

Business Hours:
8.00am to 6.00pm, Monday to Thursday
8.00am to 5.00pm, Friday

S96 No: N0013/15/S96/3

21 November 2016

GEOFFREY MCKINNON
DRAGON EYE PROPERTIES PTY LTD
SUITE 202, LEVEL 2
127 YORK STREET
SYDNEY NSW 2000

Dear Sir/Madam

N0013/15/S96/3 Modification of Development Consent N0013/15 which approved 20 Lot Community Title Subdivision, , to provide for 18 residential allotments, 1 large residue lot, 1 community lot containing a private road and infrastructure, and construction and dedication of a new public road. *Modification Application N0013/15/S96/3 to remove Lot 8 from the Community Title Management Plan to provide for the Torrens Title subdivision of the lot at 6 & 6A ORCHARD STREET and 9 FERN CREEK ROAD WARRIEWOOD NSW 2102.*

Your request for modification has been considered by Council and it has been agreed to modify the Consent.

Please find attached the consent as modified.

If there are any matters that require further clarification, please do not hesitate to contact me.

Yours faithfully

**Rebecca Englund
EXECUTIVE PLANNER**

MODIFICATION OF DEVELOPMENT CONSENT NO: N0013/15

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION

OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

GEOFFREY MCKINNON
DRAGON EYE PROPERTIES PTY LTD
SUITE 202, LEVEL 2
127 YORK STREET
SYDNEY NSW 2000

Being the applicant in respect of S96 Modification Application No N0013/15/S96/3

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

N0013/15/S96/3 Modification of Development Consent N0013/15 which approved 20 Lot Community Title Subdivision, to provide for 18 residential allotments, 1 large residue lot, 1 community lot containing a private road and infrastructure, and construction and dedication of a new public road. *Modification Application N0013/15/S96/3 to remove Lot 8 from the Community Title Management Plan to provide for the Torrens Title subdivision of the lot.*

At:-

**Lot C DP 367229
Lot 5 DP 736961
Lot 102 DP 1033854**

**6 & 6A ORCHARD STREET & 9 FERN CREEK ROAD
WARRIEWOOD NSW 2102**

Decision:

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

- Plan of Subdivision prepared by Stephen Bowers Architects;
 - DA-01, revision A, dated 7 May 2015;
 - DA-02, revision B, dated 1 May 2015;
 - DA-03, revision B, dated 7 May 2015;
 - DA-04, revision A, dated 7 May 2015;
 - DA-05, revision A, dated 7 May 2015;
 - DA-06, revision A, dated 7 May 2015;
 - SK-01, revision A, dated 7 May 2015;
- Landscape Plans prepared by Sym Studio;
 - ASC04.1-DD-100, issue E, dated 7 May 2015;
 - ASC04.1-DD-101, issue E, dated 7 May 2015;
 - ASC04.1-DD-102, issue E, dated 7 May 2015;
 - ASC04.1-DD-103, issue E, dated 7 May 2015;
 - ASC04.1-DD-104, Issue E, dated 7 May 2015;
 - ASC04.1-DD-901, Issue A, dated 4 May 2014;
- Civil Engineering Drawings prepared by Northrop;
 - C3.01, revision 10, dated 6 May 2015;

- C3.02, revision 5, dated 6 May 2015;
- C3.03, revision 5, dated 6 May 2015;
- C4.01, revision 10, dated 6 May 2015;
- C4.02, revision 10, dated 6 May 2015;
- C4.03, revision 10, dated 9 May 2015;
- C4.13, revision 9, dated 6 May 2015;
- C4.31, revision 9, dated 6 May 2015;
- C5.01, revision 9, dated 6 May 2015;
- C5.02, revision 5, dated 6 May 2015;
- Flood and Stormwater Management Report, revision H, prepared by Northrop, dated 9 June 2015;
- Flood and Stormwater Management Report supporting letter titled 'Re: 6 Orchard Street, Warriewood Valley Residential Subdivision (DA N0117/14) – Overland Flow Study', prepared by Northrop, dated 28 April 2015;
- General Terms of Approval issued by the NSW Office of Water, reference 10ERM2015/0086, dated 5 March 2015;
- Preliminary Site Investigation Report, prepared by Aargus, dated 27 February 2014;
- Traffic and Parking Assessment, reference 14009, revision G, prepared by Transport and Traffic Planning Associates, dated December 2014
- Aboricultural Impact Assessment Report, revision C, prepared by Tree IQ, dated 24 October 2014;

As further modified by:

- Amended Plan of Subdivision prepared by Stephen Bowers Architects:
 - DA-01, revision (-), dated May 2016;
- Amended Landscape Plans, prepared by Sym Studio:
 - ASC04.1 – DD-100, issue H, dated 31 May 2016;
 - ASC04.1 – DD-101, issue H, dated 31 May 2016;
 - ASC04.1 – DD-102, issue H, dated 31 May 2016;
 - ASC04.1 – DD-103, issue H, dated 31 May 2016;
 - ASC04.1 – DD-104, issue H, dated 31 May 2016;
- Amended Section Detail, C4.13, revision 12, prepared by Northrop, dated 9 May 2016;
- Letter from Northrop (R Haughton) to Dragon Eye Properties Ltd (B Moss) dated 9 May 2016, titled "Re: 6 Orchard Street, Warriewood Valley Residential Subdivision (DA N0013/15) – Stage 1 Section 96 Application Information";

As further modified by:

- **Amended Plan of Subdivision prepared by Stephen Bowers Architects:**
 - **DA-01, revision (c), dated September 2016;**

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

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

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

Endorsement of date of consent 25/06/2015, Modified 12/9/2016, **Modified 21 November 2016**

Mark Ferguson
INTERIM GENERAL MANAGER

Per:

Conditions of Approval

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

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

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
5. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - a. in the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
 - b. in the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further

work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

1. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
2. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
3. This consent does not authorise the location or construction of the second public road reserve (referred to as Future PRR2) at the northern of the site.
4. The Water Management System, including the water balance outcomes, is to be in accordance with the Flood and Stormwater Management Report referenced in this consent, and as amended in response to conditions of this consent.
5. The commitments reported in the Flood and Stormwater Management Report referred to in this consent including:
 - a. The maintenance of all private stormwater management devices in accordance with the accepted design, maintenance plan and manufacturer's specifications and associated operational guidelines.
 - b. The Water Management System including the water balance outcomes for the development site associated with this consent is to be in accordance with the Flood and Stormwater Management Report referred in this consent;are to be maintained for the life of the development.
6. A stormwater drainage diversion system comprising of a piped drainage and swale, as detailed in the supporting letter to the Water Management Report from Northrop (J Hoang and S Fryer) to Ascot Project Management (N Grice) entitled '*Re: 6 Orchard Street, Warriewood Valley Residential Subdivision (DA N0117/14) – Overland Flow Study*' dated 28 April 2015, is to be created and maintained to manage overland flows from the upstream catchment and to manage risks to life and property by safely conveying all flows in excess of the piped stormwater system.
7. All water management facilities shall be made safely accessible for regular maintenance.
8. All water management facilities related to the development including the trash screens, gross pollutant traps, onsite detention basins, stormwater filters, rainwater tanks and stormwater drainage are to remain in private ownership and to be located within private property and maintained by the owners of the development or its Neighbourhood Association over the life of the development.

9. The overland flow/swale systems shall be maintained no less than quarterly per annum.
10. The adjustment and construction of all public utilities, services and drainage systems, and the creation of appropriate easements are to be at the full cost of the developer, including:
 - a. Electrical and telecommunications for the proposed lots, which are to be provided underground. The location of any trenching and if required, pad mounted substation(s), is to take into account future/proposed landscaping in the public domain.
 - b. Street lighting facilities on PRR 1, the internal private road and the existing public road reserve frontages on Orchard Street and Fern Creek Road are to be provided in accordance with the requirements of Ausgrid.
 - c. All utility services including overhead power supply and communication cables located in the adjacent public road reserve verge of Orchard Street and Fern Creek Road are to be placed for the full length of the public road reserve frontages of the development site at the full cost to the developer.
11. The street name for the internal private road must be in accordance with the *Warriewood Valley Street Name Register*. For the avoidance of doubt, Nina Street is not on the *Warriewood Valley Street Name Register* and is not supported by Council.
12. Street address numbering can only be authorised by Council. Before proceeding to number each lot, approval of the numbers must be sought from Council's Planning and Assessment Business Unit.
13. In accordance with Pittwater Council's Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except for those trees approved for removal. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
14. At least 44 locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be as per the approved Landscape Plan or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and the Native Plants for Your Garden link on Council's website. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
15. Although the applicant has surveyed and recommended the removal of significant trees within the nominated residential lot building envelopes, these are not approved to be removed as part of this consent and should be considered in a future development application.
16. No environmental weeds are to be planted on the site. Refer to Pittwater Council website for environmental weed lists.
17. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website for noxious/environmental weed lists.
18. Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

19. Where fencing is required to contain a domestic animal the enclosed area shall be up to 25% of the site cover and in a location that does not impede the passage of native wildlife between sites.
20. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland, unrestrained, on the site or on surrounding properties or reserves. No ferrets or rabbits are permitted to be kept within the new subdivision.
21. Timber log retaining walls are not permitted and are not to be included in the proposed development.
22. All retaining structures shall be finished in sandstone or sandstone-like materials.
23. No water pollution shall result from the operation of any plant or equipment or activity carried out.
24. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act 1997.
25. No odour nuisance to the public or adjoining properties shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
26. No emissions causing air pollution shall be created by the operation of any plant equipment of any procedure carried out at the premises.
27. The proposal is to be consistent with the General Terms of Approval, issued by the NSW Office of Water, referenced in this consent.
28. Where there are inconsistencies between the subdivision layout shown in the plans referenced in N0013/15 and those included in N0013/15/S96/2, the subdivision layout as shown in the plans referenced in N0013/15/S96/2 is to prevail.
29. ***Driveway access to Lot 8 must be gained via the internal private roadway within Lot 1.***

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

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

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

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

3. Construction works approved by this consent must not commence until:

- a. Construction Certificate has been issued by a Principal Certifying Authority;
 - b. A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
 - c. at least 2 days notice, in writing has been given to Council of the intention to commence work.
4. In accordance with section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payment Corporation or Council for any work costing \$25,000 or more.
5. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
6. The design and performance of the water quality and quantity management system is to be reviewed, documented and certified by an appropriately qualified water engineer for inclusion in an updated Water Management Report prior to the issue of the Construction Certificate to provide assurance that the water management scheme can achieve the objectives of the Warriewood Valley Water Management Specification.
 - a. The review is to address design and performance concerns including, but not limited to:
 - i. A review of the stormwater management system designs and amendment of plans to ensure that the design of the stormwater management system is hydraulically efficient and based on best practice design principles.
 - ii. Provision of design details setting out the size, location, detention time (if applicable), outlet/inlets of the key components of the stormwater management scheme including the rain gardens, swales, and level spreader.
 - iii. Incorporating sizing of water management measures including drainage to include an increase of 30% rainfall intensity for the climate change scenario.
 - iv. Demonstrating that surface flows (including off adjacent lands) can be adequately managed by the proposed infrastructure to ensure that there are no significant nuisance surface flow impacts to new lots or adjacent properties.
 - v. The provision of design details setting out materials, sizing and location of appropriate mitigation measures to ensure that there are no adverse bank erosion impacts as a result of the new pipe system/headwall at the stormwater outlet to Fern Creek.
 - vi. Checking that the existing drainage infrastructure in Orchard Street and Fern Creek Road fronting the development site meets acceptable standards for condition (through the CCTV condition assessment report) and adequacy (to accommodate design flow capacities 20 year ARI plus climate change). The condition of the pipeline will need to be in an excellent state i.e. including but not limited to: not being disjointed or showing any signs of wear, be structurally sound and good for the lifetime of the development (being 100 years). If neither condition nor adequacy is met, then the drainage infrastructure system is to be designed and reconstructed subject to prior Council approval (under a Section 139 approval). The minimum

sized public road drainage system pipeline to be 375mm in diameter and pipeline to be a RRJ RCP.

- vii. An update of the DRAINS and MUSIC modelling with the road reconfiguration set out in drawings 130945 C3.01[13] Overall Concept Siteworks Plan and 130945 C4.13[12] Details – Sheet 3 and documentation of modelling results.
 - viii. The provision of specifications, sizes and locations of any necessary stormwater quality and quantity management system changes required as a consequence of the updated DRAINS and MUSIC modelling to achieve the onsite detention and water quality targets in the Warriewood Valley Water Management Specification.
- b. A revised Water Management Report providing detailed design drawings and plans (incorporating any design amendments resulting from recommendations from the review under subclause (i) above), and any required information for the individual lots (Lots 2-19) to achieve full compliance with the Warriewood Valley Water Management Specification (February 2001), is to be submitted by the applicant.

The Warriewood Valley Water Management Specification (February 2001) Document Checklist – Construction Certificate is to be completed, certified and submitted prior to the issue of any Construction Certificate.

- c. The detailed design of all works associated with the Water Management System must provide for a complete system which meets the objectives and requirements of the Warriewood Valley Water Management Specification (February 2001) and in accordance with this consent. The Water Management System is to also include and provide for:
- i. Public safety (including any necessary signage)
 - ii. Staging of the works to ensure that the objectives of the Warriewood Valley Water Management Specification are achieved for each stage prior to the release of any Occupation Certificate.
 - iii. Sufficient water quality and water quantity facilities provided to service each stage.
 - iv. The Stormwater Management System to include a failsafe design that safely manages flows for the 100 year ARI event and greater (including climate change impacts [being 30% increased rainfall intensities] and blockages with minimum 50% for on-grade pits and minimum 75% for sag pits) without impacting on existing and newly created properties. The stormwater drainage system is to cater for the site (which drains collected roof, road and surface water from the site) and also for flows from upstream catchments, stormwater amplifications on Orchard Street and through 9 Fern Creek Road, Warriewood, and the diversion of overland flows. The systems are to include combined piped and overland flow components and comply with relevant Australian Standards and contemporary engineering best practice.
- d. The Water Management Report and all associated plans and detailed design must be certified by an appropriately qualified water engineer as being in accordance with the Warriewood Valley Water Management Specification (February 2001) and as meeting the requirements of this consent.
7. The revised Water Management Report and certification prepared for the issue of the Construction Certificate is to be provided to the Council for its records.

8. A detailed site investigation (including sampling, testing and remediation if necessary) is to be prepared by a suitably qualified independent consultant in accordance with the recommendations in the *Preliminary Site Investigation Report*, prepared by Aargus, dated 27 February 2014 and is to be carried out as per EPA guidelines and the requirements of SEPP 55 - Remediation of Land. This report is to be provided to the Certifying Authority prior to the release of the Construction Certificate.
9. 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 the N.S.W. Department of Land and Water Conservations *Urban Erosion and Sediment Control* manual. The plan is also to include specific details required to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
10. Prior to the issue of a Construction Certificate, written approval under Section 139 of the Roads Act is to be obtained from Council for works within the Fern Creek Road and Orchard Street road reserves up to the centreline and for the full length of the development site.

Engineering plans and specifications for the said works are to include the following:

- a. Half width road pavement construction of Orchard Street, including pavement design and treatments up to the road centre line (2×10^6 ESA pavement design criteria for collector roads in the Warriewood Valley Roads Masterplan).
- b. Half width road pavement construction of Fern Creek Road, including pavement design and treatments up to the road centre line (6×10^5 ESA pavement design criteria for local roads in the Warriewood Valley Roads Masterplan).
- c. Kerb and gutter. Vertical faced kerb only will be permitted.
- d. Associated road, drainage and civil works incorporating:
 - i. Driveways to Orchard Street and Fern Creek Road;
 - ii. Indented parking bays in Orchard Street in accordance with the requirements of the Warriewood Valley Roads Masterplan;
 - iii. All intersection designs are to be certified by a traffic engineer;
 - iv. The works in Orchard Street are to be designed to comply with Council's concept plans for Orchard Street.
- e. The complete detailed design of all drainage works to be undertaken on public land, namely:
 - i. The detailed design is to include plans, longitudinal sections and full engineering specifications of these works.
 - ii. Full design documentation for the construction of drainage work amplifications on Orchard Street, Fern Creek Road and through 9 Fern Creek Road, Warriewood.
 - iii. Pipelines are to be rubber ring jointed reinforced concrete pipes of an appropriate class.
 - iv. A CCTV condition assessment report by a suitably qualified professional of the existing drainage infrastructure in Orchard Street and Fern Creek Road fronting the development.
- f. Landscaping incorporating:
 - i. 2.1m wide shared footpath in Orchard Street located directly behind the kerb of the indented parking bays for the full length of the development site

- in accordance with Landscape Plan ASC04.1-DD-101 issue H, prepared by Sym Studio.
- ii. 2.1m wide shared footpath in Fern Creek Road located 0.6m from the property boundary for the full length of the development site in accordance with Landscape Plan ASC04.1-DD-101 issue H and ASC04.1-DD-102 issue H, prepared by Sym Studio.
 - iii. Provision of a kerb ramps at the corner of Fern Creek Road and Orchard Street to facilitate pedestrian access across Fern Creek Road in accordance with Landscape Plan ASC04.1-DD-101 issue H, prepared by Sym Studio.
 - iv. All street trees shall be installed as a minimum 500 litre stock in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines and be subject to pre-order of plant material. All trees to be grown by recognised nursery under Natspec growing guidelines. Street trees shall be centred within the landscape verges with understorey planting as documented on the Landscape Plans and include hardwood timber tree guards. Street tree plantings to footpath should generally include underplantings of native grass and a strip of deco granite adjoining the kerb to enable opening of car doors.
 - v. All street trees in the public road reserves shall be located a minimum of 1.5m from the edge of kerb, and shall be located in consideration of underground services.
 - vi. Street Tree planting to Orchard Street shall be *Eucalyptus robusta*.
 - vii. Garden areas to include minimum 400mm cultivated soil (compost added) and mulched with 100mm hardwood chip. Planting to be at a high density (ie. 4 per square metre) and generally include drought tolerant native species up to 1m ultimate height. All shrub / groundcover planting to be minimum 5 litre size.
- g. The engineering plans are to facilitate all utility services including overhead power supply and communication cables located in the adjacent road verge being placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.
 - h. Any inconsistencies between proposed plans are to be clarified and resubmitted for consideration.

The plans required above are to meet the objectives and requirements of the Warriewood Valley Roads Master Plan; Austroads; AusSpec; and Pittwater 21 DCP and achieve a road design and landscaped effect consistent with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain).

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 NPER accredited by the Institution of Engineers (Australia) prior to submission to Council.

Payment of the Engineering Plan Assessment fee (in accordance with Council's adopted Fees and Charges) is required prior to Council releasing the approved engineering plans to be submitted to the PCA prior to the issue of a Construction Certificate.

The installation of traffic facilities, signs and markings, (other than those in the 10kph Shared Zones) will require the approval of Council and Council's Traffic Committee prior to commencement of installation.

11. Engineering plans and specifications for the construction of the proposed public road (PRR1) and the internal private road are to include the following:
- a. Kerb and guttering. Vertical faced kerb only will be permitted.
 - b. Landscaping incorporating:
 - i. 1.5m wide footpath in the northern verge of PRR1 and the western verge of the internal private road constructed from back of kerb, with no landscape strip between the kerb and footpath, in accordance with Landscape Plan ASC04.1-DD-101 issue H, ASC04.1-DD-102 issue H and ASC04.1-DD-103 issue H, prepared by Sym Studio.
 - ii. A kerb ramp at the junction of PRR1 and the internal private road to allow for the continuation of pedestrian access with future development sites to the east of this development.
 - iii. Street Tree planting to the internal private road shall be *Tristanopsis laurina*, in accordance with Landscape Plan ASC04.1-DD-101 issue H, ASC04.1-DD-102 issue H and ASC04.1-DD-103 issue H, prepared by Sym Studio.
 - iv. All street trees shall be installed as a minimum 500 litre stock in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines and be subject to pre-order of plant material. All trees to be grown by recognised nursery under Natspec growing guidelines. Street trees shall be centred within the landscape verges with understorey planting as documented on the Landscape Plans and include hardwood timber tree guards. Street tree plantings to footpath should generally include underplantings of native grass and a strip of deco granite adjoining the kerb to enable opening of car doors.
 - v. Garden areas to include minimum 400mm cultivated soil (compost added) and mulched with 100mm hardwood chip. Planting to be at a high density (ie. 4 per square metre) and generally include drought tolerant native species up to 1m ultimate height. All shrub / groundcover planting to be minimum 5 litre size.
 - c. Drainage works.
 - d. Street lighting
 - e. All intersection designs are to be certified by a traffic engineer;
 - f. Any inconsistencies between proposed plans are to be clarified and resubmitted for consideration

The proposed cross section for the private access road must provide for a minimum 12.15m wide formalised section consisting of a minimum 7.5m wide carriageway. All private infrastructure, including the kerb must be located within the site boundary, whilst still maintaining the required carriageway width.

Where Kerb and Guttering does not form the edge of a road pavement in a street, a means of preventing vehicles from parking off the road pavement shall be provided;

The plans required above are to meet the objectives and requirements of the Warriewood Valley Roads Master Plan; Austroads; AusSpec; and Pittwater 21 DCP and achieve a road design and landscaped effect consistent with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain).

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 NPER accredited by the Institution of Engineers (Australia) prior to submission to the Principal Certifying Authority.

The installation of traffic facilities, signs and markings, (other than those in the 10kph Shared Zones) will require the approval of Council and Council's Traffic Committee prior to commencement of installation.

12. A cash contribution of \$1,074,618 (subject to (a) below) is payable to Pittwater Council for the provision of public infrastructure and services pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.
 - a. The monetary component of the developer contribution is to be paid prior to issue of the first Construction Certificate or Subdivision Certificate (whichever occurs first) or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. The cash contribution will be adjusted at the time of payment in accordance with the latest Consumer Price Index as published quarterly by the Australian Bureau of Statistics as outlined in Council's Warriewood Valley Section 94 Contributions Plan (Plan No. 15).
 - b. The proponent shall provide evidence of payment of the cash contribution (subject to (a) above) to the Certifying Authority within 14 days of fulfilling the condition (a).
 - c. The proponent may negotiate with Council for the direct provision of other facilities and services, the dedication of land in lieu of the cash contribution above (or any portion of that cash contribution) or the deferral of payments through a Material Public Benefit Agreement between Council and the proponent in accordance with the Warriewood Valley Section 94 Contributions Plan (Plan No. 15). The agreement for Material Public Benefit Agreement between the proponent and Pittwater Council must be finalised, formally signed and in place prior to the issue of the first Construction Certificate.

The Warriewood Valley Section 94 Contributions Plan (Plan No.15) may be inspected at Pittwater Council, 1 Park Street Mona Vale or Council's website.

13. A suitably qualified professional is to provide certification that the Construction Certificate detail is consistent with the relevant provisions of the General Terms of Approval, issued by the NSW Office of Water, as referenced in this consent.
14. Plants are to be arranged and spaced, so that at completion of works, they present as a grown completed landscape. Plant material should be arranged through pre-order plant contracts to achieve required advanced sizes.
15. Prior to the issue of a Construction Certificate, an updated Community Neighbourhood Statement must be provided to the Certifying Authority, which identifies that the ownership and maintenance responsibilities of the sewer tank and pump out and the turning bay remain with the Community Association.

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

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

1. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
2. Where site fill material is necessary, fill materials must:
 - a. be Virgin Excavated Natural Material (VENM) only, as approved under the Department of Climate Change "General Resource Recovery Exemption;

- b. be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.
3. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
 4. 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 Certifying Authority's satisfaction.
 5. 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.
 6. An all-weather accessway at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.
 7. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
 8. The site must be fenced throughout construction and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
 9. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

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

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

10. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
11. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
12. No skip bins or materials are to be stored on Council's Road Reserve.
13. No native canopy trees are to be removed from Council's Road Reserve without prior approval from Council.
14. Prior to commencement of works, at least three photographs of the road reserve and footpath area adjoining the site, one front-on and one from each side of the property, are

to be submitted to Pittwater Council with the notification of commencement of works, showing the condition of the street trees and road reserve. The photographs must be dated, and accompanied by a statement that they are a true and accurate representation of the scene depicted.

15. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - a. The builder's name, builder's telephone contact number both during work hours and after hours.
 - b. That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - c. That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - d. That no skip bins or materials are to be stored on Council's Road Reserve.
 - e. That the contact number for Pittwater Council for permits is 9970 1111.

16. Prior to the commencement of works, Council must be notified of each contractor undertaking works within the public road reserve. Each contractor must be able to provide/demonstrate each of the following;
 - Incorporated company/ business name and ABN;
 - Public Liability Insurance;
 - Professional Indemnity Insurance;
 - Workers Compensation Insurance;
 - Accident/ Injury Insurance Cover;
 - Other Insurances;
 - Company Licences, Registrations, Permits, Certificates etc.;
 - WorkCover Construction Industry General Induction Card;
 - WHS Documents;
 - Employee qualifications – Certificates, Licences etc.;
 - Contractor Services;
 - Client Services; and
 - WHSMS Self Evaluation.

17. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 *The Demolition of Structures*. Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
 - a. Protection of site workers and the general public.
 - b. Erection of hoardings where appropriate.
 - c. Asbestos handling and disposal where applicable.
 - d. Any disused service connections shall be capped off.Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

18. A stamped copy of the approved plans is to be kept on the site at all times, during construction.

19. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
20. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, trucks sizes, hours of operation, access arrangements and traffic control shall be submitted to Council for determination prior to the issue of the Construction Certificate. This CTMP should also relate to the works proposed within the road reserve, and include specific details of how impacts to nearby residential properties and traffic flow on Pittwater Road is to be minimised.
21. As there are existing trees to be retained within 5 metres of proposed development works, the following protection measures are required to be complied with before and throughout the development period, particularly with regard to the following:
 - a. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
 - b. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
 - c. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
 - d. Signage is to be erected advising all contractors and visitors to the site that no works or storage is to take place within the dripline of existing trees.
 - e. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to Council's Principal Officer Natural Environment prior to works recommencing.
22. Prior to the commencement of construction works, all tree protection recommendations in particular the establishment of tree protection zone fencing around trees identified for retention in the approved Arborist Report (Tree IQ dated 24 October 2014) are to be certified by a consulting arborist as being adequate and in accordance with the specifications of AS 4970 ~ 2009 Protection of Trees on Construction Sites. Certification is to be provided to the certifying body prior to the issue of the Subdivision Certificate. No additional trees are to be removed other than those specified in the above documents.

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

1. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Subdivision Certificate application.
2. A Restriction on Use of Land is to be created, burdening the eighteen (18) residential lots, the terms of which limit the height of any structure to a maximum of two storeys or 8.5 metres. Full details are to be submitted to Council on the final plan of Subdivision/and an accompanying Section 88B instrument. The creation of the Restriction on Use of Land can be achieved through registration of the Plan of Subdivision.

3. Certification is to be provided to Council, by an appropriately qualified Water Engineer, that the works associated with the water management system have been carried out and completed in accordance with the Water Management Report required under this consent. Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001).
4. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided.
5. All roads, drainage and civil engineering works required under this Consent are to be completed prior to the issue of the Subdivision Certificate.
6. The following documents and payments are to be submitted to Pittwater 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 private certifier's Compliance Certificates. Each component of the works as outlined above are to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. Certification is to include:
 - i. Certification to Council, by an experienced civil engineer who is NPER accredited by Engineers Australia, that all roads, drainage and other civil engineering works relating to Orchard Street and Fern Creek Road (for the full length of development site) to the centerline of both road reserves, and all internal roads, have been carried out and completed in accordance with the engineering plans and specifications required under the Conditions of this Consent.
 - ii. All appropriate infrastructure as outlined in the Conditions of Consent and approved Construction Certificate plans and specifications has been provided to service the proposed residential lots including roads, drainage facilities, landscaping, water management facilities, civil engineering works and services.
 - d. Security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.
 - e. Creation of appropriate easements where service lines or drainage lines pass through private property other than the lot which they benefit.
 - f. Notification to Council, certified by an appropriately qualified Water Engineer, of properties to be notated under Section 149(2) Planning Certificates and specifying the applicable flood categories as set out in the Flood Risk Management Policy for Development in Pittwater (Pittwater 21 DCP Appendix 8).
7. Prior to the issue of any Subdivision Certificate, the applicant must submit a report from an appropriately qualified and experienced geotechnical engineer certifying that the lots are geotechnically stable and will provide an appropriate platform for any subsequent building on the development site.
8. A Certificate by a qualified Engineer or Architect confirming that all driveways have been constructed in accordance with the approved plans and Council's Pittwater 21 DCP is to be submitted to the Council and the Certifying Authority (if any).

9. Appropriate Rights of Way and Rights of Carriageway are to be created for the proposed private road benefitting 4 Orchard Street.
10. 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 accredited certifier with the Subdivision Certificate application.
11. Documented evidence of a qualified arborist supervising the works in proximity to trees being retained and ensuring that all tree protection measures are adopted as specified in the supplied arborist report is required. This documentation is to be provided prior to the issue of the Subdivision Certificate.
12. A maintenance period is to apply to all civil engineering works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for twelve (12) months after the issue of the Subdivision Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or would reasonably be expected under the design conditions. A security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.
13. A suitably qualified professional is to provide certification that the as-built development is consistent with the relevant provisions of the General Terms of Approval, issued by the NSW Office of Water, as referenced in this consent.
14. ***Appropriate Rights of Way and Rights of Carriageway are to be created for the proposed private road benefitting Lot 8.***
15. ***The Community Management Plan shall specifically identify that the Community is responsible for the maintenance of any water management infrastructure in Lot 8, as approved pursuant to N0013/15, as amended. Lot 8 shall have no maintenance responsibility for any infrastructure within the Community Lot.***

G. Advice:

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

5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
7. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.