

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1044
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Responsible Officer:	Renee Ezzy
Land to be developed (Address):	Lot 5 DP 736961, 9 Fern Creek Road WARRIEWOOD NSW 2102 Lot 11 DP 1092788, 11 Fern Creek Road WARRIEWOOD NSW 2102 Lot 13 DP 1092788, 13 Fern Creek Road WARRIEWOOD NSW 2102 Lot 12 DP 1092788, 12 Fern Creek Road WARRIEWOOD NSW 2102
Proposed Development:	Subdivision of Part Lots 11, 12 & 13 DP 1092788 and Part Lot 5 DP 73961 into three 3 lots construction of roads drainage and associated infrastructure.
Zoning:	R3 Medium Density Residential R3 Medium Density Residential R3 Medium Density Residential RE1 Public Recreation RE1 Public Recreation RE1 Public Recreation RE1 Public Recreation
Development Permissible:	Yes - Zone R3 Medium Density Residential Yes - Zone RE1 Public Recreation
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Frasers Property Limited
Applicant:	Abax Contracting Pty Ltd

Application lodged:	20/06/2018
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Subdivision only
Notified:	20/03/2019 to 22/04/2019
Advertised:	23/03/2019
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 550,000.00
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Executive Summary

This report provides an assessment of the proposed land subdivision and construction of road and stormwater infrastructure at Nos. 9, 11, 12 and 13 Fern Creek Road, Warriewood. The site is located on the southern side of Fern Creek to the west of Garden Street and will provide an extension of Fern Creek Road. The site is zoned R3 Medium Density and RE1 Public Recreation.

The proposed subdivision will provide lots that reflect the zoning on the site which will facilitate a land swap between Northern Beaches Council and Frasers Property Australia to create public open space adjoining the creek line. The subdivision will create four (4) northern parcels of land (proposed Lots 3, 4, 5 and Part Lot 13) to become public open space, a new road reserve extending Fern Creek Road to the north then an east-west extension and construction of stormwater infrastructure.

As the proposed development involves land owned by Northern Beaches Council, the application is referred to the Northern Beaches Local Planning Panel (NBLPP) for determination as the consent authority.

The assessment of this DA has found that the application is satisfactory in addressing the requirements of PLEP 2014 and addressing the requirements of Pittwater 21 Development Control Plan for the Warriewood Urban Land Release area.

The application is integrated development pursuant to Division 4.8 of the Environmental Planning and Assessment Act, 1979 under Section 100B of the *Rural Fires Act 1997* and the *Water Management Act 2000* as a Controlled Activity. General Terms of Approval (GTA) have been received in this regard.

The application has been publicly exhibited in accordance with Pittwater 21 Development Control Plan. No submissions were received.

Accordingly, it is recommended that the NBLPP, as the determining authority, approve this application.

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

Assessment - Strategic and Place Planning (S94 Warriewood Valley)
 Pittwater Local Environmental Plan 2014 - 6.1 Warriewood Valley Release Area
 Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils
 Pittwater 21 Development Control Plan - A4.16 Warriewood Valley Locality
 Pittwater 21 Development Control Plan - B3.13 Flood Hazard - Flood Emergency Response planning
 Pittwater 21 Development Control Plan - C6.2 Natural Environment and Landscaping Principles
 Pittwater 21 Development Control Plan - C6.11 Additional Specifications for development of Sector 901A to 901H
 Pittwater 21 Development Control Plan - D16.1 Character as viewed from a public place

SITE DESCRIPTION

Property Description:	<p>Lot 5 DP 736961 , 9 Fern Creek Road WARRIEWOOD NSW 2102</p> <p>Lot 11 DP 1092788 , 11 Fern Creek Road WARRIEWOOD NSW 2102</p> <p>Lot 13 DP 1092788 , 13 Fern Creek Road WARRIEWOOD NSW 2102</p> <p>Lot 12 DP 1092788 , 12 Fern Creek Road WARRIEWOOD NSW 2102</p>
Detailed Site Description:	<p>The site comprises four allotments being Lot 5 DP 736961 (known as No.9 Fern Creek Road), Lot 11 DP 1092788 (known as 11 Fern Creek Road, Lot 12 DP 1092788 (known as No.12 Fern Creek Road), and Lot 13 DP 1092788 (known as No.13 Fern Creek Road). The sites are irregular in shape, each with a frontage to Fern Creek and forms part of the Warriewood Urban Land Release Area.</p> <p>On the northern side of Fern Creek is the Warriewood Valley Rocket Park Playground. Future works identified for the proposed reserve includes a pedestrian bridge linking the subject site with the northern side of the creek which provides a pathway to Garden street and a variety of transport options and services.</p> <p>The site contains some remnant natural vegetation along the creek line and along the southern boundary of Lot 11. The site is otherwise generally clear of vegetation.</p>

Map:



SITE HISTORY

To support the incoming residents of the Warriewood Valley Release Area, Council identified the need for the creation of a Central Local Park on either side of Fern Creek in Warriewood Valley. To this end, in 2008 Council purchased the land at 9 Fern Creek Road, Warriewood with funds from the Warriewood Valley Development Contributions Plan. It was recognised at the time that the 9 Fern Creek Road property did not correspond exactly with the desired shape of the future park, however, it was necessary to secure this parcel to ultimately enable the future delivery of the park.

In 2013, Frasers Property Limited (Frasers) as the owner of adjoining land parcels 11, 12 and 13 Fern Creek Road presented a land swap proposal to Council to facilitate the achievement of the preferred open space layout on the south side of Fern Creek and provide for the development of the owner's landholdings. A period of consultation followed with adjoining land owners and the Warriewood Valley Residents Association. From this consultation, the Council agreed to a park layout on 18 May 2015, being Council Concept – Sector 8 and 9 Open Space Masterplan and authorised the General Manager to commence negotiations with Frasers. This was formalised via a Memorandum of Understanding (MOU) and Deed of Agreement that was executed following the Council decision on 19 March 2016. The Deed of Agreement represents the final agreed position between the two parties and has attached the agreed land swap plan.

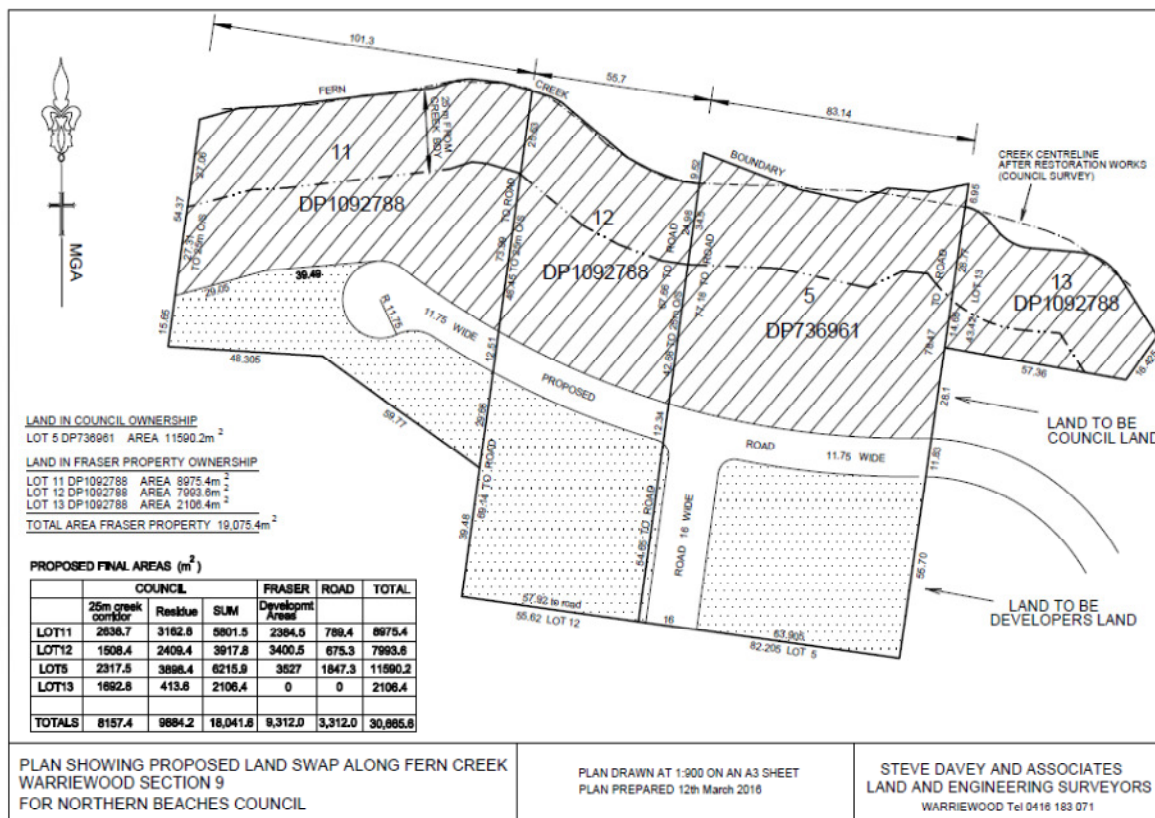


Figure 1 - Plan showing the lands swap arrangements (Source - Northern Beaches Council)

The Deed, signed by the parties on 29 March 2016, contains details of the provision of infrastructure such as extension to Fern Creek Road, a new east-west road, stormwater infrastructure and undergrounding the high voltage power lines. This Deed represents the final agreed position of Council and Frasers Property, with the agreed obligations stipulated under parts 3 and 4 of the Deed.

Development Application No. DA2018/1044 was lodged on 20 June 2018. This development application represents a subdivision creating six (6) super lots to facilitate the new lot boundaries to be transferred between Council and Frasers.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development includes three (3) separate parts:

1. Subdivision of part-lots 11, 12 & 13 DP 1092788 (No. 11, 12 and 13 Fern Creek Road) and part-lot 5 DP 736961 (No.9 Fern Creek Road), to create a northern public open space park adjoining the creek line (proposed Lot 3,4 5 and part Lot 13), and a new road reserve and two (2) new development lots (proposed Lot 1 and 2 with a combined site area of 9375.5m²). (The development lots will be the subject of a future DA for further subdivision and housing.)
2. Construction of a northward extension of Fern Creek Road and a new east-west road, which will terminate to the west as a cul-de-sac and connect with a planned road on the eastern site boundary, in accordance with Council's layout plan for the precinct, and
3. Temporary stormwater drainage works, to drain the land and the roads into the creekline through a new headwall, extending from the eastern end of the east-west road extension.

As the subject site in its entirety includes land owned by Northern Beaches Council (lot 5, No. 9 Fern Creek Road), the application in accordance with referral criteria set by the Minister for Planning and Public Spaces, must be determined by the Northern Beaches Local Planning Panel and is therefore referred for consideration and determination.

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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable as part of this application.
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, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</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 clause is not relevant to this application.</p>

Section 4.15 Matters for Consideration'	Comments
	<p>Clause 98 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>Clause 143A 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. his 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.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

REFERRALS

Internal Referral Body	Comments	
Environmental Health (Acid Sulphate)	Was sufficient documentation provided appropriate for referral?	YES
	Are the reports undertaken by a suitably qualified consultant?	YES
	What class is the site in on the Acid Sulfate Soils Map?	Class 5
	Is there risk of acid sulfate soil disturbance?	YES
	Will the excavations exceed the depth determined in the risk map?	No
	Does the report adequately address acid sulfate risk mitigation?	YES
	Have you considered disposal of water during excavation, pump out etc.	N/A
	Have you considered disposal of contaminated soil.	YES
	General Comments Likely disturbance at this stage is from road works/drainage/power. Report by GeoEnviro Consultancy Ref: JE17655A-r2(rev) does not expect disturbance of acid sulfate soil but makes provision for appropriate measures. Recommendation APPROVAL - subject to conditions	
Environmental Health (Contaminated Lands)	Was sufficient documentation provided appropriate for referral?	YES
	Is the site potentially contaminated?	YES
	Are the reports undertaken by a suitably qualified consultant?	YES
	Do the reports reflect the requirements of SEPP 55 & Guidelines for Assessing Contaminated Sites?	YES
	Have you considered the list of potential contamination sites where phase 1 is required under SEPP55?	YES
	Does the information submitted, and/or imposition of conditions, allow the the site to be validated safe for its intended use?	YES
	General Comments Testing reveals minimal contamination at this time. Conditions can be added to ensure related issues are complied with. Relevant conditions recommended.	

Internal Referral Body	Comments
	<div> Recommendation APPROVAL - subject to conditions </div>
Landscape Officer	<p>The subdivision application is acceptable subject to the completion of landscaping to the road verge (paths, street trees and turfing).</p> <p>Council's Landscape section have assessed this application against the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain), and Pittwater DCP21 Control C6.4 The Road System and Pedestrian and Cyclist Network.</p>
NECC (Bushland and Biodiversity)	<p>The DA has been assessed against the following Pittwater 21 DCP Clauses:</p> <ul style="list-style-type: none"> - B4.15 Saltmarsh Endangered Ecological Community - B4.18 Heathland/Woodland Vegetation <p>The proposed subdivision, road construction and temporary drainage structures are proposed to be located in a previously cleared area without intact native vegetation. It is therefore considered that the proposal can achieve consistency with the controls.</p> <p>Should removal of native vegetation be required for future dwellings, compliance with the above DCP controls and other relevant environmental planning provisions will be assessed at the development application stage.</p>
NECC (Development Engineering)	<p>Referral response 24/4/2019</p> <p>The revised DRAINS model and amended engineering plans were reviewed are satisfactory.</p> <p>The road layout plan has also been amended to include a temporary turning facility within Lot 2 as previously requested.</p> <p>No objections to the proposed subdivision subject to conditions.</p> <p>Referral response 28/3/19</p> <p><i>The engineering plans have been reviewed and the following further information is required regarding stormwater drainage and the submitted DRAINS model associated with a proposed subdivision.</i></p> <ul style="list-style-type: none"> • <i>Stormwater drainage along Proposed Access Street appears insufficient. It appears there will be significant gutter flow in the 20-year storm event, which will flow overland at the intersection with Proposed Local Street. It is recommended that the Applicant investigate increasing the inlet capacity along this proposed Access Street by providing additional pit/pipe connections, and improving the stormwater arrangement. The capacity of the half-road section should be considered.</i> • <i>The sag point at the proposed intersection is unclear. The longitudinal section of Proposed Local Street is incomplete.</i> • <i>Catchment C3/2 indicates 90% impervious. Please consider whether this is appropriate.</i>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • Pipeline 1/L2 to 6/L1 appears to run against the proposed surface levels. A redesign of the drainage arrangement in this area should be considered. • Pipeline 3/L4 to 1/L4 appears inconsistent with the existing Construction Certificate approval for 6 Orchard Street, Warriewood, with respect to pipe sizes, locations and depths. • Tailwater conditions have not been considered from the creek. A preliminary assessment does not raise further concern, but should be considered prior to Construction Certificate. • Detail should be provided regarding the end of road treatment with respect to stormwater management for stormwater discharge to the creek in the 100-year storm event. It appears that the current arrangement will discharge across the adjoining property, which is not acceptable. • In addition the end of road treatment with respect to turning facilities for vehicles and waste services would require a temporary /permanent solution. This could be addressed through the provision of a temporary turning facility and associated Rights of Way. <p>Previous referral response The 2 lot subdivision proposal is not acceptable for the following reasons:</p> <p>1) The engineering concept plans fail to address Councils requirements in regard to storm water drainage both internally and externally to the site. There is a current earth open channel that the runs from the Fern Creek cu de sac to the creek, which is required to be pipe in accordance with Councils Auspec One design standard. The concept plans detail part piping of the channel and discharge to a outlet structure in a location not acceptable to council.</p> <p>The application also requires a hydraulic analysis to determine the upstream flows entering the site both by Councils existing drainage system and as overland flow. The internal pipe is to be designed for a 1 in 20 ARI storm event and overland flow path to the 1in 100 year ARI event to the existing creek. Councils requires a Drains model to determine the flows and hydraulic grade line for this new drainage line.</p> <p>The outlook structure near the creek is to be designed to minimize scour of the creek and impacts on existing flow regimes. Detailed engineering plans in accordance with Auspec One should of been provided to Council.</p> <p>2) The internal drainage system is to demonstrate the provision of On site storm water detention for the proposed housing lots in accordance with the Warriewood Valley water management specification.</p>

Internal Referral Body	Comments
	<p>3)The width of the access street being 11.75m is not in accordance with the Warriewood Valley Masterplan which details a minimum road reserve with of 12.5m.</p> <p><u>Assessing Officer Comments</u> The application has been satisfactorily amended to address development engineering concerns subject to conditions.</p>
NECC (Riparian Lands and Creeks)	Please refer to the Water Management Comments
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The proposed development is for subdivision to enact a landswap between the proponent and Northern Beaches Council with minor civil works included. In accordance with Clause C6.1 of the Pittwater 21 Development Control Plan a Water Management Report is required for works in the Warriewood Valley Land Release Area. Whilst the future residential allotments are not identified as affected by the Flood Planning Area under existing conditions, Council studies and adjacent developments have identified that an overland flow path under future climate conditions (+30% rainfall intensity + 0.9m sea level rise) traverses the site. Prior to development occurring on the site, the applicant must determine the flooding conditions and confirm compliance with the Pittwater 21 Development Control Plan and Warriewood Valley Water Management Specification.</p> <p>As the civil works proposed are minor and further subdivision is required to enable residential development, a Water Management Report is not considered necessary at this stage. The application is recommended for approval.</p>
NECC (Water Management)	<p>The applicant proposes to discharge stormwater to open ground that will be owned by Council. This is not an appropriate solution, as stormwater must be discharged to a piped network or to Fern Creek, sympathetic to flow direction to prevent scour, and with an outlet that has been designed to defuse flows.</p> <p>The applicant must discuss the appropriate location to discharge stormwater with Council's Parks and Reserves unit, as they will have a preference for where stormwater will pass through Council's land.</p> <p><u>Assessing Officer Comment</u> The proposed location of the stormwater pipe has been amended following consultation with Council's Parks and Reserves unit who have not raised any concerns. The location and design of the connection into the creek has been provided to the satisfaction of Council's Water Management Section.</p>
Parks, reserves, beaches, foreshore	No objections to the proposed development.
Property Management and	Concern was previously raised by Property that owners consent from

Internal Referral Body	Comments
Commercial	Property, as the asset owner of 9 Fern Creek Road, had not been provided with the development application. This has now been provided and Property have no further issues with the proposal.
Strategic and Place Planning (S94 Warriewood Valley)	<p>Proposed Lots 1 and 2 are created as residential superlots, and anticipated to be subject to a future DA for residential development in accordance with the R3 zoning of the land under Pittwater LEP. As the quantum of dwellings to be accommodated on Lots 1 and 2 are unknown, development contributions will not be imposed on this development application. Advice should be given to the applicant that development contributions will be applicable when a future DA for Lots 1 and 2 are submitted to Council where the dwelling numbers proposed on each of these lots are clearly articulated. Development contributions imposed on new dwellings will be in accordance with the <i>Warriewood Valley Development Contributions Plan Amendment No 16 Revision 3</i>.</p> <p>Proposed Lots 3, 4 and 5 as well as Lot 13 DP1092788 (13 Fern Creek Road) are not anticipated to accommodate future housing given it is zoned RE1 under Pittwater LEP. The creation of these said lots (Proposed Lots 3, 4 and 5, and existing Lot 13 DP1092788) do not generate the need for development contributions in accordance with the <i>Warriewood Valley Development Contributions Plan Amendment No 16 Revision 3</i>.</p> <p>The final development yield is not established as part of this subdivision and will be the subject of a further subdivision application in order to develop the proposed Lot 1 and Lot 2. Accordingly Section 94 Contributions will be captured as part of the future subdivision application for the development yield and are not required for this application.</p>
Traffic Engineer	All dimensions provided are in accordance with the road reserve width requirements as specified in Council's Layout Plan. Traffic staff raise no objection.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
Integrated Development – NSW Rural Fire Service (Subdivisions and Special Fire Protection Purposes under Section 100B of Rural Fires Act)	The application was referred to the NSW Rural Fire Service as an integrated development under Section 100B of the Rural Fires Act 1997 requiring General Terms of Approval (GTA). Council received GTA for the development by letter dated 9 October 2018.

External Referral Body	Comments
Nominated Integrated Development – Department of Industry – Natural Resources Access Regulator (Controlled Activity Approval for works within 40m of watercourse)	The proposed development is deemed nominated integrated development requiring a Controlled Activity approval under the <i>Water Management Act 2000</i> as the works include connection of the stormwater and construction of a head wall into Fern Creek. The Natural Resources Access Regulator (NRAR) have issued General Terms of Approval which form part of this consent.

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.

In response to the above requirements of the SEPP, the applicant has undertaken a Phase 1 and 2 contamination assessment and submitted a Remediation Action Plan (RAP) dated 8 May 2018 and prepared by GeoEnviro Consultancy Pty Ltd. In its conclusion, the investigation states:

Clause 7(1)(b) stipulates that *"if the land is contaminated, it [Council] is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out"*.

Given the claimed potential of contamination on the site as noted in the Phase 1 and 2 Contamination Assessment for the presence of low risk levels of gross ground chemical contamination and buried rubbish fill, a Phase 2 Environmental Site Assessment has been undertaken which confirms the location and type of contaminants on the site and the RAP provides recommendations for the remediation of the site to enable the development to be safely carried out. In this regard, Council is satisfied that the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation are included as conditions in the Recommendation of this report.

Clause 7(1)(c) stipulates that *"if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose"*.

Council is satisfied that the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation are included as conditions in the Recommendation of this report.

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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone R3 : Yes Zone RE1: Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Zone R3 : Yes Zone RE1: Yes

Principal Development Standards

The Principal Development Standards are not applicable to this application as the proposed subdivision is subject to the requirements of the Warriewood Valley Strategic Review Report 2012 and the Warriewood Valley Strategic Review Addendum Report 2014. The proposal's compliance with these documents is detailed within Part 6.1 of PLEP 2014 and Section D16 of Pittwater 21 DCP.

Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision - consent requirements	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes

Clause	Compliance with Requirements
7.10 Essential services	Yes

Detailed Assessment

6.1 Warriewood Valley Release Area

Clause 6.1 Warriewood Valley Urban Release Area

(1) *The objectives of this clause are as follows:*

- (a) *to permit development in the Warriewood Valley Release Area in accordance with the Warriewood Valley Strategic Review Report 2012 (Strategic Review) and the Warriewood Valley Strategic Review Addendum Report 2014 (Addendum Report)*
- (b) *to ensure that development in that area does not adversely impact on waterways and creeks*
- (c) *(Repealed)*

(2) *This clause applies to the land in the Warriewood Valley Release Area.*

(3) *Development consent must not be granted for development on land in a buffer area or sector or at an address mentioned in Column 1 of the table to this clause unless the consent authority is satisfied that the total number of dwellings shown opposite that buffer area, sector or address in Column 2 of that table will be erected.*

Column 1 - Buffer area, sector or address

Sectors 901C, 901G and 9 Fern Creek Road

Column 2 - Number of dwellings to be erected

Not more than 33 dwellings or less than 26 dwellings per net developable hectare

(4) *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 significant adverse impact on any of the following:*

- (a) *opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems*
- (b) *the water quality and flows within creek line corridors,*
- (c) *the stability of the bed, shore, and banks of any watercourse within creek line corridors.*

(5) *In this clause:*

buffer area means land identified as “buffer area” on the [Urban Release Area Map](#).

creek line corridor means land identified as “creek line corridor” on the [Urban Release Area Map](#).

sector means land identified as “sector” on the [Urban Release Area Map](#).

Warriewood Valley Release Area means the land identified as Warriewood Valley Release Area on the [Urban Release Area Map](#).

In response to the requirements of this clause, the following is provided:

The Warriewood Valley Strategic Review Report 2012 (Strategic Review) and the Warriewood Valley Strategic Review Addendum Report 2014 (Addendum Report) are the planning strategy documents for the Release Area. The Strategic Review, prepared by the NSW Department of Planning and the former Pittwater Council, aimed at reviewing the scale and density of development for all undeveloped lands in the Warriewood Valley Release Area. The Strategic Review identified the subject sites as part of Sector 901A, 901C, 901G and 9 Fern Creek Road and allocated a dwelling density of not more than 33 dwellings or less than 26 dwellings per net developable hectare to the sector.

The recommendations of the Strategic Review as they relate to the subject properties are now reflected in Pittwater Local Environmental Plan 2014 (PLEP 2014).

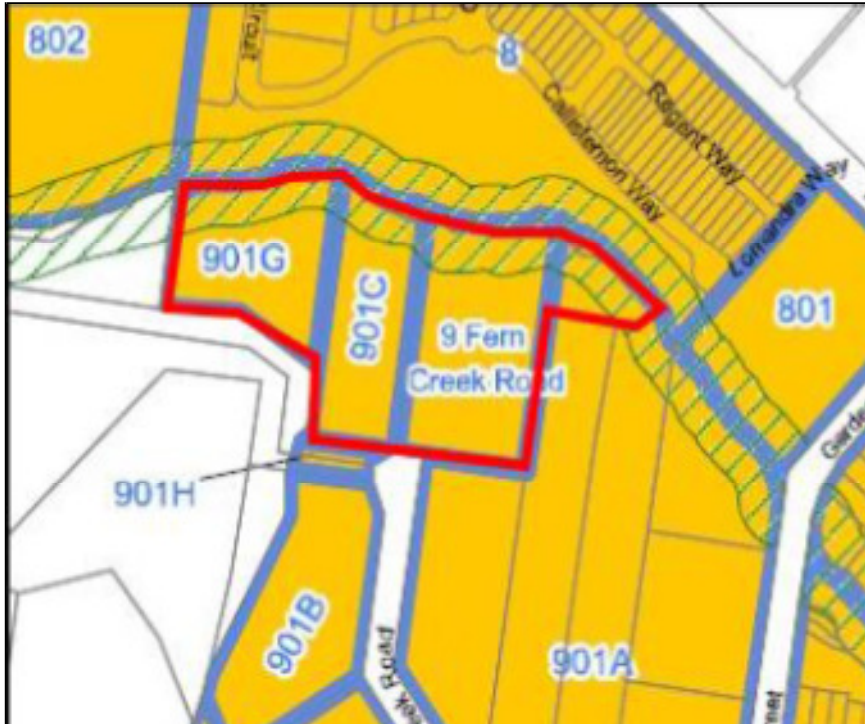


Figure 2 - Relevant excerpt from PLEP 2014 Urban Release Area Map (site area in red).

The Addendum Report details the pro-rata dwelling yield allocation for individual land parcels within Sector 901A, 901C, 901G and 9 Fern Creek Road (excluding land within the creek corridor) to provide certainty should individual properties seek to develop on their own.

The development seeks to subdivide the lots to facilitate a land swap between Council and the land owner. (See Figure 3). These super lots will create four (4) lots being proposed Lot 3, 4, 5 and part Lot 13 on the northern side of the site adjoining the creek line, which are likely to be consolidated in the future to become public reserve. The new lots on the southern side of the Fern Creek Road extension (proposed Lot 1 and 2) will be available for a further subdivision in accordance with the densities outlined in the Warriewood Valley Strategic Review Addendum Report. The dwelling yield stipulated for the subject site is a maximum of 33 dwellings and a minimum of 26 dwellings.

The proposal for subdivision into superlots is not of itself able to demonstrate that the yield required under the LEP will be achieved. Council has requested the applicant to provide an indicative concept plan demonstrating the likely (or at least possible) future form and density of development of the site, to ensure the capacity of the proposed subdivision will meet the minimum or maximum yield permissible under the LEP. Constraints of the site, with particular respect to bush fire considerations may impact on the capacity of proposed lot 1 to be developed depending on the building typology proposed.

The applicant has refused to provide any detail as to its future intentions for the site, or any theoretical concept for the future development of the superlots that would fulfill the requirements of the LEP. The minimum required yield for Lot 1 and 2 together is 26 dwellings. The zoning permits the construction of residential flat buildings with a maximum height of 10.5m. Other relevant controls under the DCP would be required to be complied with by any future proposed development. The applicant maintains that the

minimum yield will be able to be achieved on Lots 1 and 2 notwithstanding the bushfire constraints, and in compliance with the LEP and DCP controls that relate to permissible forms of development on the site. In the absence of any indicative concept plans, this will need to be tested by any future Development Application for the further development and subdivision of Lots 1 and 2.

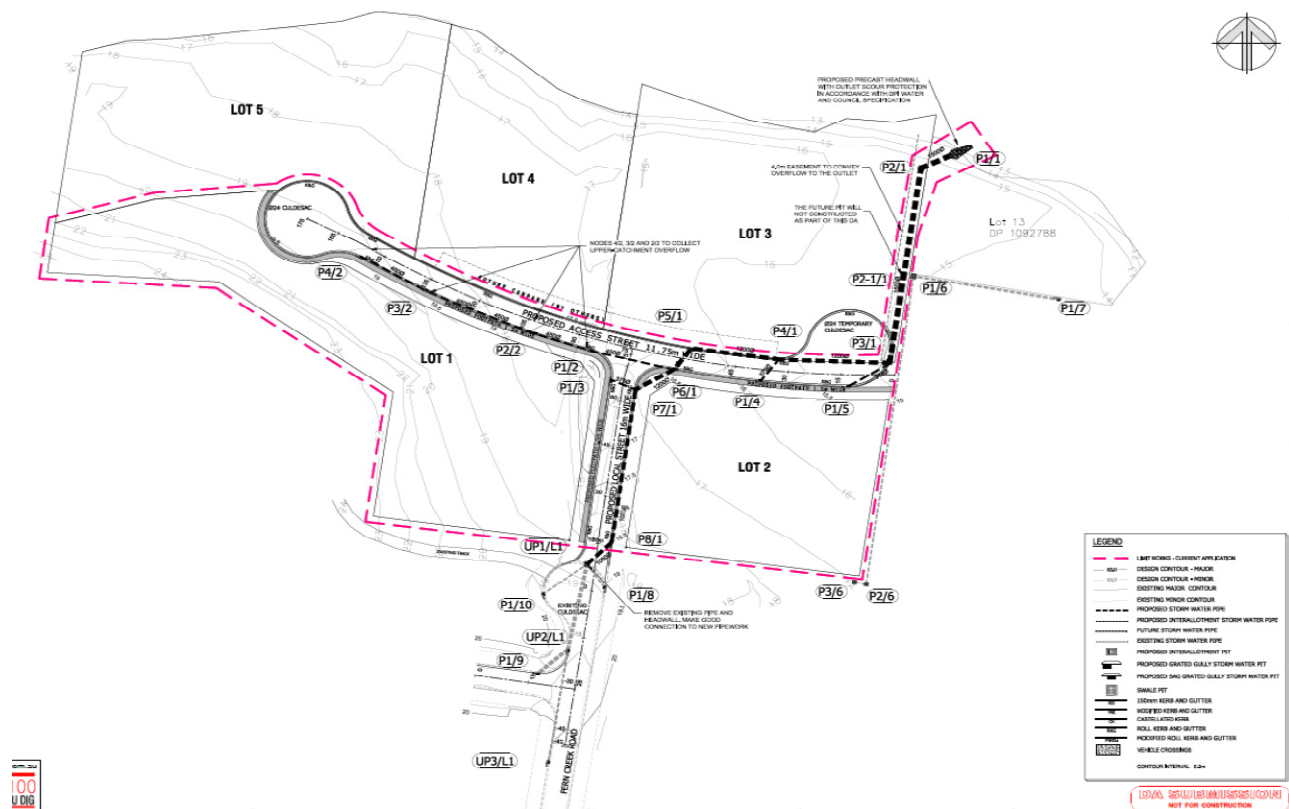


Figure 3 - Proposed Subdivision (source GDS Group Development Services)

In relation to the proposed subdivision in terms of vegetation rehabilitation, the creekline, and water quality and flows within the creek corridor, Council's Riparian, Bushland and Biodiversity, Stormwater and Reserves sections have reviewed the proposed development and support the works subject to conditions.

The proposal is therefore considered satisfactory in terms of meeting the requirements of Clause 6.1 of PLEP 2014.

7.1 Acid sulfate soils

The subject site is identified as Class 5 on the Acid Sulfate Soils Map and is within 500m of Class 2 land. An Acid Sulfate Soils Assessment has been prepared by GeoEnviro Consultancy Pty Ltd dated 13 June 2018. The assessment concludes that the "upper sandy soils are not significantly impacted by acid sulfate soils" and provides recommendations for the site to be monitored during excavation and an acid sulfate soils management strategy should they be identified at any time during construction.

Pittwater 21 Development Control Plan

Built Form Controls

The Built Form Controls do not apply to the subject application as the proposal facilitates the creation of

lots forming part of the land swap and creates two (2) super lots which will be further subdivided under separate application in order to meet the density requirements of the Warriewood Valley Strategic Review Report and Addendum Report.

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
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.18 Heathland/Woodland Vegetation	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	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
C1.13 Pollution Control	Yes	Yes
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.4 The Road System and Pedestrian and Cyclist Network	Yes	Yes
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development	Yes	Yes
C6.7 Landscape Area (Sector, Buffer Area or Development Site)	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

Detailed Assessment

A4.16 Warriewood Valley Locality

The subject site is located within the Warriewood Valley Land Release Area identified on the Urban Release Area Map (Sheet URA_012).

The Warriewood Valley Locality Statement provides the following statement in relation to the future development of land within this area:

"Warriewood Valley Release Area continues to be developed as a desirable urban community in accordance with the adopted planning strategy for the area, and will include a mix of low to medium density housing, industrial/commercial development, open space and community services. The creekline corridors, roads and open space areas form the backbone of the new community, complemented with innovative water management systems, the natural environment, pedestrian/cycle path network, public transport, and recreation facilities."

The subject development to create six (6) new lots, four (4) being dedicated as public reserve and the two (2) southern lots being super lots for future subdivision is considered to successfully address the desired future outcomes for the locality.

B3.13 Flood Hazard - Flood Emergency Response planning

While the subject sites are classified as H3 and H5 in a Probable Maximum Flood event as identified on the Flood Life Hazard Category Maps, the scope of the development does not include any building structures except road and stormwater infrastructure.

C6.2 Natural Environment and Landscaping Principles

As this application is for subdivision to facilitate the land swap for the future public reserve adjoining the creek line and construction of the infrastructure and Fern Creek Road extension, the next application for subdivision detailing the final density distribution will be required to address this clause in detail.

C6.11 Additional Specifications for development of Sector 901A to 901H

The subject site includes lands identified within Sectors 901A, 901C, 901G and 9 Fern Creek Road on the PLEP 2014 Urban Release Map. The subject application addresses the following relevant requirements:

Internal Road Network

The internal road network within Sector 901 should be consistent with the Indicative Layout Plans within this Control.

Comment:

The proposed road layout is consistent with the Indicative Layout Plan with Linear Park and acceptable to Council's Development Engineers.

Land for Public Recreation

Approximately 1 hectare of land is to be provided adjacent to the creekline corridor for passive open space. This open space area is to be connected to the internal road and pedestrian cycleway networks generally in accordance with the Indicative Layout Plan within this Control.

Comment:

The land on the northern side of the proposed internal road extension to Fern Creek Road is made up of part Lot 13 (2107m²), proposed Lot 3 (6215.9m²), proposed Lot 4 (3918.4m²) and proposed Lot 5 (5698.1m²). In total, the land to become public reserve has a total area of 17,939.4m² or 1.79ha. This area adjoins the new east-west access road consistent with the Layout Plan.

Details relating to the other requirements of this control will be required at the next stage of this development where the superlots (proposed Lot 1 and Lot 2) will be further subdivided in accordance with the density requirements within the Warriewood Valley Strategic Review Addendum Report 2014.

D16.1 Character as viewed from a public place

The proposed works associated with this subdivision include road infrastructure works for construction of the Fern Creek Road extension and the construction of stormwater infrastructure extending to the creek. The works satisfy the requirements of this control.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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.

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

S94 Contributions are not applicable to this application.

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 DA2018/1044 for Subdivision of Part Lots 11, 12 & 13 DP 1092788 and Part Lot 5 DP 73961 into three 3 lots construction of roads drainage and associated infrastructure. on land at Lot 5 DP 73961, 9 Fern Creek Road, WARRIEWOOD, Lot 11 DP 1092788, 11 Fern Creek Road, WARRIEWOOD, Lot 13 DP 1092788, 13 Fern Creek Road, WARRIEWOOD, Lot 12 DP 1092788, 12 Fern Creek Road, 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
Sheet 3 of 17 - Road and Lot Layout Plan - Rev E	24.04.2019	GDS Group Environment Services
Sheet 4 of 17 - Stormwater Drainage Plan - Rev E	24.04.2019	GDS Group Environment Services
Sheet 5 of 17 - Bulk Earthworks Plan - Rev E	24.04.2019	GDS Group Environment Services
Sheet 6 of 17 - Longitudinal Section and Cross Sections - Rev E	24.04.2019	GDS Group Environment Services
Sheet 7 of 17 - Proposed Access Street Longitudinal Section and Typical Section - Rev E	24.04.2019	GDS Group Environment Services
Sheet 8 of 17 - Proposed Access Street Cross Sections - Rev E	24.04.2019	GDS Group Environment Services
Sheet 9 of 17 - Stormwater Catchment Plan - Rev E	24.04.2019	GDS Group Environment Services
Sheet 14 of 17 - Public Domain Plan - Rev E	24.04.2019	GDS Group Environment Services
Sheet 15 of 17 - Erosion and Sedimentation Control Plan	24.04.2019	GDS Group Environment Services

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Acid Sulfate Soil Assessment	13 June 2018	GeoEnviro Consultancy Pty Ltd
Bush Fire Protection Assessment	20 June 2018	Ecological Australia

Remediation Action Plan (RAP)	8 May 2018	GeoEnviro Consultancy Pty Ltd
Flora and Fauna Assessment	June 2018	Ecological Australia

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

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

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
Natural Resources Access Regulator	Referral Response - NRAR - GTA	6 May 2019
NSW Rural Fire Service	Referral Response - RFS - GTA	9 October 2018

(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 Department, Authority or Body's.

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) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) 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.
- (j) 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.

- (k) 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 2008
 - (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 \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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, 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 Bond (Road)**

A Bond of \$350000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works required to demolish the existing cul de sac in Fern Creek Road and construction of the internal roadworks and footpaths.

Reason: Protection of Council's Infrastructure

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

A Bond of \$150000 as security against any damage or failure to complete the construction of Stormwater drainage works as part of this consent.

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 infrastructure works. The Maintenance Bond will only be refunded on 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 the subdivision certificate .

Reason: To ensure adequate protection of Council infrastructure

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

9. **Road verge landscaping and infrastructure**

A Landscape Plan shall be issued prior to Construction Certificate, containing the following landscape details in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain), and the Warriewood Valley Roads Masterplan:

Proposed Local Street

- a) A 1.5m wide footpath to one side in accordance with S-3 of the Warriewood Valley Landscape Masterplan and Design Guidelines, in co-ordination with all civil layouts along the Local Street. This shall be located abutting the kerb and shall be extended, inclusive of kerb ramps, along the existing cul-de-sac, to connect to the proposed footpath alignments for 10 Fern Creek Road and 2 Fern Creek Road,
- b) All underground utility services are to be located under the footpath,
- c) Street tree planting shall be documented in accordance with S-3 of the Warriewood Valley Landscape Masterplan and Design Guidelines, including medium canopy trees to the road verge containing the proposed footpath, and large canopy trees to the road verge containing soft landscaping only,
- d) All street trees for S-3 are to be a minimum 400 litre stock for large canopy trees and 200 litre stock for medium canopy trees, and subject to final approval by Council. All street trees shall be subject to pre-order of plant material.
- e) 400 litre stock shall be delivered as achieving a minimum height of 3.5m, with a minimum caliper of 60mm,
- f) 200 litre stock shall be delivered as achieving a minimum height of 2.5m, with a minimum caliper of 40mm,
- g) Underplanting of native grasses as per S-3 shall be provided under large canopy trees,
- h) All trees to be grown by recognised nursery under natspec growing guidelines,
- i) All street trees shall be spaced evenly to achieve at least 1 tree per lot frontage, or a maximum separation of 7 metres apart,
- j) All street trees shall be installed with tree guards, consisting of 4 timber posts and top & mid timber rails, as per S-3,
- k) All street trees must be maintained for a period of 12 months following the issue of an occupation certificate. Any failure due to lack of maintenance will require replacement. Grassed

areas are to be turfed with Couch species (weed free) and even grade to a maximum 4% grade.

All work is subject to a Section 139 approval from Council.

Proposed Access Street

a) A 1.5m wide footpath to one side in accordance with S-4 of the Warriewood Valley Landscape Masterplan and Design Guidelines, in co-ordination with all civil layouts along the Access Street. This shall be located abutting the kerb and shall be extended, inclusive of kerb ramps,

b) All underground utility services are to be located under the footpath,

c) Street tree planting shall be documented in accordance with S-4 of the Warriewood Valley Landscape Masterplan and Design Guidelines, including small canopy trees to the road verge containing soft landscaping only,

d) All street trees for S-4 are to be a minimum 200 litre stock, and subject to final approval by Council. All street trees shall be subject to pre-order of plant material.

e) 200 litre stock shall be delivered as achieving a minimum height of 2.5m, with a minimum caliper of 40mm,

f) All trees to be grown by recognised nursery under natspec growing guidelines,

g) All street trees shall be spaced evenly to achieve at least 1 tree per lot frontage, or a maximum separation of 7 metres apart,

h) All street trees shall be installed with tree guards, consisting of 4 timber posts and top & mid timber rails, as per S-4,

i) All street trees must be maintained for a period of 12 months following the issue of an occupation certificate. Any failure due to lack of maintenance will require replacement. Grassed areas are to be turfed with Couch species (weed free) and even grade to a maximum 4% grade.

All work is subject to a Section 139 approval from Council.

Reason: to enable the long term retention of the desired streetscape character.

10. Sydney water requirements

A section 73 Compliance Certificate under the provisions of the Sydney Water Act, 1994 must be obtained from Sydney Water. 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.

Reason: Compliance with the Sydney Water Act ,1994 (DACENCPCC4)

11. Erosion and sediment management plan

An Erosion and Sediment Management Plan is to be submitted prior to the issue of a Construction Certificate. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction* (Landcom 2004). The plan is also to include specific details required to remove fine sediment and clay from vehicles leaving the site so as to maintain public roads in a clean condition.

Reason: To ensure appropriate erosion and sediment control practices.

12. Submission of Engineering Plans

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the road and stormwater drainage infrastructure which are to be generally in accordance with the civil design approved with the Development Application (Prepared by GDS Surveyors, Planners, Engineers Drawing Nos 1-19 Ref WW FCR19, Revision E)

a.The engineering plans required under this condition must meet the objectives and requirements of The Warriewood Valley Roads Masterplan; Austroads; AusSPEC #1, Councils standard engineering details and Pittwater 21 DCP, as relevant and achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan (Public Domain), dated October 2007.

b.Street lighting using Ausgrid standard lights/poles in the proposed roads to be provided to meet Australian Standards.

c.Street name signs (complying to Council's requirements) are to be provided for the proposed roads.

d.All traffic facilities within the proposed roads are to be designed to cater for safe movements by a waste collection vehicle minimum 9.7m in length, to accommodate the existing vehicle type (or greater Australian Standard vehicle class), with no vehicle overhang of nature strips and a minimum 300mm as a clearance of all kerb and traffic islands, for all wheel paths.

e. Road shoulder and road pavement construction including pavement design and treatments in the proposed roads are to be designed for ESA pavement design criteria of 6×10^5 for the full frontage of the site.

The engineering design and plans for road and drainage works must be certified as meeting the requirements outlined above by a suitably qualified and experienced Civil Engineer who is accredited with Professionals Australia as RPENG or equivalent .

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

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

13. **Submission Roads Act Application for Civil Works in the Public Road**

An Application for Road and Drainage works is to be approved within Councils Roadway (Fern Creek Road), including engineering plans and is to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The application is to include four (4) copies of Civil Engineering plans for the demolition of the the existing cu de sac head and reinstatement as road carriageway. The plans are to be generally in accordance with the Development Application and Council's design specification for engineering works - AUS-SPEC #1 , Warriewood Valley Roads Master plan, and Council's standard engineering plans. The plan shall be prepared by a qualified civil engineer registered as a professional engineer with Professionals Australia or equivalent. The design must include the following information: 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 Council prior to the issue of the Construction Certificate

Reason: To provide public and private safety.

14. **Utilities Services**

Prior to the issue of the Construction Certificate, evidence is to be submitted to the Principal Certifying Authority that :

- (a) A letter from the relevant utility providers (ie Ausgrid , Sydney Water etc) 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 provider, requirements for the development can be provided.

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

15. **Construction Management Program**

An application for Traffic Management Plan is to be submitted to Council for approval. The Traffic Management Plan shall be prepared to RMS standard by an appropriately certified person. Plans are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

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 in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community

16. **Engineering Details - overhead power and other utility services**

The engineering plans are to facilitate all utility services including overhead power supply and communication cables located in the adjacent road verge are to be placed and/or relocated underground for the full extent of the site from the frontage of the development site at Fern Creek Road at the full cost to the developer.

Reason: To ensure works met Council standards and specifications

17. **Soil and Water Management Program**

A Soil and Water Management Plan prepared in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and implemented on site until the works are completed.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACHPC02)

18. **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 and private properties 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.

Reason: Protection of Council's and Private Party's Infrastructure during construction.

19. **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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. **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 Warringah 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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. **Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

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

Compliance certificates are 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 - AUSPEC Standard
- (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.
- (j) All layers of the road formation are to be proof rolled to Council's satisfaction

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

23. Civil Works Supervision

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer. 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.

24. Notification of Inspections

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 / sub-base
- (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. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: To ensure new Council infrastructure is constructed to Council's requirements.

25. 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 Principal Certifying 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

26. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

27. **Excavation and Erosion Control**

The following measures shall be implemented in the sequence given below to minimise soil erosion:

- Approved runoff and erosion controls shall be installed before site vegetation is cleared (other than that associated with the construction of the controls). These shall be as shown on an ESCP approved by council.
- Topsoil shall be stripped only from approved areas and stockpiled for re-use during site rehabilitation and landscaping.
- Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, waters, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned. All stockpiled materials are to be retained within the property boundaries.
- Uncontaminated runoff shall be intercepted up-site and diverted around all disturbed areas and other areas likely to be disturbed.
- Diversion works shall be adequately stabilised.
- Runoff detention and sediment interception measures shall be applied to the land.

These measures will reduce flow velocities and prevent topsoil, sand, aggregate, or other sediment escaping from the site or entering any downstream drainage easements or waters. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to conform to the specifications and standards quoted and to any conditions of approval of those measures.

Measures shall be applied, to the satisfaction of Council, to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development. Measures required in permits issued under the Rivers and Foreshores Improvement Act shall be implemented. This Act requires that people obtain approval for any proposed excavation or fill in or within 40 metres of a watercourse. Permits should be sought from the Department of Natural Resources.

Reason: To minimise soil erosion

28. **Safety Fencing of Excavation and/or demolition**

The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

Reason: To ensure private and public safety

29. **Maintenance of Sediment**

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.

Reason: To ensure sediment controls are effective

30. **Erosion and Sedimentation Responsibilities**

Personnel with appropriate training, or demonstrated knowledge and experience in erosion and

sediment control shall be responsible for supervising the installation and maintenance of approved erosion and sediment control measures – during and after construction and until the site has been restored to the satisfaction of council.

Reason: To ensure sediment and erosion controls comply with standards

31. Site Entry Access way

An all-weather access way 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.

Reason: To reduce sediment being taken offsite

32. Cleaning of Vehicles Leaving Site

Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

Reason: To reduce sediment being taken offsite

33. 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. Certification is to be provided to the Principal Certifying Authority by a N.A.T.A. approved laboratory.

Reason: To ensure protection of the natural environment

34. Compliance with the Contamination Management Plan

The requirements of the Contamination Management Plan (Remediation Action Plan(RAP) by GeoEnvironmental Consultancy Pty Ltd May 2018 REF: JE17655A-r2(rev) are to be fully implemented from commencement of any excavation, demolition or development works until the site is remediated.

On completion of remediation works a report (from a suitably qualified person/consultant) is to be submitted to Council for its records.

Reason: Protection of the environment, SEPP 55 compliance. (DACHPEDW1)

35. Acid Sulfate Soil - Excavation- Road works - Power undergrounding

In the event where acid sulfate soils are identified during construction, the following acid

sulfate soil management strategy must be adopted in conjunction with the recommendations of the report June 2018 by GeoEnviro Consultancy Pty Ltd ;

- If acid sulfate soils are to be disturbed, the acid generation potential of the soil must be managed by neutralising any acid using 3% by weight of lime. Additional lime may be added as required. Alternatively the acid sulphate soil may be removed off-site to a

landfill for treatment and disposal.

- The excavated acid sulfate soils must be treated immediately otherwise the excavated soil must be capped to retard the oxidation process.
- All material to be removed from the site must be carried out by a licensed contractor.

This material must be sealed and contained on the truck during haulage using

appropriate lining and capping material.

The applicants appropriate consultant shall sign off on compliance (copy to Council) on completion of these works.

Reason: To manage the risk of Acid Sulfate Soil

36. Off-site Disposal of Contaminated Soil - Chain of Custody

'Chain of Custody' documentation shall be kept and submitted for the transport of the contaminated material from the site to a disposal site .

Details demonstrating compliance are to be submitted to Council for its records within seven (7) days of transport.

Reason: For protection of environment. (DACPHE03)

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

37. Certification of Planting, Biodiversity Management and ongoing work

All recommendations specified in Section 6 of the submitted Flora and Fauna Report (Eco Logical Australia, June 2018) are to be fully implemented at the appropriate stage of construction. Compliance with these recommendations is to be certified by the project ecologist prior to issue of the Subdivision Certificate.

Reason: Environmental protection.

38. Undergrounding of Telecommunications and Utility Services

Arrangements are to be made for the provision of underground telecommunications and power supply services to the development. Existing overhead power supply cables are to be relocated underground from the full extent of the site from the frontage of the development site at Fern Creek Road.

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

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACPLF06)

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

39. **Landscape maintenance**

- a) Street tree planting under this consent are to be mulched, watered and fertilized as required at the time of planting, and to be continued for a period of 12 months prior to release of an occupation certificate.
- b) If any tree planted under this consent fails, they are to be replaced with similar species, and of similar pot size, to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: to maintain local environmental amenity

40. **Dead or Injured Wildlife**

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

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

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

41. **Services**

All utilities/services and street lighting is to be installed by the applicant/developer. Certification is to be provided to Council stating the above requirement has been complied with. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: Public safety and to ensure services have been provided for the newly created lots

42. **Council Dedications**

All allotments proposed as Council roads and or reserves are to be dedicated to Council. The subdivision certificate and a certificate of title are to be submitted to Council within one month after registration of the subdivision plan.

Reason: Statutory requirement of the Conveyancing Act 1919

43. **Stormwater Drainage and Utility Services Plan**

A plan of subdivision identifying the location of water, gas, telephone, electricity and stormwater drainage in relation to boundaries and/or relevant easements, prepared by a registered surveyor is to be submitted to Council. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure that services have been provided with appropriate easements as required by the Conveyancing Act 1919

44. **Survey Plan - Construction Identification**

A declaration by a registered surveyor shall be provided to Council as evidence that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. This shall be in the form of a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor. Details demonstrating compliance are to be submitted to the Principal

Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure accurate location of buildings, access and services

45. **Sydney Water Compliance Certification**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from 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 charges to be paid. Please make early contact with the Co-ordinator, 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

46. **Certification of Utility Services**

The provision of all utilities/services and/or street lighting are to be certified 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

47. **Easement for Drainage**

An easement for drainage (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision the accompanying 88B instrument to ensure all drainage infrastructure (within proposed Lot 3) 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

48. **Easement for Services**

An easement for services (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and the accompanying 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

49. **Electrical Substations**

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

Reason: To comply with statutory requirements of the energy authority

50. **Subdivision Certificate Application**

Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council. Nine copies of the final plan of subdivision are to be submitted. 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

51. **Subdivision certificate documentation**

The following documents and payments are to be submitted to Council in a single package to ensure the efficient release of the relevant Subdivision Certificate:

- (a). A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*;
- (b). Copies of the Subdivision Plans (original plus 6 copies);
- (c). The accredited certifiers compliance certificates. Each component of the works as outlined above are to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. Certification is to include:

1. Certification to Council, by an experienced civil engineer who is accredited as RPENG as maintained by Professionals Engineers Australia, that all roads, drainage and other civil engineering works have been carried out and completed in accordance with the engineering plans and specifications required under the Conditions of this Consent.
2. All appropriate infrastructure as outlined in the Conditions of Consent and approved Construction Certificate plans and specifications has been provided to service the proposed residential lots including roads, drainage facilities, landscaping, water management facilities, civil engineering works and services.
3. Security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.
4. Creation of appropriate easements where service lines or drainage lines pass through private property other than the lot which they benefit.
5. 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:
 - i. Boundary layout;
 - ii. Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
 - iii. Signage (including type and wording), line marking;
 - iv. Easements, survey numbers and marks, reduced levels and co-ordinates;
 - v. Stormwater drainage locations, pipe sizes and types, pit sizes and types, subsoil drains;

Reason: Compliance with Councils standard specifications and standards (DACENHPS2)

52. **Certification of drainage work and work as executed data**

A suitably qualified Civil Engineer shall certify that the completed works have been constructed

in accordance with this consent and the approved Construction Certificate plans. CCTV details of all drainage assets to be dedicated to Council are to be in an approved format together with Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' shall be submitted to the Council for approval prior to the issue of the Subdivision Certificate .

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENHPS2)

53. **Undergrounding of Telecommunications and Utility Services**

Arrangements are to be made for the provision of underground telecommunications and power supply services to the development. Existing overhead power supply cables are to be relocated underground from the full extent of the site from the frontage of the development site at Fern Creek Road.

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

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACENHPS4)

54. **Restoration of Damaged Public Infrastructure**

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 Principal Certifying Authority with the Subdivision Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development

55. **Title Encumbrances**

All easements, rights of carriageway, positive covenants and restrictions as to user as indicated on the plans and required by this consent are to be created on the title naming Northern Beaches 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