>This proposal requires assessment of both the subdivision and the dwellings. Conditions of consent have been provided for both including one special condition for the subdivision.</p> <p>If more than one community association is created from this subdivision then the conditions of consent apply equally to both.</p> <p>Recommendation - approved subject to conditions.</p> <p>Ray Creer Waste Services Officer</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of</p>

External Referral Body	Comments
	consent.
Integrated Development – NSW Rural Fire Service - Rural Fires Act (s100B Subdivisions and Special Fire Protection Purposes under)	<p>The site is classified as bush fire prone land and the proposed development is for a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes / a special fire protection purpose under Section 100B of the Rural Fires Act 1997. As such, the proposal is integrated development and requires a bush fire safety authority from the NSW Rural Fire Service.</p> <p>The application was referred to the NSW RFS as integrated development. The NSW RFS issued a bush fire safety authority, subject to conditions. The recommendations of the Bush Fire Report , along with the conditions from the NSW RFS as part of the bush fire safety authority, have been included as part of the recommended conditions of consent.</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 considered to be acceptable against.

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

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7(1)(a) of SEPP 55 requires the consent authority to consider whether land is contaminated.

Phase one and two contamination investigations were undertaken for the previous subdivision application (DA20181/044) which created the residue lots and roads. The investigations found the site had a low risk of gross ground chemical contamination, however was impacted by some buried rubbish fill and two areas of environmental concern (AEC) were identified within the site.

A Remediation Action Plan was prepared to address the AEC's and is required to be implemented (condition 34) under DA2018/1044. The subject development will occur subsequent to that approved under DA2018/044 (to create the roads) and therefore Council can be satisfied the site will be made suitable for a residential use, prior to any further subdivision of the land.

SEPP 65 - Design Quality of Residential Apartment Development

Clause 4 of State Environmental Planning Policy No. 65 – Design Quality for Residential Apartment Development (SEPP 65) stipulates that:

(1) This Policy applies to development for the purpose of a **residential flat building, shop top housing or mixed use development with a residential accommodation component** if:

- (a) the development consists of any of the following:
 - (i) the erection of a new building,
 - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
 - (iii) the conversion of an existing building, and
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
- (c) the building concerned contains at least 4 or more dwellings.

As previously outlined the proposed development is for the erection of attached dwellings, semi-detached dwellings and detached dwellings.

The definition of a 'residential flat building' under the PLEP 2014 specifically excludes 'attached dwellings' and therefore, SEPP 65 does not apply to the attached dwellings within the development. Similarly, SEPP 65 does not apply to the semi-detached dwellings within the development as a semi-detached dwelling is a building containing only 2 dwellings and do not fit the definition of a residential flat building.

Therefore, as per the provisions of Clause 4 outlining the application of the policy, the provisions of SEPP 65 are not applicable to the assessment of this application.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application to cover each of the proposed residential dwellings in each stage (see Certificate No.1169578M dated 1 February 2021 (12 dwellings) and 1169532M dated 1 February 2021 (19 dwellings)).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	53

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. Ausgrid provided a response raising no objection subject to their usual safety terms to adhere to which will be included in the consent conditions.

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	No minimum lot size	Proposed lots between 172sqm and 383.3sqm	N/A	N/A
Height of Buildings:	10.5m	All comply, Max 10.4m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.6 Subdivision - consent requirements	Yes
4.3 Height of buildings	Yes
6.1 Warriewood Valley Release Area	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

Detailed Assessment

6.1 Warriewood Valley Release Area

The subject land sits within Sector 901C, 901G and 9 Fern Creek Road. The control requires that

Prior to granting development consent, Council must also be satisfied of the following matters contained in sub clause (4):

1. *Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the proposed development will not have any adverse impact on any of the following:*
 - a. *opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors, and*
 - b. *the water quality and flows within creek line corridors, and*
 - c. *the stability of the bed, shore, and banks of a watercourse within creek line corridors.*

Council's water quality management team and biodiversity team have considered the application and are satisfied the proposed development will not have an adverse impact on the water quality and flows into Fern Creek. The subject development is a sufficient distance away from the Fern Creek creekline to not have a direct impact on stability or the shoreline of the watercourse or impact opportunities for creekline rehabilitation.

Council is therefore satisfied in regards to the matters under sub clause (4).

7.2 Earthworks

The objective of Clause 6.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(f) the likelihood of disturbing relics

Comment: The site is not mapped as being a potential location of Aboriginal or other relics.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment: The proposed development has been assessed by Council's Water Management team with regards to the impacts upon Fern Creek, with the proposed development acceptable subject to conditions.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: Conditions are included in the recommendation of this report that will minimise the impacts of the development.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment: The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014, Pittwater 21 DCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

7.3 Flood planning

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

(a) is compatible with the flood hazard of the land, and

Comment: The development has been assessed by Council's Flood Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development is compatible with the flood hazard of the land.

(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

Comment: The development has been assessed by Council's Flood Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.

(c) incorporates appropriate measures to manage risk to life from flood, and

Comment: The development has been assessed by Council's Flood Engineers. The Engineers have

raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development incorporates appropriate measures to manage risk to life from flood.

(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

Comment: The development has been assessed by Council's Flood Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Comment: The development has been assessed by Council's Flood Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

7.6 Biodiversity protection

Before determining a development application for development on land to which this clause applies, this clause requires the consent authority to consider:

(a) whether the development is likely to have:

- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and*

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, Council can be satisfied that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land; the importance of the vegetation on the land to the habitat and survival of native fauna; or the habitat elements providing connectivity on the land. Council is also satisfied that the development will not unreasonably fragment, disturb, or diminish the biodiversity structure, function, or composition of the land.

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, Council can be satisfied that the proposal includes appropriate measures to avoid, minimise, or mitigate the impacts of the development.

Before granting development consent, this clause also requires the consent authority to be satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
 (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, Council can be satisfied that the development is designed, sited and will be managed to any significant adverse environmental impact.

7.10 Essential services

Under this clause, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
 (b) the supply of electricity,
 (c) the disposal and management of sewage,
 (d) stormwater drainage or on-site conservation,
 (e) suitable vehicular access.

Comment:

Council is satisfied that the necessary services are available or can be made readily available to service the site as needed, for the residential development to occur.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	1.5m articulation zone 3m facade 4m to garage (front loaded) Secondary street 1m	All dwellings 1.5m All dwellings 3m to 4m SM1 & SM3 3m, remainder 4m All comply except TH20 - 0.9m	N/A N/A 25% 10%	Yes Yes No (SM1 & SM3 only) No (TH20 Only)
Rear building line	Rear loaded lots 0.5m to garage	0.5m provided	N/A	Yes
	Front loaded >20m deep 4m ground 6m upper	4m ground and 6m upper	N/A	Yes
	Front loaded <20 deep 4m ground and upper	4m ground and 4m upper	NA	Yes
Side building line	Attached dwellings 0.9m on detached side	0.9m	N/A	Yes
	Detached dwellings lots >9m wide	0.9m ground and 1.5m	N/A	Yes

	0.9m ground and 1.5m upper	upper for detached dwellings		
Private Open Space	Lots <9m wide min 16sqm, 3m width	Each provide >16sqm and 3m	N/A	Yes
	Lots >9m wide min 20sqm, 4m width	Each provide >20sqm and 4m	N/A	Yes
Landscaped area	Lots <9m 25% (3m dimensions) Lots 9m to 14m 35% (4m dimensions) Lots >14m 45% (4m dimensions)	25-35% 47% 35%-37%	N/A N/A 22%	Yes Yes No

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

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
B1.4 Aboriginal Heritage Significance	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
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
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
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.15 Storage Facilities	Yes	Yes
C1.23 Eaves	Yes	Yes
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
C6.6 Interface to Warriewood Wetlands or non-residential and	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
commercial/industrial development		
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	Yes	Yes
C6.11 Additional Specifications for development of Sector 901A to 901H	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	No	Yes
D16.6 Front building lines	No	Yes
D16.7 Side and rear building lines	Yes	Yes
D16.9 Solar access	Yes	Yes
D16.10 Private and Communal Open Space Areas	Yes	Yes
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes
D16.12 Fences	No	Yes
D16.13 Building colours and materials	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

The DCP requires two (2) off-street spaces are provided per dwelling. The proposed development consisting of 31 dwellings (a variety of detached dwellings, semi-detached dwellings and townhouses) provides a minimum of 2 off street car spaces per dwelling within a garage, with the town house developments providing a garage accessed off a laneway.

C6.8 Residential Development Subdivision Principles

The DCP contains a control that requires a building 'break' between every third building in a row of attached dwellings. The DCP states this break should be provided by a 'larger lot width, an indentation in the dwelling with a width and depth of 1.5m on both levels, a housing product of a different width, a detached housing product'.

There are three rows of attached dwellings or 'terrace houses' as part of the development, these terrace house rows containing 5, 7 and 8 dwellings.

The design does not strictly adhere to the DCP with regards to a 'break' every 3 dwellings, however the terrace house rows provide a highly articulated roof form with a distinct smaller break between every dwelling in the row which breaks down the bulk and scale and provide a style of housing the reflects a more detached style of development, rather than a traditional row of terrace houses. The applicant has put forward the following justification:

- *The mass of the attached dwelling is articulated through variations in roof form, projecting balcony bays and variation in the façade line. The articulation breaks down the building into smaller elements so that it has a bulk and scale more akin to that of a lower density residential development. This approach differs to that prescribed by Councils controls which seek a break*

between every third dwellings but achieves a similar same streetscape outcome. This is illustrated in the architectural elevation extracted below at Figure 15.



Furthermore, the DSAP Panel considered this urban form and provided the following comment on the bulk, scale and articulation of the development:

- *The plans indicate that the proposal will comply with the relevant built form controls in the Pittwater DCP. The Panel commends the predominantly 2 storey scale with an articulated skyline of pitched roofs and dormer windows. The well articulated built form creates a unified group of small scaled dwellings and a sense of identity for the whole development.*

Notwithstanding the technical non-compliance with the control requiring break every three dwellings, the development overall is considered well articulated and provides a comprehensive approach to this particular sector in Warriewood Valley by providing a medium density development that complies with the dwelling yield range, providing dwellings with high amenity and a quality architectural outcome. As seen in the above extracts, the buildings present as two stories with a roof form from the main street address, with the detached style roof form breaking down the scale and massing of each building as viewed from the public domain and this is considered an acceptable architectural outcome. The proposal meets the intent of the control, which is to reduce the bulk and scale of continuous rows of terrace housing (that could potentially be up to 3 stories as per the 10.5m height limit).

C6.9 Residential Land Subdivision Approval Requirements

This proposed development comprises of a dwelling typology which fits within all of the three development pathways for subdivision and 'Integrated Housing' under the PDCP. The proposal involves

both detached housing on lots greater than 225sqm or 9m width (Pathway 1), abutting dwellings on lots less than 225sqm or 9m width (Pathway 2a) and attached dwellings on lots less than 225sqm or 9m width (Pathway 2b).

The applicant has provided a total scheme for the 31 lot subdivision which includes full building plans for all detached dwellings, semi-detached dwellings and attached dwellings. The applicant has advised that the development is to occur in two stages, with Stage 1 being the western half of the site comprising of Villa 1 (detached dwelling), SM1-SM6 (abutting dwellings) and TH1-TH12 (attached dwellings) and Stage 2 being the eastern half of the site comprising of Villa 2 to Villa 5 (detached dwellings) and TH13 - TH20 (attached dwellings). Each stage includes construction of a laneway to service the attached dwelling or 'townhouses'.

Pathway 2a and 2b requires a full set of dwelling plans to be provided, which has been provided and forms part of the approval of this application. Dwelling plans have been provided for the detached dwellings under Pathway 1 as well. To ensure that development occurs in accordance with the approved plans Pathway 2a and 2b require an 88b instrument to be placed on the title of the land requiring that only the approved building can be built (as per the requirements of the DCP). As all buildings are proposed to be built as part of the application, an 88b will be applied across the whole development (including the detached dwellings under Pathway 1).

The applicant proposes to complete the subdivision of land firstly for each stage, followed by construction of each building upon the land within each stage.

Pathway 1 and Pathway 2a which applies to the abutting dwellings (SM1-SM6) and detached dwellings (V1-V5) requires that the subdivision is completed prior to the issue of any construction certificate, which is consistent with what the applicant is proposing to do.

Pathway 2b requires the subdivision to occur prior to the issue of any occupation certificate for the dwellings, which is also consistent with the applicants proposed pathway as it is proposed to subdivision the land first, prior to any construction or occupation.

Therefore, with an 88b imposed requiring each lot to be developed in accordance with the approved plans, the development is consistent with the minimum requirements for each pathway under the DCP and development can occur in an orderly way.

D16.1 Character as viewed from a public place

The DCP requires that only a single garage door is provided for lots <12.5m wide or not exceeding 40% of the lot width. The semi-detached dwellings (SM1-SM5) which have a lot width of between 8.2m-8.3m provide a double garage for each dwelling, however every second dwelling having a garage facing the street and the second garage perpendicular to the street facing an internal driveway.

This results in the streetscape only presenting one garage door for every second lot and not exceeding 40% of the lot combined lot width (being 27% of the combined lot width). This is considered to meet the intent of the control by reducing the dominance of garages upon the streetscape and provides the benefit of providing two undercover car spaces for each dwelling which is desirable in the locality given its proximity to public transport.

The DSAP Panel specifically commented on this design feature stating that "The applicant is commended for innovative car parking arrangements such as the shared car park entries to SM1 to SM5. The car parking arrangements are generally supported." Council concur with these comments and this arrangement is shown in figure 1 later in this report (below) and overall the garage door is only 27% of the lot width and in accordance with the intent of the control.

D16.5 Landscaped Area for Newly Created Individual Allotments

DCP Control

The DCP requires that 25% of the site area is landscape open space (minimum 3m dimensions) for lots with a width of less than 9m. This control applies to SM1-SM6 and TH1-TH20 and these lots are compliant with the minimum 25% landscape area control, with some sites well over 25% (TH12, TH13 and TH20)

Villa 1 to Villa 5 has a lot frontage over 14m and therefore requires 45% landscaped area with minimum dimensions of 4m. Villa 1 to Villa 5 have a landscape area of 35% to 36% when including those areas with a minimum 4m dimension. However, when including those areas less than 4m for Villa 1 to Villa 5, this results in an overall landscape area of 45%, meeting the general intent of the control and landscape outcomes for the precinct.

Therefore, the proposed development overall is considered to meet the landscape outcomes of the Warriewood Valley Release area and in addition is supported by a landscaping plan which is supported by Council's Landscape Officer.

Council's Water Management Team and development engineers have reviewed the proposal with regards to the Water Quality outcomes for Warriewood Valley and the proposal is considered acceptable subject to conditions of consent.

Merit Consideration

As there is a technical numerical non-compliance due to the dimensions of the landscape area, the proposal is considered against the outcomes of the control as follows:

Conservation of significant natural features of the site and contribution to the effective management of biodiversity.

Comment: The proposal results in an acceptable outcome with regards to tree removal as assessed by Council's biodiversity and landscape officers. Some tree removal is required along the south-western boundary which is acceptable given the changing nature of Warriewood Valley and replacement planting is proposed.

Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place.

Comment: Council's landscape officer supports the landscape scheme for the proposal and the proposal provides sufficient areas of landscaping to provide canopy trees and a landscape setting for the Warriewood Valley.

Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing biological diversity and ecological processes.

Comment: Council's biodiversity officer and landscape officer support the proposal, along with the water quality team with regards to impacts upon Fern Creek.

The area of site disturbance is minimised.

Comment: The overall percentage of landscaped area is met, notwithstanding the technical non-

compliance with the dimensions of 4m required for Villa 1 to 5.

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

Comment: Council's stormwater engineers have reviewed the proposal and support the proposal subject to conditions, including sediment and erosion control. The compliant total amount of landscaping results in stormwater runoff being reduced and the water quality/quantity targets able to be achieved for the precinct.

Landscaped areas should be predominately areas of deep soil.

Comment: A deep soil zone is provided in the front and rear setback capable for accommodating plants.

New development is blended into the streetscape and neighbourhood through the retention and enhancement of vegetation.

Comment: The landscape plan provides a variety of canopy trees and medium height landscape screening to soften the development and provide a landscape setting within the street. There are not particular significant trees to be located throughout the site and the land is largely vacant.

To ensure a reasonable level of privacy and amenity is provided within the development site and maintained to neighbouring properties.

Comment: The landscape scheme enhances privacy between dwellings and the proposed development will not have unreasonable impacts upon any adjoining properties.

The proposed development is consistent with the outcomes of the control and the variation to the control is supported in this particular circumstance.

D16.6 Front building lines

DCP Control

The DCP requires a front setback of 4m to the garage a dwelling when it is facing a road (other than a laneway). All of the garages to the front loaded dwellings provide a minimum 4m setback with the exception of SM1 and SM3 (semi-detached dwellings). These semi-detached dwellings use a shared driveway arrangement to provide a double garage for each dwelling whilst limiting the visual presence of garages fronting the street. This specific issue was considered by the DSAP where the following comment was made of this arrangement:

- "The applicant is commended for innovative car parking arrangements such as the shared car park entries to SM1 to SM5. The car parking arrangements are generally supported."

Council agrees with the above comment with regards to the setback of the garages for semi-detached dwelling SM1 and SM3 and this element of the garage does not present a garage door to the street, with side loaded garages provided via a shared driveway.

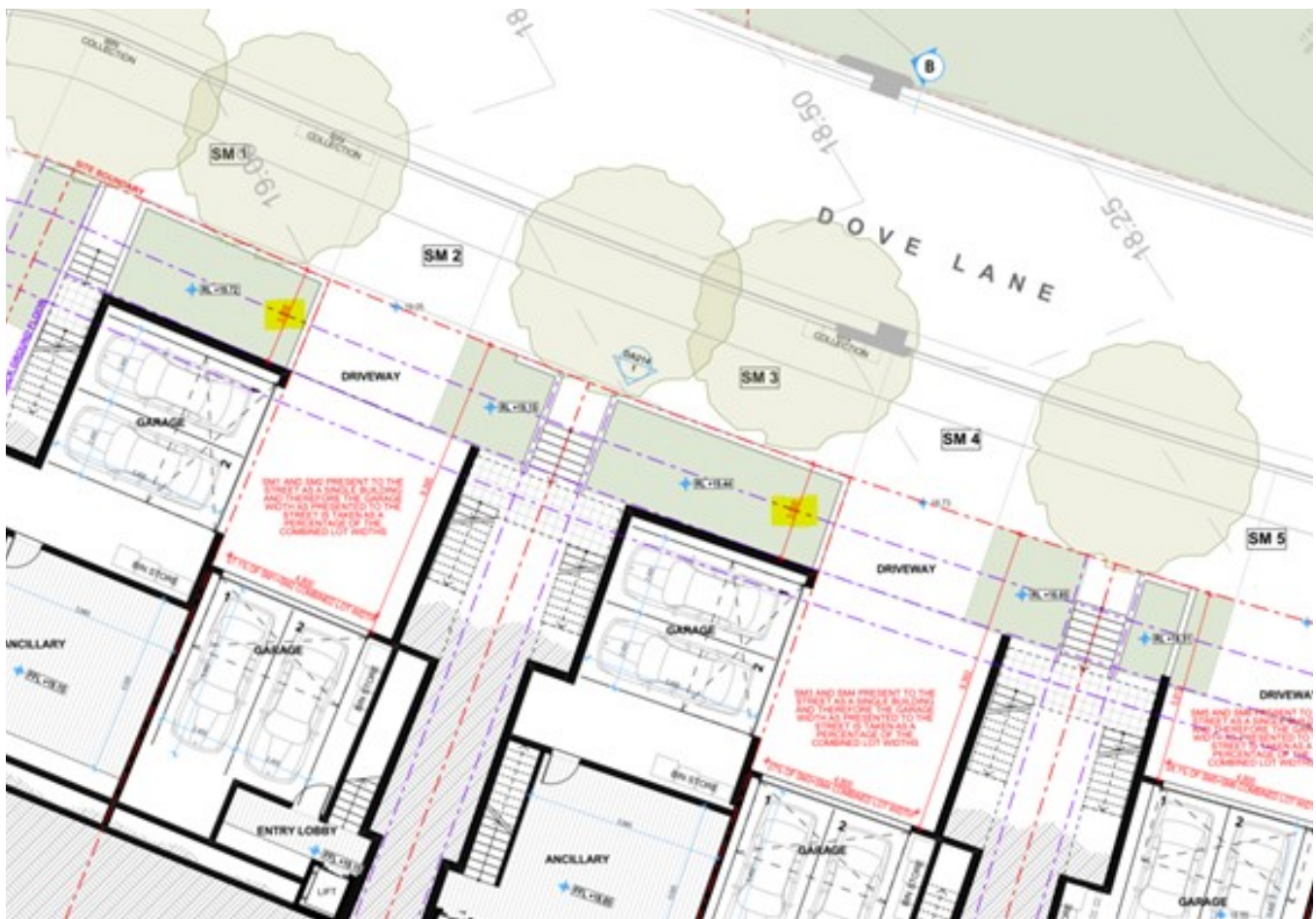


Figure 1 - Site plan of garages setback SM1 and SM3

E-01(B) NORTH ELEVATION - DOVE LANE
1:100

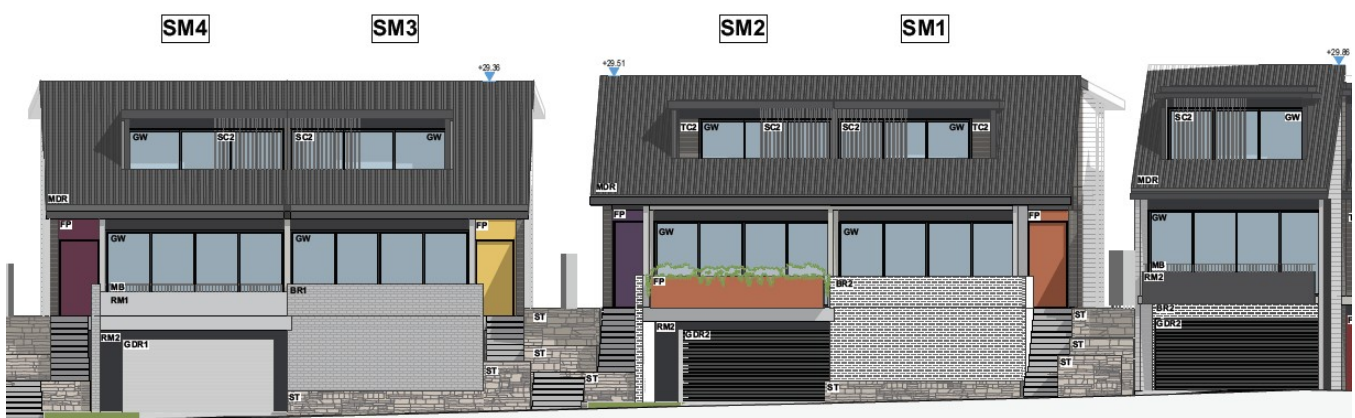
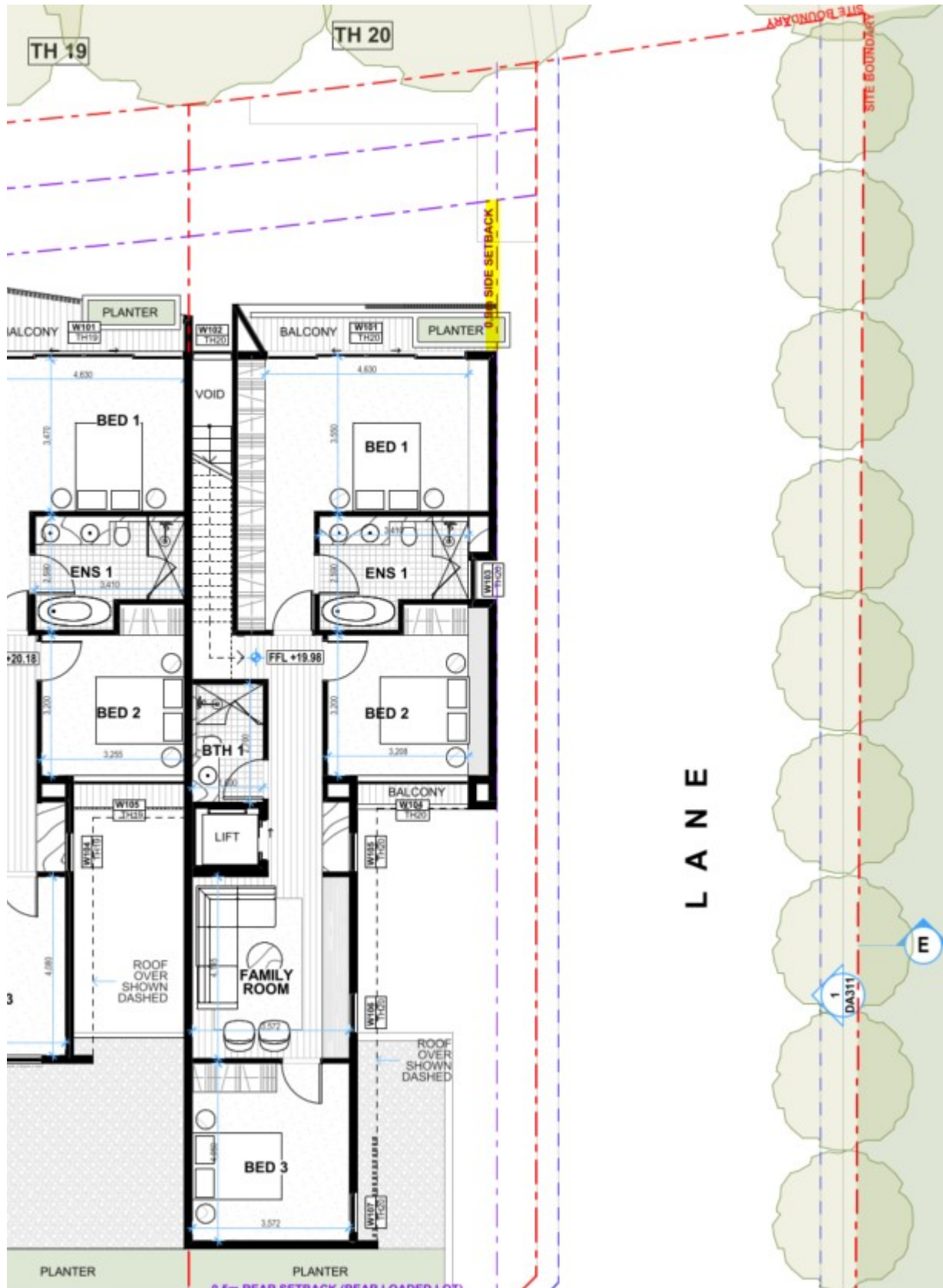


Figure 2 - Street elevation of SM1 and SM3.

The DCP requires a secondary street setback of 1m. The dwelling TH20 (townhouse) as a portion of the dwelling wall setback 0.9m instead of 1m. The below extract shows the area of non-compliance. It

is considered this is a minor non-compliance and 0.1m will not be visually discernible from the street level and the remainder of this facade is well in excess of the setback providing additional articulation.



Merit Assessment

In considering the variation to the control the proposal is assessed against the outcomes as follows:

To achieve the desired future character of the Locality.

Comment: The proposed development is a mixture of detached dwellings, semi-detached dwellings and attached 'town houses' which is the envisaged style of development for the R3 Medium Density Zone in the Warriewood Valley release area. The buildings are well articulated and have landscaped front setbacks which contribute to a consistent style of development in the newly developing area.

The area of site disturbance is minimised and soft surface is maximised.

Comment: The proposal achieves appropriate areas for soft landscaping to allow site drainage and landscape outcomes consistent with Council's controls.

The bulk and scale of the built form is minimised.

Comment: The garage is a single storey element with the remaining upper floor setback a compliant amount for each dwelling. The minor encroachment of the secondary street wall (0.1m) is not considered to render the proposal visually excessive and the development will remain consistent with the bulk and scale envisaged by the planning controls.

To achieve a consistent built form alignment in the streetscape, which is spacious and attractive, enhanced by tree planting within the front setback.

Comment: The garage wall is not further forward than the minimum 3m facade alignment and sufficient area of landscape planting is provided in the remaining setback area, supported by Council's landscape officer.

Equitable preservation of views and vistas to and/or from public/private places.

Comment: The proposal does not result in any view impacts.

Vegetation and natural features of the site are retained and enhanced within the site design to screen the visual impact of the built form.

Comment: There are no particular significant natural features to be retained in the front setbacks of the buildings. Sufficient area of landscaping is available for the establishment of trees to soften the building form.

Encourage tandem carparking opportunities on narrow lots and minimise the visual prominence of parking structures in the streetscape.

Comment: The proposed design for the semi-detached dwellings garages limits the presence of garage doors on the street by providing the combined driveway, which is consistent with this particular objective.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.

Comment: The non-compliance does not result in additional privacy, solar or view impacts.

The proposed development demonstrates consistency with the above outcomes and therefore the variation to the control is supported in this particular circumstance.

D16.12 Fences

DCP Control

The DCP requires that no fencing is used forward of the building line. The proposed town house developments include 0.9m height front fencing to assist in delineating the private courtyard.

However, Council's landscape officer has recommended that the front fencing be deleted (condition 10) and replaced with landscaping or garden beds, consistent with the requirements of the DCP to provide soft landscape treatment to the front setback areas.

The proposal will be compliant with this requirement, subject to the condition.

D16.13 Building colours and materials

The majority of external finishes incorporates mid and dark greys, along with dark and earthy tones throughout the development for the walls and roofs. Some lighter elements consisting of light grey are used in places throughout the development as feature walls to provide articulation and provide a mixture of treatments, breaking down the bulk and scale of the building. This is considered acceptable as the vast majority of the development provides a high quality finish and colours in accordance with the colour schedule for Warriewood Valley. The proposal is also supported by Council's urban design officer and the DSAP panel. Pure white finishes are not used, which is consistent with the Warriewood Valley colour schedule.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

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 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/0053 for Subdivision of land and construction of dwelling houses semi-detached dwellings and attached dwellings on land at Lot 7 DP 1251955, 121 Dove Lane, WARRIEWOOD, Lot 1 DP 1266557, 111 Dove Lane, WARRIEWOOD, Lot 4 DP 1251955, 101 Dove Lane, WARRIEWOOD, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
0574-DA200, Rev D	15/01/2021	PopovBass
0574-DA201, Rev E	15/01/2021	PopovBass
0574-DA203, Rev A	15/01/2021	PopovBass
0574-DA204, Rev E	15/01/2021	PopovBass
0574-DA205, Rev B	15/01/2021	PopovBass
0574-DA206, Rev E	15/01/2021	PopovBass
0574-DA207, Rev E	15/01/2021	PopovBass
0574-DA208, Rev E	15/01/2021	PopovBass
0574-DA209, Rev E	15/01/2021	PopovBass
0574-DA210, Rev E	15/01/2021	PopovBass
0574-DA211, Rev E	15/01/2021	PopovBass
0574-DA212, Rev E	15/01/2021	PopovBass
0574-DA213, Rev E	15/01/2021	PopovBass
0574-DA214, Rev C	15/01/2021	PopovBass
0574-DA215, Rev C	15/01/2021	PopovBass

0574-DA216, Rev C	15/01/2021	PopovBass
0574-DA217, Rev C	15/01/2021	PopovBass
0574-DA218, Rev C	15/01/2021	PopovBass
0574-DA219, Rev B	15/01/2021	PopovBass
0574-DA300, Rev B	15/01/2021	PopovBass
0574-DA303, Rev A	15/01/2021	PopovBass
0574-DA304, Rev E	15/01/2021	PopovBass
0574-DA305, Rev E	15/01/2021	PopovBass
0574-DA306, Rev E	15/01/2021	PopovBass
0574-DA307, Rev E	15/01/2021	PopovBass
0574-DA308, Rev A	15/01/2021	PopovBass
0574-DA309, Rev A	15/01/2021	PopovBass
0574-DA310, Rev C	15/01/2021	PopovBass
0574-DA311, Rev C	15/01/2021	PopovBass
0574-DA312, Rev C	15/01/2021	PopovBass
0574-DA313, Rev B	15/01/2021	PopovBass
251-20-SK-0008, Rev A	18/06/2021	Craig and Rhodes
251-20G L02 [00] - Stage 2	14/01/2021	Craig and Rhodes
251-20G L03 [00] - Stage 3	14/01/2021	Craig and Rhodes

Engineering Plans		
Drawing No.	Dated	Prepared By
251-20C-DA-001, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-002, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-003, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-004, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-051, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0101, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0102, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0201, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0202, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0301, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0302, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0501, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0551, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0552, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0701, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0702, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0703, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0711, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0712, Rev B	26/06/2021	Craig and Rhodes

251-20C-DA-0751, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0752, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0901, Rev B	26/06/2021	Craig and Rhodes
251-20C-DA-0902, Rev B	26/06/2021	Craig and Rhodes

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
StormFilter Operations and Maintenance Manual	March 2019	Ocean Protect
Bushfire Protection Assessment, 21HNG_19211	1 July 2021	Eco Logical Australia
Water Management Report, 251-10-DA-WMR-A	18 January 2021	Craig and Rhodes
Flora and Fauna Assessment Report, Ver 3	12 June 2018	Eco Logical Australia
Arboricultural Impact Appraisal and Method Statement	10 December 2020	Naturally Trees
Acid Sulfate Soils Assessment, JE17655A-r3	13 June 2018	Geoenviron Consulting
BASIX Certificate No.1169578M	1 February 2021	Sustainable Thermal Solutions
BASIX Certificate No.1169532M	1 February 2021	Sustainable Thermal Solutions

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
L-01 to L-12 (Inclusive), Rev A	15/01/2021	Habit8

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. **Compliance with Other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	EDMS Reference	Dated

Ausgrid	2021/277223	19 April 2021
NSW Rural Fire Service	2021/578000	16 August 2021

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

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

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such

damage.

- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

4. **General Requirements**

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa

area.

- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

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

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

The applicant is to lodge a Bond of \$30000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

7. **Construction, Excavation and Associated Works (Security Bond)**

A bond of \$50000 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.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

8. **Construction, Excavation and Associated Works Bond (Maintenance for civil works)**

The developer/applicant must lodge with Council a maintenance bond of \$75000 for the construction of road and drainage works. The maintenance bond will only be refunded upon completion of the six 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 issuing practical completion.

Reason: To ensure adequate protection of Council infrastructure.

9. **Warriewood Valley Contributions Plan - No creekline corridor**

The following development contributions are to be paid in accordance with the Warriewood Valley Contributions Plan.

The total development contribution of \$2,217,988.00 is payable for this development, based on 31 new residential lots in accordance with the Warriewood Valley Section 94 Contributions Plan Amendment 16 Revision 3. The contribution amount is to be paid in two stages and before issue of a Construction Certificate or Subdivision Certificate (if a Construction Certificate is not required) for each stage, being:

- Stage 1 - \$1,359,412.00 (Identified as DA02 in drawing 251-20-SK- 0008)
- Stage 2 - \$858,576.00 (Identified as DA03 in drawing 251-20-SK- 0008)

The monetary contribution payable for each Stage will be adjusted at the time the payment is made, in accordance with the provisions of the Warriewood Valley Section 94 Contributions Plan Amendment 16 Revision 3.

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land (other than land identified above) in lieu of the monetary contribution above (or any portion of that monetary contribution) or the deferral of payments through a Material Public Benefit Agreement between Council and the Applicant in accordance with the Warriewood Valley Development Contributions Plan (as amended).

The agreement for Material Public Benefit 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 development 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 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.

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

10. Detailed Landscape Plans

The Landscape Concept Plans shall be updated to provide detailed landscape information as required by DA Lodgement Requirements for Landscape Plans, including:

- i) construction documents with hardscape design layout and materials selection, and softscape design layout including plant schedules, plant spacing and container sizes,
- ii) all tree planting is to be located at least 3.0 metres from buildings,
- iii) all tree planting shall be planted at minimum 75 litre size,
- iv) fencing is not permitted forward of the front building line. Boundaries between public and private land shall be delineated by vegetation, such as low hedges, garden beds or the like.

The Detailed Landscape Plans shall be issued to the Certifying Authority and to Council prior to the issue of a Construction Certificate. Certification shall be provided to the Certifying Authority that these amendments have been documented and approved by Council.

Reason: Landscape amenity.

11. 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 Certifying Authority prior to issue of Subdivision Work Certificate.

Reason: To protect native vegetation.

12. Detailed Design of Stormwater Treatment Measures - Major

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the engineering drawing set 251-20C-DA revision B 25.06.21 and Council's Water Management for Development Policy.

The certificate shall be submitted to the Certifying Authority prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment.

13. Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Truck movements must be agreed with Council's Traffic Engineer prior to submission of the CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times

- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum 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 roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

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

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

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

14. Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

15. On-site Stormwater Detention Details

The Applicant is to provide certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WARRIEWOOD VALLEY URBAN RELEASE AREA WATER MANAGEMENT SPECIFICATION FEBRUARY 2001, and generally in accordance with the drainage plans prepared by CRAIG and RHODES, drawing number 251-20C -DA -0101, DA-0102, DA-0703, DA-0703, DA-0751 and DA-075 all Issue B, dated 25/6/21. Detailed drainage plans are to be prepared by a registered qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NER) or RPENG (Professionals Australia) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

16. Vehicle Crossings Application

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

17. Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER3) 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) and Council's Water Management Policy. The SWMP must include the following as a minimum:

Site boundaries and contours

Vehicle access points, proposed roads and other impervious areas (e.g. parking areas and

site facilities)

- Location of all drains, pits, downpipes and waterways on and nearby the site
- Planned stages of excavation, site disturbance and building
- Demonstrated staging of works including stormwater management and sediment control
- Stormwater management and discharge points
- Integration with onsite detention
- Sediment control basin locations and volume (if proposed)
- Proposed erosion and sediment controls and their locations
- Location of washdown and stockpile areas including covering materials and methods
- Vegetation management including removal and revegetation
- A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained
- Inspection and maintenance program

All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

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

Reason: To promote the long-term sustainability of ecosystem functions.

18. **Environmental Management Plans (EMP)**

Environmental Management Plans (EMP)

The applicant must provide an environmental management plan (EMP) to describe all the environmental management activities and control measures that will be implemented to avoid environmental impacts. All potential off-site impacts should be considered prior to construction occurring and an effective plan should be developed to manage impacts on the natural environment, and to prevent foreseeable nuisance and health impacts on sensitive environments.

The EMP must demonstrate that the staging of works and erosion control measures mitigate the impacts to the downstream environment.

The EMP shall include the the Project Ecologist's (aquatic freshwater specialist) ecologist recommendations about regarding the management of the downstream environment, the Soil and Water Management Plan and proposed staging of works.

The EMP is to be submitted to the certifying authority for approval prior to the release of the Construction Certificate.

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

19. **Remediation - Contaminated Land**

Site remediation is to be undertaken in accordance with the Remediation Action Plan (RAP) dated May 2018 prepared by GeoEnviro Consultancy Pty Ltd prior to the commencement of works.

Site remediation, validation and reporting being undertaken in accordance with the *Contaminated Land Management Act 1997*, State Environmental Planning Policy No. 55 – Remediation of Land, and NSW Environment Protection Authority Guidelines.

Reason: To ensure identified contamination is remediated so the site is suitable for its intended use.

20. **Wastewater Connection**

Certification from Sydney Water is to be provided to the principal certifying authority demonstrating individual lots have been effectively connected to Sydney Waters sewer line.

Reason: To ensure compliance with the Local Government Act 1993.

21. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'**
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 – 2009* Design for access and mobility - General requirements for access – New building work**
- (m) AS 1428.2 – 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [www.hreoc.gov.au/disability rights /buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm). <www.hreoc.gov.au/disability%20rights%20/buildings/good.htm>

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

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

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

22. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

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

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

23. Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

24. Subdivision Works Certificate

A Subdivision Works Certificate is to be approved by Certifying Authority for the provision of engineering works.

Engineering plans for the subdivision works within this development consent are to be submitted to the Certifying Authority for approval under Section 6.13 of the Environmental Planning and Assessment Act 1979.

Civil Engineering plans for the subdivision works are to be designed in accordance with the Council's specification for engineering works – AUS-SPEC #1 and the Warriewood Valley Roads Masterplan. The plans shall 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 design must include the following information:

The Subdivision Works Certificate must be supported by engineering plans, calculations, specification or any certification relied upon.

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

25. Utilities Services

Prior to the issue of the Subdivision Works Certificate, the Applicant is to obtain the following:

(a) A letter from the utility provider confirming that satisfactory arrangements have been made for the approved development have been made; and

(b) Evidence that notification has been received from a utility authority that, requirements for the development can be provided.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the

issue of the Subdivision Works Certificate.

Reason: To ensure that services have been provided as required by this Consent.

26. **Pre-Commencement Dilapidation Report**

The applicant must prepare and submit a pre-commencement 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 pre-construction / demolition dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifying Authority 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.

27. **Geotechnical Report Recommendations have been correctly incorporated into designs and structural plans**

The Applicant is to submit Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) and is to be completed and submitted to the Accredited Certifier, prior to issue of the Subdivision Works Certificate.

Reason: To ensure geotechnical risk is managed appropriately.

28. **Water Management Report - Warriewood Valley**

The detailed design of all works associated with the water management system must provide for a complete system, which meets the objectives and requirements of the Warriewood Valley Water Management Specification (February 2001).

The system is to be in accordance with the revised Water Management Report in accordance with condition C1.

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

29. **Certification of Water Management Report**

A qualified practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member, and has appropriate experience is to certify that the Water Management Report and all associated plans 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 Certifying Authority 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.

30. 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 RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

31. Tree Removal Within the Property

This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- i) existing trees identified as tree number 6, 10, 11, 22 and 23, subject to tree replacement within the lots,
- ii) existing trees identified as tree numbers 4, 5, 24, 25, 26, 27, 28, 29, 30, 34, and 43.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal.

Reason: To enable authorised building works.

32. No Access Through Adjoining Park/Reserves

Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council.

Reason: To ensure protection of council parks/reserves.

33. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

34. Land Contamination - Validation Report

A validation Report is to be prepared by a suitably qualified person in accordance with NSW Environment Protection Authority requirements confirming clean-up objectives within the Remediation Action Plan (ref: JE17655A-r2 May 2018) have been achieved and the site is suitable for its intended use. The Validation Report is to be submitted to Council within one month of completion as required under Clause 17 of SEPP 55 - Remediation of Land. Where the objectives of the Remedial Action Plan have not been achieved, reasons must be stated and additional site work must be proposed that will achieve the original objectives.

Reason: To ensure the site has been remediated of potential public health risks and is suitable for its intended use.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

35. **Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Tree protection.

36. **Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected including:
 - i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
 - iv) 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,
 - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
 - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,

- viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
 - ix) the activities listed in section 4.2 of Australian Standard 4970-2009 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,
 - x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
 - xi) 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 iii) remain in place for the duration of the construction works.
- c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment as listed in the following sections:

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

37. **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.

38. **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), the Erosion and Sediment Control Plan and the Stormwater Management 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.

The discharge of sediment-laden waters from the site may result in clean-up orders and/or fines under Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Reason: Protection of the receiving environment.

39. **Substitution of Stormwater Treatment Measures**

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

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

40. **Dewatering Management**

Tailwater (surface water and rainwater): Please contact catchment@northernbeaches.nsw.gov.au for advice on Council's water quality requirements for a single instance of dewatering tailwater that collects in an excavation during works. A dewatering permit application must be made for expected multiple instances or continuous dewatering of tailwater.

Groundwater: A permit from Council is required for any dewatering of groundwater. An application for interference with an aquifer is required to the Natural Resources Access Regulator. Contact catchment@northernbeaches.nsw.gov.au for more information about permits.

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Reason: Protection of the receiving environment and groundwater resources.

41. **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 RMS 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.

42. **Removing, Handling and Disposing of Asbestos**

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

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

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

43. **Survey Certificate**

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

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

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

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

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

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

44. **Progress Certification (Road & Subdivision)**

The applicant shall provide written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Principal Certifying Authority for the following stages of works:

- (a) Silt and sediment control facilities
 - (b) Laying of stormwater pipes and construction of pits
 - (c) Proof Roll
 - (d) Sub-grade trimmed and compacted **
 - (e) Base-course laid and compacted **
 - (f) Kerb and gutter construction
 - (g) Pavement
 - (h) Landscaping and vegetation
 - (i) Clean-up of site, and of adjoining Council roadway and drainage system.
- (**To be tested by a recognised N.A.T.A. approved laboratory).

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

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

45. Notification of Inspections (Road and Drainage infrastructure)

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

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

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

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

46. 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.

47. Vehicle Crossings

The Applicant is to construct 4 vehicle crossing 6 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

48. 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.
3. The Applicant shall provide certification by a N.A.T.A. approved laboratory to the Principal Certifying Authority for approval prior to importation of material.

Reason: To ensure protection of the natural environment.

49. **Contamination**

Whilst undertaking remediation and civil works, any site specific geologically uncharacteristic material observed that was not identified during the Preliminary Site Investigations must be actioned in accordance with Section 7 of the Remediation Action Plan (RAP) dated May 2018 prepared by GeoTech Consultancy Pty Ltd Ref: JE17655A-r2.

Reason: To ensure unidentified contamination is managed accordingly to protect public health.

50. **Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan..

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

51. **Waste/Recycling Requirements (Materials)**

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

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

52. **Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

53. 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 referenced in the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

1. 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
 2. 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
 3. 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 Certifying Authority prior to the release of the Occupation Certificate.
- Reason: Protection of the receiving environment.

54. 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 Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

55. Installation of Rainwater Tanks

Rainwater tanks shall comply with the following:

- a) Be fitted with a first-flush device that causes initial rainwater run-off to bypass the tank and must drain to a landscaped area. The first flush device will not be permitted to connect to the stormwater system

- b) Have a sign affixed to the tank stating the contents is rainwater
- c) Be constructed or installed in a manner that prevents mosquitoes breeding, such as the use of mesh to protect inlets and overflows
- d) Have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners
- e) Pumping equipment must be housed in a soundproof enclosure
- f) Where the rainwater tank is interconnected to a reticulated water supply, it must be installed in accordance with Plumbing Code of Australia, particularly backflow/cross connection prevention requirements

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To conserve potable water.

56. **Community Title Management Statement**

The Community Management Statement must specifically list the stormwater treatment measures that will be maintained under community title. The statement must also include the Stormwater Treatment Measure Operation and Maintenance Plan.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To ensure maintenance of all stormwater management assets and protection of the receiving environment.

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

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

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

58. **Geotechnical Certification Prior to Occupation Certificate**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

59. Positive Covenant for Council and Contractor Indemnity

A positive covenant shall be created on the title of the land prior to the issue of an Occupation Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

60. Garbage and Recycling Facilities

All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

61. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

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

Reason: To ensure waste and recycling facilities are provided.

62. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

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

63. 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 Plan and any conditions of consent.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

64. Maintenance of Asset Protection Zones

Vegetation clearing for ongoing APZ maintenance must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Reason: To protect native vegetation and wildlife.

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 in accordance.

66. Maintenance of Stormwater Treatment Measures

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.

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: Protection of the receiving environment.

67. Access for Waste Collection Vehicles

The privately owned right of carriageways must remain free of parked cars and other obstructions from 6.00am to 6.00pm on the scheduled day of waste collection.

Reason: To ensure unimpeded access for waste collection vehicles.

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA
SUBDIVISION OR SUBDIVISION CERTIFICATE**

68. Certification of Council Drainage Works and Works as Executed Data within Private Land

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent and the approved Subdivision Works Certificate 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 Certifying Authority prior to the issue of the Subdivision Certificate.

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

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

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent and the approved 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 Certifying Authority for approval prior to the issue of the Subdivision Certificate.

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

70. **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.

71. **Authorisation of Legal Documentation Required for Waste Services**

The original completed request form (NSW Land Registry Services standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Subdivision Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

72. **Neighbourhood Management Statement for Waste Services**

Where a development proposes the creation of a neighbourhood scheme, the Neighbourhood Management Statement shall include wording in relation to the provision of waste services in accordance with Appendix D of Northern Beaches Council Waste Management Guidelines

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

73. **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 structure 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 Certifying Authority prior to the issue of the Subdivision Certificate

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

74. **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 Certifying Authority prior to the issue of the Subdivision Certificate.

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

75. Right of Carriageway

The Applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument, to include all vehicular access and manoeuvring areas. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

76. 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 system, 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 Certifying Authority prior to the issue of the Subdivision Certificate.

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

77. 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 Certifying Authority prior to the issue of the Subdivision Certificate.

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

78. Certification of On-site Detention System (New Subdivision)

A Compliance Certificate is to be submitted by a qualified experienced practicing Civil Engineer with RPENG or NER qualifications and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifying Authority that the on-site stormwater detention has been constructed in accordance with the plans nominated on the Development Consent and relevant conditions of Development Consent. The Subdivision Certificate will not be released until this certification has been submitted and the Principal Certifying Authority has confirmed that this condition has been satisfied.

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

79. 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>> 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 Certifying Authority prior to the issue of the Subdivision Certificate.

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

80. **Easement for Drainage**

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).

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

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

81. **Easement to Drain Water - Channel/Floodways**

The Applicant shall create an easement to 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.

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

Reason: To identify flood affected areas on the property title.

82. **Easement for Services**

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).

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

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

83. **Release of Subdivision Certificate**

The final plan of subdivision will not be issued by Council until the development has been completed in accordance with terms and conditions of the development consent.

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

84. 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, four copies of 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.

85. 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 Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure proper management of land.

86. Load Bearing Capacity of Stormwater Infrastructure.

Structural engineering certification be provided to Council demonstrating that all stormwater infrastructure paved underneath the road pavement (of both public and privately owned roads) can withstand a minimum load of 23 tonnes (waste collection vehicle).

Reason: To ensure stormwater infrastructure is constructed to carry the weight of waste collection vehicles.

87. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

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

88. Priority Weed Removal and Management

All Priority weeds as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) within the development footprint are to be removed.

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

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

89. Restriction as to User (Design of Dwellings)

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 requiring each lot within the subdivision to be developed in accordance within the approved architectural plans referenced in Condition 1 of this development consent. 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 Certifying Authority prior to the issue of the Subdivision Certificate.

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

90. Requirements of the Voluntary Planning Agreement

Prior to the issue of any Subdivision Certificate, the obligations specified in the Executed Planning Agreement (VPA2018/0001) registered on this land are to be completed as per the timing outlined in VPA2018/0001.

Reason: To ensure the relevant matters of the VPA have been completed prior to the issue of a subdivision certificate.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Jordan Davies, Planner

The application is determined on 07/09/2021, under the delegated authority of:



Lashta Haidari, Acting Development Assessment Manager