

**CONSENT NO: N0085/11
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:
WARRIEWOOD PROPERTIES PTY LTD
4 PONDEROSA PARADE
WARRIEWOOD 2102

Being the applicant in respect of Development Application No N0085/11
Pursuant to section 80(1) of the Act, notice is hereby given of the determination by
Pittwater Council, as the consent authority, of Development Application No N0085/11
for:

Construction of an Infill Affordable Housing development comprising of 46 residential terraces/townhouses (23 maintained as affordable rental housing for a period of 10 years), Focal Neighbourhood Centre (510m² of retail floor area), provision of roads, parking and other infrastructure, restoration and dedication of the creekline corridor and subdivision of the land

At:

23B Macpherson Street, Warriewood (Lot 11 DP 5464)

DECISION:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

- **Architectural Plans Job No. N10-037 Drawings DA 02, 03, 05, 06, 07, 08, 09 All Revision B Dated 18 May 2011 Prepared by i2C Design and Management;**
- **Architectural Finishes Presentation Sheet and Colour Swatches N10-037 Dated May 2011 Prepared by i2C Design and Management;**
- **BASIX Certificate No. Dated 22 March 2011;**
- **Landscape Plan Job No. 0822 Drawing L01 Revision B Dated May 2011 Prepared by Umbaco Landscape Architects;**
- **Subdivision Plan 1736-L03 (01) Dated 18 May 2011 Prepared by Craig & Rhodes;**
- **Soil and Water Management Plan 1736-DA-07 [00] Dated 17 March 2011 Prepared by Craig & Rhodes;**
- **Traffic and Parking Assessment Report Reference 08276 Dated March 2011 Prepared by Transport and Traffic Planning Associates;**
- **Road Cross Sections DA02 [00] Sheets 2/6 – 6/6 Dated 15 March 2011 prepared by Craig & Rhodes;**
- **Flora and Fauna Assessment for 25 lot subdivision at 23B Macpherson Street, Warriewood Dated January 2008 Prepared by Banksia Ecology;**
 - **Arborist Report for proposed focal neighbourhood centre at 23B Macpherson Street, Warriewood Dated December 2009 Prepared by Growing my Way Tree Consultants;**

- **Preliminary Geotechnical Assessment Project 37747.01 Dated 13 May 2009 Prepared by Douglas Partners Pty Ltd;**
- **Contamination Assessment Review and Remediation Action Plan Reference JT08499A-ri Dated 21 May 2008 Prepared by GeoEnviro Consultancy Pty Ltd;**
- **Site Asbestos Review Reference DL1978 Dated 28 May 2008 Prepared by David Lane Associates;**
- **Water management Report for Layout 3 23B Macpherson Street, Warriewood Issue 2 Dated March 2011 Prepared by Civil Certification;**
- **Addendum Report Water Management/Flooding Report Dated 18 May 2011 Prepared by Civil Certification:**
 - **Appendix A to Civil Cert letter dated 18 May 2011 – Architectural plan titled “Master Plan – Ground Floor” numbered DA02 Issue B dated 18/5/11 drawn by i2c Design and Management.**
 - **Appendix B to Civil Cert letter dated 18 May 2011 –Road and Drainage Layout Plan with Flood Levels titled “Figure 2 (Rev) 23b Macpherson St Flood Levels (Layout 3) numbered Civil Cert Issue C dated 19/5/11.**
 - **Letter titled “Development Application N0085/11. 23B Macpherson Street, Warriewood (Lot 11 DP 5464)” from Warriewood Properties (Paul Allinson) to Pittwater Council (Amy Allen) dated 19 May 2011.**
 - **Civil design drawing titled “Road and Drainage Layout Plan for Subdivision of Lot 11 Section C CP5464 Cnr Macpherson & Garden Street, Warriewood” numbered 1736-DA01 [01] dated 16/3/11 drawn by Craig & Rhodes.**
 - **Civil design drawing titled “Fern Creek Long & Cross Sections For Proposed Community Title Subdivision Of Lot 11 Section C D.P.5464 Cnr. Macpherson & Garden Streets, Warriewood” numbered 1736-DA-08 [00] dated 18/5/11 drawn by Craig & Rhodes.**

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent **7 July 2011**

Mark Ferguson
 GENERAL MANAGER
 Per:

CONDITIONS OF APPROVAL

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

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

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
5. 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:
6.
 - a. in the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.

- b. in the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

- 7. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- 8. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

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

- 1. The following General Terms of Approval (GTA) issued by the NSW Office of Water must be incorporated into the development and maintained over the life of the development:
 - (a) The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.

 - (b) The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

 - (c) The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

 - (d) The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.

 - (e) The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.

 - (f) The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way

in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.

- (g) The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

- (h) The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.

- (i) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

- (j) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

- (k) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

- (l) The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.

- (m) The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.

- (n) The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with an average width of 25 metres measured horizontally landward from the centreline of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water.

- (o) The consent holder must establish a riparian corridor along the Fern Creek in accordance with a plan approved by the NSW Office of Water.

2. The internal driveways are to be constructed to an all weather standard finish to be of dark or earthy tones, line marked and signposted.
3. Storage of hazardous materials, electrical items, items of plant, equipment or stock and other items which may be susceptible to water damage are to be located above the Flood Planning Level as determined in the Water Management Report.
4. The minimum fill level for individual allotments must be the Flood Planning Level that includes an allowance of climate change of 200mm to achieve a Flood Category 2 notation on Section 149(2) Certificates.
5. Floor levels for all development (except adaptable/accessible dwellings) shall be at or above the Flood Planning Level that includes an allowance for climate change of 200mm.
6. Floor levels for adaptable/accessible dwellings shall have a minimum floor level of the Probable Maximum Flood. Reliance is not to be made on home conversions such as stair lifts in accessible units to compensate for floor levels below the probable maximum flood.
7. A reliable pedestrian access route is to be maintained to allow safe evacuation from each of the dwellings to the evacuation area above the Probable Maximum Flood.
8. The commitments reported in the Water Management Report that forms part of this consent, are to be maintained for the life of the development.
9. The water management facilities are to be maintained over the life of the development.
10. All utility services including overhead power supply and communication cables located in the adjacent road verge and those servicing the development are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer. The location of any trenching shall have regard for future and proposed landscaping in the public domain.
11. Street lighting facilities to the existing public roads reserves along the development site frontages are to be provided at the full cost of the developer and in accordance with the requirements of Energy Australia.
12. For 10 years from the date of the issue of the occupation certificate dwellings on lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 are to be used for the purposes of affordable housing as defined in the State Environmental Planning Policy (Affordable Rental Housing) 2009.
13. For 10 years from the date of the issue of the occupation certificate dwellings on lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 will be managed by a registered community housing provider as defined in the Housing Act 2001. In addition the registered

community housing provider must have more than 400 dwellings in their overall housing portfolio in the Northern Sydney Region of Sydney.

14. The registered community housing provider will manage the accommodation used for affordable housing in accordance with the NSW Affordable Housing Guidelines July 2010 or subsequent versions. In keeping with these guidelines the registered community housing provider will seek to achieve allocations to households across a mix of Very low, Low and Moderate income bands.
15. All applications, allocations and rent setting for the accommodation used for affordable housing will be at the sole discretion of the registered community housing provider.
16. For the period described in B12 the owner and the registered community housing provider will provide a copy of any agreement between themselves for the management of the accommodation used for affordable housing to Pittwater Council prior to the first tenancy agreement being signed for the use of the accommodation used for affordable housing. If the registered community housing provider changes during the period described in B10 a copy of the new agreement between the owner and the registered community housing provider must be provided to Pittwater Council within 14 days of the agreement being executed.
17. Landscape works to be constructed in strict accordance with landscape plans Job No. 0822 Drawing L01 Revision B Dated May 2011 Prepared by Umbaco Landscape Architects.
18. All plant material to be purchased to be Natspec requirements.
19. All remediation work nominated in the Contamination Assessment Review and Remediation Action Plan Reference JT08499A-rl Dated 21 May 2008 Prepared by GeoEnviro Consultancy Pty Ltd and Site Asbestos Review Reference DL1978 Dated 28 May 2008 Prepared by David Lane Associates must, in addition to complying with any requirements under the Act or any other law, be carried out in accordance with the State Environmental Planning Policy No 55 – Remediation of Land.
20. Provision must be made for storage of garbage containers, containers for recyclable material in an external area of the commercial premises or in a room specifically for that purpose.
21. External garbage areas associated with the commercial premises must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean.
22. Roomed garbage areas must have impervious floors that are covered at the floor/wall intersection and be graded and drained to the sewage system. Walls of roomed garbage areas must be smooth and impervious. The room must be ventilated, proofed against pests and be provided with a hose tap connected to the water supply.

23. No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the commercial premises.
24. No noise nuisance shall be caused through the operation of any plant or equipment at the commercial premises. Noise generated from the premises must not exceed the limits as specified in the NSW Industrial Noise Policy.
25. Sanitary facilities are to comply with the requirements set out within Table F2.3 of the BCA.
26. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
27. The focal neighbourhood centre shall comply with *AS1428 Design for Access and Mobility* and shall incorporate the following:
 - (a) continuous accessible path of travel to all areas that the public or a section of the public is entitled or allowed to enter or use; and
 - (b) walkways, ramps and landings at a reasonable gradient and width, with handrails and kerbs provided on all ramps, and slip-resistant materials on all floor surfaces;
 - (c) accessible toilet facilities, tactile ground surface indicators, effective signage and illumination, and adequate circulation space through passageways and doorways.
28. Nine (9) dwellings are required to be at the rate and class as required under the Accessibility Control (C1.9 Adaptable Housing and Accessibility of Pittwater 21 DCP) and in compliance with the requirements of AS 4299 - Adaptable Housing.
29. All carparking facilities and driveway profiles, for adaptable and accessible housing, from the street to the on site car parking spaces for the adaptable dwellings must comply with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
30. Continuous footpath awnings should be provided to the street adjoining business development for weather protection for pedestrians.
31. Awnings shall be constructed of any suitable and durable material, excluding glass, Perspex and the like due to heat transmission.
32. No water pollution shall result from the operation of any plant or equipment or activity carried out.
33. Noise from the operation of any plant or equipment at on all residential lots shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.
34. Any future use of the commercial premises must comply with the nominated uses "neighbourhood shop" and "restaurant" as defined in Schedule 10 of *Pittwater Local Environmental Plan 1993*.

35. New electrical connections to the residential dwellings and commercial premises are to be carried out using underground cabling.
36. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
37. The materials and colour scheme is to be in accordance with the submitted Architectural Finishes Presentation Sheet and Colour Swatches N10-037 Dated May 2011 Prepared by i2C Design and Management. Specifically:
 - (a) The roof tones shall be medium and/or dark grey;
 - (b) The walls (textured paint finish and fc panelling) shall be a combination of the following tones and/or materials:
 - (i) Tan
 - (ii) Medium Grey
 - (iii) Dark grey
 - (iv) Brown grey
 - (v) Brown
 - (vi) Timber
 - (c) The finishes shall be a combination of the following tones and/or materials:
 - (i) Green
 - (ii) Ochre
 - (iii) Timber
 - (d) Capping and Gutters shall be dark grey.
38. Fences visible from and adjacent to Macpherson St and Garden St shall be constructed in 'open' materials (such as aluminium and steel construction) for the full height of the fence with at least 50% of the fence being 'open'.
39. Side and rear boundary fencing to lots 31 – 47 (inclusive) shall not exceed 1.8 metres in height and be constructed of timber.
40. Concrete retaining walls visible from and adjacent to Macpherson St and Garden St shall be treated (painted) with earthy tones such as medium grey, brown or green.
41. Dwellings are to be constructed to allow internal access for telecommunications, intelligent lighting and home automation facilities from underground street electrical and telecommunications cabling.
42. Cats, ferrets and rabbits are not permitted to be kept on the site.
43. Dogs are to be restricted to within the building at night and otherwise to be either within a fenced compound on the lot or on a lead.
44. The maximum ridge height for dwellings in Block C shall be RL 20.3 to ensure that the development does not exceed 8.5m from natural/existing ground level.
45. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

46. The four (4) large native canopy trees (Angophoras) within the creekline corridor are to be retained **where possible**. Any creekline reconstruction works are to be diverted away from the root zone of these trees. Any excavation or soil disturbance proposed within 5 metres of the trunks of these trees is to be supervised by a qualified arborist who is to provide advice on the treatment of roots encountered.
47. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for noxious/environmental weed lists.
48. No environmental weeds are to be planted on the site. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
49. Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.
50. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
 - (a) Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
 - (b) Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website http://www.pittwater.nsw.gov.au/environment/species_lists
51. Lighting must be designed and located around the commercial premises so that it minimises the possibility of vandalism or damage.
52. All lighting including security lighting must meet *AS4282 The control of the obtrusive effects of outdoor lighting*.
53. Public facilities (toilets, telephone, ATMs, etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces.
54. Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.
55. Solid roller shutters are not permitted as security devices on shop fronts (windows and doors).
56. The south eastern boundary fence between lot 39 and 47 should be set in to be in line with the southern corner of dwelling on lot 39 and the eastern corner of dwelling on lot 47. this is to ensure that there is adequate space between the boundary and fence to provide landscaping along the length of internal road 3.

57. Landscaping with varied minimum maturity heights of 3m – 6m is to be located on lots 39 and 47 between the south eastern boundary and the dwellings and fences for a distance of 34m along internal road 3.
58. Landscaping with varied minimum maturity heights of 3m – 6m is to be located to lot 23 between the north eastern boundary and dwelling for the length of the dwelling.
59. The upper floor windows along the north western elevations to dwellings on Lots 2 and 31 shall either have minimum sill heights of 1.7m from finished floor level and/or be obscured glazing.
60. The walls and/or ceilings of attached dwellings shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia.
61. The walls and/or ceilings of attached dwellings shall comply with the fire rating provisions of the Building Code of Australia.
62. Discussions are to occur between the applicant and neighbour at 201 Garden St, Warriewood with an aim to provide planting and/or suitable screening to mitigate the impact of headlights on the dwelling at 201 Garden St, Warriewood.
63. This consent does not approve any internal fit out, use or hours of operation of the commercial premises.
64. Separate Development Application/s must be submitted to Council to obtain development consent for the works and/or operation of the commercial premises.
65. Seven (7) additional parking spaces are to be provided along Macpherson Street between Garden Street and the western boundary. Details are to be provided to Council.
66. No mechanical plants rooms, mechanical equipment, air conditioning units or mechanical ventilation is to be located on the roofs of the development.

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

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

1. The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council.
2. The following General Terms of Approval (GTA) must be satisfied prior to the issue of the Construction Certificate:

- (a) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to N0085/11 and provided by Council:
 - i. Site plan, map and/or surveys
 - ii. Landscape Plan
 - iii. Erosion and Sediment Control Plan
 - iv. Soil and Water Management Plan
 - (b) Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
 - (c) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified. The consent holder must prepare or commission the preparation of:
 - i. Vegetation Management Plan
 - ii. Works Schedule
 - (d) All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx
 - i. Vegetation Management Plans
 - ii. Riparian Corridors
 - iii. Outlet structures
 - (e) The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
3. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing 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 and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater.
4. Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.
- a. Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The

driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.

- b. A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).
 - c. All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
 - d. Councils Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.
5. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the Roads Act 1993 for the design and construction of any works located on the road reserve including Access Driveways.
 6. Erosion and Sediment Management Plan is to be submitted to the Accredited Certifier with the Construction Certificate application. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of the N.S.W. Department of Land and Water Conservations *Urban Erosion and Sediment Control* manual.

The plan is to include specific details required to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

7. Construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
8. The Accredited Certifier must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
9. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the *Sydney Water Act, 1994*. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

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

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

10. Structural Engineering details relating to the all approved works are to be submitted to the Accredited Certifier prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural 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 and competence in the related field.
11. Certification from the Accredited Access Adviser that design details and specifications comply with the Accessibility Control and the DA Access Report, must be submitted to the Accredited Certifier with the Construction Certificate application.
12. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.
13. Detailed creekline drawings/profiles are required to be provided prior to the issue of the Construction Certificate which indicates the setback distance of the channel and any reconstruction works in relation to the four (4) existing canopy trees to be retained.
14. Prior to the issue of a Construction Certificate, a revised Water Management Report is to be submitted and certified by a qualified practising Civil Engineer with corporate membership of the Institution of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in urban stormwater (quantity and quality) and flood management.
The revised Water Management Report is to provide additional detailed designs, plans, specifications and the required information for all works needed to achieve full compliance with the *Warriewood Valley Water Management Specification February 2001 (WMS 2001)* and the *Pittwater 21 Development Control Plan*.
15. The revised Water Management Report is also to address the following details/issues:
 - (a) Creekline Redesign
Fern Creek is to be redesigned such that its centreline aligns closely with (or slightly to the north-east) of the existing property boundary between the development site and no. 209 Garden Street Warriewood (lot A DP 378841). The new design is to achieve half creek construction wholly within the development site.
 - (b) Minimum floor levels required at different locations within the development need to be clearly shown on the site layout plans.
 - (c) Interallotment Drainage System
An interallotment drainage system and associated drainage easements are to be created where necessary to provide legal access for the proposed interallotment drainage system.

16. The Water Management System is to be designed to provide for:
- (i) Staging of the works is to ensure that the objectives of the Warriewood Valley Water Management Specification are achieved for each stage prior to the release of any Occupation Certificate. Sufficient water quality and water quantity facilities must be provided to service each stage.
 - (ii) The Stormwater Management System is to include a design for a stormwater drainage system, which drains collected roof, road and surface water from the site and is to cater for flows from upstream catchments. The systems are to include combined piped and overland flow components, which convey the 1% AEP and Probable Maximum Flood events and comply with relevant Australian Standards and contemporary engineering best practice.
17. Submission to Council of the detailed design of all works associated with the full and half creek construction of Fern Creek for the full frontage of the site. The detailed design is to include plans, longitudinal sections, cross sections and specifications of civil engineering works and landscape works. The detailed design is also to address the following details/issues:
- (i) Pipelines that originate from the subject site to be constructed within the creekline are to be reinforced concrete rubber ring jointed pipes.
 - (ii) The associated headwall outlets are to be designed with natural stonework in accordance with the Warriewood Valley Water Management Specification February 2001.
18. The Water Management Report, and all associated plans and detailed design are to be certified as being in accordance with the *Warriewood Valley Water Management Specification (February 2001)* and as meeting the requirements of this consent. The certification is to be provided by a qualified practising Civil Engineer with corporate membership of the Institution of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in urban stormwater (quantity & quality) and flood management. A copy of the revised and certified Water Management Report is to be submitted to the Council for its records.
19. An application is to be made to and approved by Council's Local Traffic Committee as the Consent Authority for:
- (i) The installation of a "No Stopping" zone along the southern side of Garden Street, starting from Macpherson Street and ending past the entry to the carpark for the development.
 - (ii) Provision of a "Give Way" control sign/holding line in Road 1 at its intersection with Garden Street.
 - (iii) No Parking restrictions for the full length of both sides of Roads 1 and 2 and for full length of Road 1 on opposite side to 90o parking bays.
 - (iv) No Stopping restrictions in turning facilities of Roads 1 and 2.
 - (v) Provision of Loading Zone in indented parking space in Road 2 adjacent to the NFC to be 30 minute time limited for approved hours of operation of the NFC
 - (vi) The 15 parking spaces assigned to the NFC located in the first two 90o parking bays (when entering from Garden Street) are to be time restricted. **Signage to be erected** to allow up to 3 hours maximum

during the approved business hours and **out of approved operating hours unlimited parking** of the NFC. The applicant is to specify the time restriction for the CC, but this can be changed at any time by the future owner(s) of the NFC.

20. Engineering plans and specifications for all roads, drainage and other civil engineering works required by this consent within an existing Public Road reserve (including Macpherson Street and Garden Street) must be submitted and approved in writing by the Council prior to the issue of any Construction Certificate. Payment of the Engineering Plan Assessment fee (in accordance with Council's adopted Fees and Charges) is required prior to Council releasing the approved engineering plans. The installation of traffic facility signs and markings, including parking signs and speed restrictions will require the approval of Council and Council's Traffic Committee prior to commencement of installation.

The plans required by this condition are to include and provide for the following matters:

- (i) The works in relation to that part of the Macpherson Street and Garden Street frontages of the development site (from the culvert centreline in Garden Street to Lomandra Way in Macpherson Street) and including the works in relation to the vehicular access to the Development;
- (ii) Kerb and Guttering and associated stormwater drainage to drain the road pavement for the full length of the roadway of that part of Macpherson Street and Garden Street in both cases for the full frontage of the site subject to this consent (vertical faced kerb only will be permitted);
- (iii) An indented parking bay in Macpherson Street;
- (iv) A minimum 2m wide (separating width between in/out traffic) pedestrian refuge on the nature strip to service the shared pathway;
- (v) A raised, mountable (coloured and/or textured) area on the portion of the exit side to separate the travel path of articulated vehicles from other traffic (not across shared path) across the nature strip;
- (vi) A speed bump is to be provided on private property at the property boundary of the exit side of the driveway to Garden Street;
- (vii) Landscaping;
- (viii) Kerb alignment and footpath design and construction to accommodate the future roundabout at intersection of Macpherson Street and Garden Street;
- (ix) Road shoulder and road pavement construction, including pavement design and treatments up to the road centre line in Macpherson Street and Garden Street for the full frontage of the site subject to this consent;
- (x) Footpath/cycleway 2.1m wide for the full length of the frontage in Macpherson Street and Garden Street; and

- (xi) All entrances to the development shall be via access driveways (including layback crossings) constructed to Council's issued driveway profiles;
- (xii) A bus bay is to be provided on the **Garden** Street frontage in a location agreed to in writing by Sydney Buses;
- (xiii) Land shall be dedicated as Public Road as follows: -
- (xiv) Splay corner (5m x 5m) in accordance with the plan of subdivision at the intersection of Macpherson Street and Garden Street to facilitate the future roundabout and ensure that the public path along the development frontage is wholly located on public land.
- (xv) Pavement design and treatments. Kerb and Guttering (vertical faced kerb only will be permitted);
- (xvi) Street landscape;
- (xvii) Provide a minimum 1 metre wide landscaped area between the turning area of Road **1 and 2** and Lomandra Way;
- (xviii) Vehicular guard rail with warning chevron attached is to be provided between the turning areas of Roads **1 and 2** and Lomandra Way.

The plans required under this condition must meet the objectives and requirements of: The Warriewood Valley Roads Master Plan; Austroads; AUSSPEC and Pittwater 21DCP, as relevant and achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan (Public Domain), dated October 2007.

The engineering design and plans for road and drainage works must be certified as meeting the requirements of this condition by an experienced civil engineer who is NPER accredited by the Institution of Engineers (Australia).

21. Detailed landscape plans are required to be provided prior to the issue of Construction Certificate and must incorporate the following:

- (i) All trees to front road reserve to be Angophora Costata 200 litre with understorey of native grasses/groundcovers planted at 4/m²;
- (ii) All trees to front building setbacks to be minimum 200 litre size;
- (iii) Internal pathway verges from McPherson Street to internal road system to be planted with native grasses/groundcovers at 4/m²;
- (iv) All trees to be planted must have minimum 4m³ root volume available.

22. A contribution of \$2,498,422.56 (for 46 dwellings and 534m² of commercial/retail space) and dedication of 2776m² of creekline corridor land (being lot 49 in the plan of proposed subdivision) is to be made pursuant to Section 94E (Ministerial Direction relating to Developer Contributions Dated 13 May 2011) and Section 94 (Warriewood Valley Section 94 Contributions Plan) of the *Environmental Planning and Assessment Act 1979*, for the provision of public infrastructure. The breakdown of the contribution follows:

Element	Contribution	Cashier Code
Traffic & Transport	\$446,968.16	SWTT

Multi-functional creek line corridors (works)	\$321,021.34	SWCW
Community Facilities	\$343,525.24	SWCF
Public Recreation	\$874,165.60	SWPR
Pedestrians/Cycleways	\$238,690.60	SWPC
Bushfire Protection	-\$1,701.20	SWBF
Library Services	\$75,408.26	SWLS
Plan Management	\$48,248.14	SWPM
Creepline Corridor (land)	\$152,096.42	SWCL

The monetary component of the Developer Contribution is to be paid prior to issue of the Construction Certificate, unless otherwise agreed by Council. The land dedication is to be effected prior to or by the registration of the subdivision of the site.

Where rates payable under the Warriewood Valley Section 94 Contributions Plan are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

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

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

- 1 Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
- 2 Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
- 3 An all weather accessway at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.
- 4 Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
- 5 Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.
- 6 All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.
- 7 The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

- 8 The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
- 9 No works are to be carried out in Council's Road Reserve without the written approval of the Council.
- 10 A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
- 11 No skip bins or materials are to be stored on Council's Road Reserve.
- 12 A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
- 13 A clearly legible Site Management Sign is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - The builder's name, builder's telephone contact number both during work hours and after hours.
 - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - That no skip bins or materials are to be stored on Council's Road Reserve.
 - That the contact number for Pittwater Council for permits is 9970 1111.
- 14 A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
 - Quantity of material to be transported
 - Proposed truck movements per day
 - Proposed hours of operation
 - Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
- 15 If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Heritage are to be notified.

- 16 A stamped copy of the approved plans is to be kept on the site at all times, during construction.
- 17 Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
- 18 Sampling, testing and remediation of the site as identified in the contamination assessment carried out by the Contamination Assessment Review and Remediation Action Plan Reference JT08499A-rl Dated 21 May 2008 Prepared by GeoEnviro Consultancy Pty Ltd and Site Asbestos Review Reference DL1978 Dated 28 May 2008 Prepared by David Lane Associates is to be carried out as per EPA guidelines and the requirements of SEPP 55 - Remediation of Land is to be confirmed in writing to the Private Certifying Authority by a suitably qualified independent consultant.
- 19 Protection fencing measures (including sedimentation fences) are to be installed along the edge of the creekline corridor area. Protection measures are to be maintained for the duration of the works. Protection fencing that is no longer required is to be removed once all works are completed.

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

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

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

1. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing 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 and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
2. A Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application by 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 and competence in the related field confirming to the satisfaction of the Private Certifying Authority that the driveway has been constructed in accordance with the approved plans and relevant conditions of Development Consent.
3. Prior to issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after

the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated.

The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.

4. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
5. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
6. A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*, is to be forwarded to Council or the Private Certifying Authority with the Occupation Certificate.
7. All proposed dwellings are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
8. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.
9. Removal of Noxious and Environmental Weeds onsite, including the Fern Creek riparian corridor area is to be certified by a Bushland Management Consultant as being complete.
10. A detailed Flood Emergency Response Plan including how residents are to be notified and whether they should evacuate or refuge on site, and the details of evacuation routes and flood evacuation assembly areas is required to be submitted to Council for its records.
11. To ensure protection of the downstream creek system, certification is to be provided to Council, by an appropriately qualified professional, that works associated with the water management system have been carried out and completed in accordance with the Water Management Report required under this consent. Certification is to be provided in accordance with the *Warriewood Valley Water Management Specification (February 2001)*.
12. All works associated with the water management system required under this consent are to be completed prior to the issue of the Occupation Certificate.

13. At the completion of construction and certification the Water Management Report is required to be updated and must contain all reports, assessments and plans as required by the *Warriewood Valley Water Management Specification (February 2001)*. A copy of the updated Water Management Report is to be submitted to Council for its records.
14. The following documents and payments are to be submitted to Council in a single package:
- (i) Works-as-executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements or which will require ongoing maintenance by Council.
 - (ii) The plans are to be in paper and electronic format (dwg or dxf file) and comprise at least the following:
 - Boundary layout;
 - Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
 - Signage (including type and wording), line marking; easements, survey numbers and marks, reduced levels and coordinates;
 - Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains;
 - Water quality devices, ponds, creek line corridors, parkland, play equipment
 - A Stormwater Quality Improvement Devices (SQIDs) Maintenance Plan including details of how all SQIDs are to be cleaned/maintained and the need for the 'Stormfilter' filters to be replaced/cleaned as per the manufacturers instructions;
 - Significant landscaping.
 - (iii) Each component of the works as outlined above is to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. In particular, the construction of the Water Management System is to be supervised and certified by person(s) with appropriate experience and expertise in Environmental Science, Hydrology and Hydraulics, and must be NPER registered members of the Institution of Engineers (Australia).
 - (iv) (vii) A security deposit of a value of 5% of the cost of the works is to be made to ensure rectification of any defects during the maintenance period. A maintenance period is to apply to all works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Occupation Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or as would be reasonable expected under the design conditions.
15. A restriction is to be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements in conditions in B12, B13, B14, B15 and B16 are met.

16. Completed works to be certified as being in accordance with nominated landscape plans and Conditions of Consent by a qualified Landscape Architect.
17. Evidence of a 12-month landscape maintenance contract to be verified by the Certifier prior to release of Occupation Certificate.

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

1. All conditions in this consent relating to the construction and servicing of the residential and commercial buildings, the accessway and works within the public road adjoining the site are to be satisfied prior to issue of the Subdivision Certificate.
2. Appropriate easements are to be created prior to the issue of a subdivision certificate or by the registration of the subdivision plan the subject of the subdivision certificate where service lines or drainage lines pass through private property other than the lot which they benefit.
3. Appropriate easements are to be created prior to the issue of a subdivision certificate or by the registration of the subdivision plan the subject of the subdivision certificate where boundaries pass through common walls.
4. All infrastructure required to service the proposed residential lots and commercial lot is to be provided; including roads and access ways, drainage facilities, landscaping and water management facilities.
5. All consent requirements relating to Water Management are to be satisfied prior to the issue of the Subdivision Certificate.
6. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained.
7. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994, is to be provided to Council, prior to release of the Subdivision Certificate.
8. The following documents and payments are to be submitted to Council in a single package to ensure the efficient release of the Subdivision Certificate: -
 - (i) A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994.
 - (ii) Copies of the Subdivision Plans (original plus 6 copies).
 - (iii) The private certifier's Compliance Certificate. Each component of the works as outlined above is to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. In particular, the construction of the Water Management System is to be supervised and certified by person(s) with appropriate experience and expertise in Environmental Science, Hydrology and Hydraulics, and must be NPER registered members of the Institution of Engineers (Australia).

- (iv) Works-as-executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements or which will require ongoing maintenance by Council.

The plans are to be in paper and electronic format (dwg or dxf file) and comprise at least the following:

- Boundary layout;
- Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
- Signage (including type and wording), line marking;
- Easements, survey numbers and marks, reduced levels and co-ordinates;
- Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains;
- Water quality devices, ponds, creek line corridors, parkland, play equipment;
- Significant landscaping.

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

9. The dedication of 2776m² of Public Reserve shown as lot 49 in the proposed plan of subdivision is to be effected prior to or through the registration of the Subdivision Plan the subject of the Subdivision Certificate.

10. Creation of a suitable restriction on use of land/positive covenant is required prior to the issue of the subdivision certificate or by the registration of the plan of subdivision the subject of the Subdivision Certificate against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements in conditions in B12, B13, B14, B15 and B16 are met.

11. the applicant is to submit a Neighbourhood Development Contract and Community Management Statement which incorporates all of the statutory requirements of Schedule 2 of the Community Land Development Act, 1989 and is to specifically address the following:

- (a) Cats, ferrets and rabbits are not permitted to be kept on the site.
- (b) Dogs being restricted to within the building at night and otherwise to be either within a fenced compound or on a lead.
- (c) Space management strategies including activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements being put in place and maintained.

G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
9. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.