

3 October 2019



Legendway Pty Ltd
C/- Craig & Rhodes Pty Ltd Suite 7.01, Level 7, 3 Rider Boulevard
RHODES NSW 2138

Dear Sir/Madam

Application Number: DA2019/0263
Address: Lot 3 DP 1115877 , 53 B Warriewood Road, WARRIEWOOD NSW 2102
Lot 1 DP 270946 , Pheasant Place, WARRIEWOOD NSW 2102
Lot 3 DP 942319 , 53 Warriewood Road, WARRIEWOOD NSW 2102
Proposed Development: 17 Lot Community title subdivision and associated infrastructure, including the extension of Lorikeet Grove

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Matthew Edmonds
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2019/0263
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Legendway Pty Ltd
Land to be developed (Address):	Lot 3 DP 1115877 , 53 B Warriewood Road WARRIEWOOD NSW 2102 Lot 1 DP 270946 , Pheasant Place WARRIEWOOD NSW 2102 Lot 3 DP 942319 , 53 Warriewood Road WARRIEWOOD NSW 2102
Proposed Development:	17 Lot Community title subdivision and associated infrastructure, including the extension of Lorikeet Grove

DETERMINATION - APPROVED

Made on (Date)	02/10/2019
Consent to operate from (Date):	02/10/2019
Consent to lapse on (Date):	02/10/2024

Detail of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

Note:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

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

Subdivision Plan - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Subdivision Plan 03 BEP, Amendment No.9	24 June 2019	Craig & Rhodes
Civil Plans - Endorsed with Council's stamp		
Key Plan 076-18C-DA-0003, revision B	'DRAFT'	Craig & Rhodes
Demolition Plan 076-18C-DA-0021, revision B	'DRAFT'	Craig & Rhodes
Bulk Earthworks Plan 076-18C-DA-0051, revision B	'DRAFT'	Craig & Rhodes
Road and Drainage Plan Sheet 1 of 2 076-18C-DA-0101, revision B	'DRAFT'	Craig & Rhodes
Road and Drainage Plan Sheet 2 of 2 076-18C-DA-0102, revision B	'DRAFT'	Craig & Rhodes
Typical Road Cross Sections 076-18C-DA-0151, revision B	'DRAFT'	Craig & Rhodes
Road Longitudinal Section Sheet 1 of 2 076-18C-DA-0201, revision B	'DRAFT'	Craig & Rhodes
Road Longitudinal Section Sheet 2 of 2 076-18C-DA-0202, revision B	'DRAFT'	Craig & Rhodes
Road Cross Sections Sheet 1 of 2 076-18C-DA-0301, revision B	'DRAFT'	Craig & Rhodes
Road Cross Sections Sheet 2 of 2 076-18C-DA-0302, revision B	'DRAFT'	Craig & Rhodes
External Catchment Plan 076-18C-DA-0701, revision B	'DRAFT'	Craig & Rhodes
Internal Catchment Plan 076-18C-DA-0702, revision B	'DRAFT'	Craig & Rhodes
Stormwater Drainage Longitudinal Section Sheet 1 of 2 076-18C-DA-0711, revision B	'DRAFT'	Craig & Rhodes
Stormwater Drainage Longitudinal Section Sheet 2 of 2 076-18C-DA-0712, revision B	'DRAFT'	Craig & Rhodes
Overland Flow Path Road Cross Sections 076-18C-DA-0721, revision B	'DRAFT'	Craig & Rhodes
Basin Plan 076-18C-DA-0751, revision B	'DRAFT'	Craig & Rhodes
Basin Sections 076-18C-DA-0752, revision B	'DRAFT'	Craig & Rhodes
Basin Details 076-18C-DA-0753, revision B	'DRAFT'	Craig & Rhodes

Retaining Wall Plan 076-18C-DA-0801, revision B	'DRAFT'	Craig & Rhodes
Retaining Wall Details 076-18C-DA-0802, revision B	'DRAFT'	Craig & Rhodes
Sediment and Erosion Plan 076-18C-DA-0901, revision B	'DRAFT'	Craig & Rhodes
Sediment and Erosion Control Details 076-18C-DA-0902, revision B	'DRAFT'	Craig & Rhodes
Landscape Plans - Endorsed with Council's stamp		
Coversheet, Imagery & Plant Schedule CRA01-DA-100, revision D	26 June 2019	Sym Studio
Landscape Plan of Subdivision - Overall CRA01-DA-101, revision D	26 June 2019	Sym Studio
Landscape Plan of Subdivision - 1 of 2 CRA01-DA-102, revision D	26 June 2019	Sym Studio
Landscape Plan of Subdivision - 2 of 2 CRA01-DA-103, revision D	26 June 2019	Sym Studio
Creekline Plans - Endorsed with Council's stamp		
Key Plan, Typical Cross Section and Longitudinal Section 076-18C-DA-1001, revision B	26 June 2019	Craig & Rhodes
General Arrangement Plan 076-18C-DA-1101, revision B	26 June 2019	Craig & Rhodes
Typical Details 076-18C-DA-1201, revision B	26 June 2019	Craig & Rhodes
Narrabeen Creek Cross Sections Sheet 1 of 2 076-18C-DA-1301, revision B	26 June 2019	Craig & Rhodes
Narrabeen Creek Cross Sections Sheet 2 of 2 076-18C-DA-1302, revision B	26 June 2019	Craig & Rhodes
Sediment and Erosion Control Plan and Details 076-18C-DA-1901, revision B	26 June 2019	Craig & Rhodes

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Water Management Report, reference 076-18C-DA-WMR-B, revision B	26 June 2019	Craig & Rhodes
Vegetation Management Plan, reference 13089, revision 2	26 June 2019	Eco Logical Australia Pty Ltd
Arboricultural Impact Assessment Report	25 June 2019	About Trees
Flora and Fauna Assessment Report, reference 11707, revision 1	21 January 2019	Eco Logical Australia Pty Ltd
Contamination Assessment Report, reference 17496/2-AA	19 March 2019	Geotechnique Pty Ltd
Geotechnical Risk Management Report, reference 14396/1-AA	12 March 2019	Geotechnique Pty Ltd

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

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 General Terms of Approval issued by NSW Rural Fire Service**

The development must be carried out in accordance with the following General Terms of Approval issued by the NSW Rural Fire Service in their correspondence dated 26 April 2019:

- a. At the issue of subdivision certificate and in perpetuity the entire property, other than the proposed Public Reserve (proposed lot 16), shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- b. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of the NSW Rural Fire Service.

3. **Compliance with General Terms of Approval issued by Natural Resources Access Regulator**

Compliance with General Terms of Approval issued by the Natural Resources Access Regulator in their correspondence dated 3 June 2019:

Design of works and structures

- a. Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.

Erosion and sediment controls

- b. The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.

The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.

Plans, standards and guidelines

- c. A. This General Terms of Approval (GTA) only applies to the proposed activity described in the plans and associated documents found in Schedule One, relating to Development Application 2019 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
- d. The application for a controlled activity approval must include the following document(s): - outlet structures; Erosion and Sediment Control Plan; Soil and Water Management Plan;

Vegetation Management Plan.

- e. A. A security deposit must be provided, if required by Natural Resources Access Regulator.
B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval.
- f. All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
- g. Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.
- h. The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities>.

Rehabilitation and maintenance

- i. When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.

Reporting requirements

- j. The consent holder must inform Natural Resources Access Regulator in writing when the proposed construction of the controlled activity has been completed.

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of the Natural Resources Access Regulator.

4. 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

5. 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.

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

FEES / CHARGES / CONTRIBUTIONS

6. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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.

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

A bond of \$250,000 as security against any damage or failure to complete the construction of road pavement/shoulder/footpath construction works and stormwater drainage works in Warriewood Road and Lorikeet Place is required as part of this consent.

Reason: Protection of Council's Infrastructure.

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

A bond of \$300,000 as security against any damage or failure to complete the construction of stormwater drainage line and associated pits from the northern kerb side of Warriewood Road works to the proposed headwall outlet near the creek is required as part of this consent.

Reason: Protection of Council's Infrastructure.

9. **Construction, Excavation and Associated Works Bond (Bio-retention basin)**

A bond of \$80,000 for the completion of the bio-retention basin, including installation of pipes, filter media and plantings is required as part of this consent. Completion of the bio-retention basin as described must not occur until 90 percent of the house lots have been completed, or two years has passed since the issue of the subdivision certificate, whichever milestone occurs first. The basin may be used as a sediment basin until it is converted to a bio-retention basin. The bond will only be refunded if work has been completed in accordance with the approved plans and to the satisfaction of Council.

Reason: Protection and completion of community title infrastructure.

10. **Maintenance Bond**

A bond of \$150,000 for maintenance associated with the construction of roads and stormwater drainage works is required as part of this consent. The maintenance bond will only be refunded on completion of the six month maintenance period, if work has been completed and maintained in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion and may be exchanged for the works bond.

Reason: To ensure adequate protection of Council infrastructure.

11. **Development Contributions - Creekline corridor on the property**

The following is to be made for the provision of local infrastructure and services pursuant to section 7.11 of the Environmental Planning and Assessment Act 1979 and the Warriewood Valley Development Contributions Plan (as amended):

- A monetary contribution of \$894,189.89 (subject to (a) below) is payable to Northern Beaches Council, and
- Dedication of 942sqm of creekline corridor land in accordance with (c) below.
 - a. Written evidence (receipt/s) from Council for the payment of the monetary contribution is to be provided to the Certifying Authority prior to issue of the construction certificate or subdivision certificate (whichever occurs first), or prior to the issue of the subdivision certificate where no construction certificate is required. If the cash contribution (total or in part) remains unpaid after the financial quarter in which the development consent is issued, the amount unpaid (whether it be the full monetary contribution amount or a part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index.
 - b. The Applicant shall dedicate to Northern Beaches Council a total of 942sqm of land for the provision of multi-functional creekline corridor in lieu of a monetary contribution amount calculated in accordance with Table 4 of the Contributions Plan attributed to the creekline corridor to the value of \$57,351.89. The area to be dedicated is to be subject to a final Plan of Subdivision. The required dedication is to take place by way of subdivision.
 - c. The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land (other than land identified in (c) above) in lieu of the monetary contribution above (or any portion of that monetary contribution) or the deferral of payments through a Material Public Benefit Agreement between Council and the Applicant in accordance with the Warriewood Valley Development Contributions Plan (as amended). The agreement for Material Public Benefit Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

The Warriewood Valley Development Contributions Plan (as amended) may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or on Council's website at <https://www.northernbeaches.nsw.gov.au/planning-and-development/building-and-renovations/development-contributions>.

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

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

12. Amended Landscape Plans

The approved Landscape Plans referenced in Condition 1 of this consent are to be amended, as follows:

- a. Street tree planting along Warriewood Road in accordance with specification guidelines and materials schedule contained in S-1 of the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain), including:
 - i. all street trees to be *Lophostemon confertus*, minimum 400 litre stock for S-1 (large canopy trees), and subject to final approval by Council,

- ii. all street trees shall be subject to pre-order of plant material to ensure delivery at the required size,
 - iii. all street trees shall be 4m overall height, with a 1.8m clear trunk, and minimum 60mm trunk caliper, and subject to final approval by Council,
 - iv. all trees to be grown by recognised nursery under Natspec growing guidelines,
 - v. alternative street tree container sizes and specifications may be considered only when existing or installed services or road infrastructure limit the available soil volume where a large rootball will not be possible, subject to Council approval,
 - vi. garden bed planting under the street tree shall be installed in accordance with S-1 guidelines.
- b. Street tree planting along Lorikeet Grove in accordance with specification guidelines and materials schedule contained in S-3 of the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain), including:
- i. all street trees to be *Tristaniopsis laurina*, minimum 400 litre stock for S-3 (medium canopy trees), and subject to final approval by Council,
 - ii. all street trees shall be subject to pre-order of plant material to ensure delivery at the required size,
 - iii. all street trees shall be 4m overall height, with a 1.8m clear trunk, and minimum 60mm trunk caliper, and subject to final approval by Council,
 - iv. all trees to be grown by recognised nursery under Natspec growing guidelines,
 - v. alternative street tree container sizes and specifications may be considered only when existing or installed services or road infrastructure limit the available soil volume where a large rootball will not be possible, subject to Council approval,
 - vi. garden bed planting under the street tree to one side only shall be installed in accordance with S-3 guidelines.
- c. The 2.1m wide shared path along Warriewood Road is to be located in accordance with the approved Civil Plans referenced in Condition 1 of this consent, and is to align with adjoining built paths.
- d. The 1.5m wide shared path along Lorikeet Grove is to be located in accordance with the approved Civil Plans referenced in Condition 1 of this consent, and is to align with adjoining built paths.
- e. The landscaping proposed within the setback between the bioretention basin and Lot 15 is to be enhanced with locally native shrubs, with a minimum maturity height of 2.0m and a minimum pot size of 45 litres, planted at 2m intervals.
- f. The location of underground services is to be consistent with the approved Civil Plans referenced in Condition 1 of the consent, as amended by any conditions of consent.
- g. Adoption of the recommendations of the approved Vegetation Management Plan referenced in Condition 1 of this consent (as amended by any other conditions) for all vegetation and rehabilitation within the inner 25m creekline corridor.
- h. Removal of Buffalo Lawn from within the 50m riparian zone and replacement with native vegetation.
- i. All road verge turf shall be Wintergreen Couch, and shall be in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain) S-1 and S-3, including soil preparation.
 - j. All tree planting within the riparian corridor shall be a minimum 45 litre container size, to include stakes for support, and mulch mounding for water retention.

The amended landscape plans shall be issued to the Certifying Authority prior to the issuance of the construction certificate.

Reason: To enable the long term establishment of the desired streetscape character and creekline corridor.

13. **Stormwater Drainage Design**

The approved Civil Plans, referenced in Condition 1 of this consent, are to be amended, as follows:

- a. The dog leg in the stormwater drainage line between Pit 2-7 and Pit 2-9 is to be deleted and replaced with a stormwater drainage line that runs immediately adjacent to the southern side boundary.
- b. The lintel width of Pit 2-1 is to be increased in size to 3m.
- c. An overland flow path is to be provided above the stormwater drainage line from Lorikeet Grove to the head wall in Narrabeen Creek, to cater for any pit or pipe blockages.
- d. The proposed butterfly pit in the existing Lorikeet Grove road pavement is to be removed and replaced with an offset inlet pit. The pit is to be installed 1m clear of the proposed Pheasant Place vehicular access.
- e. The access driveway to the Gross Pollutant Trap (GPT) is to be widened to allow a service vehicle to park adjacent to the GPT.

The amended plans are to be prepared by a suitably qualified engineer and are to be submitted to the certifying authority prior to the issuance of a construction certificate.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties and also is in accordance with Council's Auspec design specification.

14. **Geotechnical Report Recommendations**

The recommendations of the risk assessment required to manage the hazards as identified in the approved Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the subdivision construction plans. Prior to issue of the construction certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

15. **Detailed Design of Stormwater Quality System**

A suitably qualified civil engineer is to provide certification to confirm that the bioretention basin and GPT have been designed in accordance with the Warriewood Valley Water Management Specification (2001), the approved Civil Plans (as amended by any conditions of consent) and the approved Water Management Report referenced in Condition 1 of this consent.

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

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

16. Sydney Water (Fire Hydrant System)

Subdivisions involving the creation of private roads are to be serviced with fire hydrant systems to ensure that coverage of no less than 90 metres is maintained to all areas of the development.

(Note: The fire hydrants are to be installed in accordance with all relevant Australian Standards and the requirements of the Sydney Water Authority and the NSW Fire Brigades.)

Details demonstrating compliance are to be submitted to the certifying authority prior to the issue of the construction certificate.

Reason: NSW Fire Brigades requirement.

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

An application for Infrastructure Works on Council Roadway is to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993 in relation to the works to Warriewood Road and Lorikeet Grove. The application is to include four (4) copies of civil engineering plans prepared by a suitably qualified civil/structural engineer for the design of all works within the road reserve/s, designed in accordance with the approved Civil Plans (as amended by any condition of consent) and Council's specification for engineering works - AUS-SPEC #1, Austroads, The Warriewood Valley Roads Masterplan, Pittwater 21 DCP and Council's standard engineering details.

The engineering plans and specifications for works to the full length of the Warriewood Road frontage of the development site are to include the following:

- a. Road shoulder and road pavement construction, including pavement design and treatments up to the road centre line (2 x 106 ESA pavement design criteria);
- b. Kerb and Guttering (vertical faced kerb only will be permitted). The face of the kerb is to be located 10.9m from the face of the existing kerb on the northern side of the roadway. Plans are to show a cross-section with the centreline of the road located 5.1m from the northern kerb, proposed 3.7m wide traffic lane and 2.1m wide indented parking bay;
- c. Indented parking bays in accordance with the requirements of the Warriewood Valley Roads Masterplan;
- d. Associated road and drainage for Warriewood Road;
- e. Footpath/cycleways 2.5m wide on Warriewood Road;
- f. Street lighting and street sign posting;
- g. Landscaping;
- h. Undergrounding of all existing and proposed overhead infrastructure.

The reconstruction of the existing road pavement of Warriewood Road for the full width of the site (out to the centerline of the road) will be deemed to have been satisfied if a suitably qualified geotechnical engineer provides certification to Council that the existing road pavement satisfies the requirement of the WVRMP for the pavement to meet the ESA pavement design criteria of 2×10^6 .

The engineering plans and specifications for works to the full length of Lorikeet Grove within the development site are to include the following:

- a. Road shoulder and road pavement construction, with a road carriageway width of 7.5m and a 16m wide road reserve;

- b. Kerb and Guttering (vertical faced kerb only will be permitted);
- c. Lorikeet Grove drainage system (public system) which will require to be piped to Narrabeen Creek with an associated outlet headwall;
- d. Pedestrian facilities;
- e. Street lighting and street name sign posting;
- f. Landscaping and driveways;
- g. Footpath 1.5m wide;

The plans must 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.

The Section 138 Roads Act approval is to be issued by Council prior to the issue of the construction certificate. A fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

Reason: To provide public and private safety.

18. **Utilities Services**

Prior to the issuance of the construction certificate, the applicant is to supply the certifying authority with confirmation from service providers to confirm that all essential services will be made available to each lot and that satisfactory arrangements are in place for their provision.

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

19. **Retaining walls**

Prior to the issuance of the construction certificate, detailed structural designs and certification shall be prepared by an qualified Structural Engineer and submitted to the certifying authority with regard to all reinforced concrete, structural steel support construction, sub-soil drainage lines and any proposed retaining walls.

Reason: Public and private safety.

20. **Pre-Construction 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.

The pre-construction / demolition dilapidation report must be submitted to Council and the Certifying Authority prior to the issue of the construction certificate.

Reason: Protection of Council's Infrastructure.

21. **Stormwater Quality Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure proposed stormwater quality system remain effective.

The Plan must contain the following:

- a. Maintenance schedule of all stormwater quality treatment devices
- b. Identification of maintenance and management responsibilities
- c. Maintenance requirements for establishment period
- d. Routine maintenance requirements
- e. Inspection and maintenance record and reporting (to be made available to Council upon request)
- f. Funding arrangements for the maintenance of all stormwater quality treatment devices
- g. Vegetation species list associated with each type of vegetated stormwater treatment device
- h. Waste management and disposal
- i. Traffic control measures (if required)
- j. Maintenance and emergency contact information
- k. Renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices
- l. Work Health and Safety requirements

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the issuance of the construction certificate.

Reason: Protection of the receiving environment.

22. Updated Water Management and Water Quality Monitoring Report and Checklist

The applicant must provide an updated Water Management Report (that includes an updated Water Quality Monitoring Report). The reports must address all the requirements of the Warriewood Valley Water Management Specification 2001 - Checklist - Construction Certificate. The checklist is to be completed by a suitably qualified water/environmental/civil engineer who has membership of Engineers Australia and appears on the National Engineering Register (NER).

The signed checklist and the updated Water Management Report must be provided to the Certifying Authority prior to issue of the construction certificate.

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

23. Noise of Earthworks, Demolition and Construction

Prior to the issue of the construction certificate, a Noise Management Plan is to be prepared for the site to the satisfaction of the Certifying Authority. The Noise Management Plan can be part of an overarching construction plan and shall include hours of operation and detail ways to manage potential noise nuisances caused by the proposed demolition and construction works.

Reason: Protect public amenity.

24. Contaminated Land Requirements

Prior to the issue of the construction certificate, a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant to the satisfaction of Council's Environmental Health Approvals Team. The plan shall detail:

- a. How all the requirements and/or recommendations contained within the approved Contamination Assessment Report referenced in Condition 1 of this consent are to be implemented;
- b. A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;
- c. Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (during work times), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Northern Beaches Council and the Principal Certifying Authority;
- d. A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:
 - i. During construction in order to monitor water and soil quality the following is to be implemented:
 - Water testing is to be completed in accordance with Section 3 of the NSW RTA's (now Roads and Maritime Services) Guideline for Construction Water Quality Monitoring;
 - Soil Testing in order to detect contaminants is to occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.
 - ii. The requirements of (i) above are to be implemented from the commencement of works as follows:
 - Fortnightly during excavation works
 - Monthly during building works
- e. To ensure water quality is maintained runoff must be drained to an adequately bunded central collection sump and treated, to meet NSW Department of Environment, Climate Change and Water (formerly Environment Protection Authority) discharge criteria.
Note 1: Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transported for treatment/disposal to an appropriate waste treatment/processing facility.
- f. All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility.
- g. All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.
- h. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.
- i. Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:
 - i. 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the site, to the subject premises.

- ii. Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall be suitable for the use on the land.
- iii. Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Principal Certifying Authority (prepared in accordance with the Department of Environment, Climate Change and Water guidelines).

The final Contamination Management Plan and confirmation of Council's satisfaction of the Contamination Management Plan is to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: Protection of the environment, SEPP 55 compliance.

25. **Narrabeen Creek Rehabilitation Works Detailed Design**

Detailed plans for the Narrabeen Creek rehabilitation works are to be prepared and certified by a suitably qualified water/environmental/civil engineer who has membership of Engineers Australia and the National Engineering Register (NER), and in accordance with the approved Creekline Plans referenced in Condition 1 of this consent.

Details demonstrating compliance must be submitted to the Certifying Authority prior to issue of the construction certificate.

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

26. **Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland protection measures are carried out according to the conditions of consent.

The Project Ecologist will provide certification that conditions relating to the Vegetation Management Plan are carried out. The Project Ecologist will ensure that all conditions relating to the biodiversity management of the property are fully implemented.

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

- Practising member of the NSW Ecological Consultants Association, OR
- Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016.

Reason: To ensure bushland management.

27. **Amended Vegetation Management Plan**

The approved Vegetation Management Plan referenced in Condition 1 of this consent is to be amended to include:

- a. Soil preparation as part of civil works, with reference to engineering designs, including top soil stripping, control of weed regrowth, cultivation and soil additives.
- b. Recommendations from section 6 of the approved Flora & Fauna Report referenced in Condition 1 of this consent.
- c. Increase plant densities for Zone 1 to trees 1/20m², shrubs 2/10m² and groundcovers 5/m².
- d. Provide revegetation treatment for creek channel and stormwater headwall zone.
- e. Decrease weed cover percentage in all years (Table 6) based on site preparation civil works.

The amended Vegetation Management Plan is to be provided to the certifying authority, prior to

the issuance of the construction certificate.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

28. 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.

29. Location of Shared Pathway

All approved plans referenced in Condition 1 of this consent are to be amended, as follows:

- a. With the exception of any transition required to connect to an existing shared pathway, the proposed shared pathway (and any necessary easements) is to be located within Lot 16.

Reason: To ensure public access along the shared pathway.

30. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Certifying Authority prior to issue of any Construction Certificate.

The CTMP must address following:

- a. The proposed phases of construction works on the site, and the expected duration of each construction phase;
- b. The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- c. Make provision for all construction materials to be stored on site, at all times;
- d. The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- e. The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- f. The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- g. Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- h. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- i. Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- j. The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must

also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.

- k. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- l. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- m. The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- n. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- o. The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- p. Proposed protection for Council and adjoining properties;
- q. The location and operation of any on site crane; and
- r. The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

31. **Public Liability Insurance - Works on Public Land**

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

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

32. **Tree Removal**

The following existing trees/vegetation are granted approval for removal, based on the recommendations of the approved Arboricultural Impact Assessment Report referenced in Condition 1 of this consent:

- Trees 1, 2, 3, 9, 16A and 16B - Palms (exempt)
- Trees 4, 5, 8, and 17 - Fig Trees (exempt)

- Tree 6 - Fruit Tree (exempt)
- Trees 7A to 7E, 15 A to 15C, and 20, - Hibiscus
- Trees 10 to 14, 19, 21, and 22 - Willow Bottlebrush
- Tree 18 - Leighton Green (exempt)
- Trees 23 to 25 - Mexican Mock Orange (exempt)
- Trees 26 to 37 - Swamp She-oak
- Tree 38 to 41 - Swamp Mahogany
- Tree 42 - Coral Tree (exempt)

Reason: To confirm the extent of tree removal authorised by this consent.

33. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times and cleaned regularly to remove any collected sediment and prevent controls being overwhelmed, particularly after periods of rain. The controls shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

A silt curtain is to be installed downstream of the boundary in Narrabeen Creek prior to any disturbance of soil near Warriewood Road, along the drainage pipeline draining Warriewood Road, or in the creekline corridor (as these areas may either enter the pipeline or drain directly to the creek). The silt curtain can be removed once work on the Warriewood Road drainage line and in the creekline corridor has been completed and groundcover re-established (or appropriate matting installed that secures the ground surface).

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

34. 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.

35. Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

36. Progress Certification (Road & Subdivision)

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

- a. Silt and sediment control facilities
- b. Laying of stormwater pipes and construction of pits
- c. Proof Roll - Subgrade, Subbase, Base, in accordance with AUSPEC Standard
- d. Sub-grade trimmed and compacted **
- e. Base-course laid and compacted **
- f. Kerb and gutter construction
- g. Pavement (Asphalt Concrete roads and concrete footpaths)
- 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 certifying compaction is in accordance with the approved road pavement design). 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 specification for engineering works.

37. 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 /sub base/ basecourse level (proof roll to be conducted by minimum size 8-10 tonne smooth drum roller)
- 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.

38. 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 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.

39. **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

40. **Waste Disposal**

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.

Reason: To ensure waste disposal complies with NSW legislation.

41. **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

42. **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

43. **Noise and Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted in accordance with the Noise Management Plan required by this consent, so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations

Reason: To ensure the amenity of the surrounding area for residents.

44. **Protection of Adjoining Property - Excavation**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.

Reason: To ensure private and public safety

45. **Site Management Sign**

A clearly legible Site Management Sign is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:

- The builder's name, builder's telephone contact number both during work hours and after hours
- That no works are to be carried out in Council's Road Reserve without prior application and approval of a Road Opening Permit from Council.
- That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections.
- During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
- That no skip bins or materials are to be stored on Council's Road Reserve.
- That the contact number for Northern Beaches Council for permits is 9970 1111.

Reason: To ensure that contractors on site are aware of council permits that need to be obtained and contact for the builder/foreman.

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

Where site fill material is necessary, fill materials must:

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

47. **Requirement to Notify about New Contamination Evidence**

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment.

48. **Compliance with the Contamination Management Plan**

The requirements of the Contamination Management Plan required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of the occupation certificate.

Reason: Protection of the environment, SEPP 55 compliance.

49. **Dust**

Measures shall be documented and be undertaken to minimise any dust created as a result of excavation, vehicle movements and construction so as not to impact on neighbouring premises or create air pollution at any time.

Reason: To prevent air pollution from dust and comply with legislation.

50. Acid Sulfate Soil Management

Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about the uncovering of acid sulfate soils must be notified to the certifier as soon as reasonably practicable. This will also require the production of an Acid Sulfate Soil Management Plan, including disposal of affected soil to an approved facility, to be submitted to the certifier, before work continues.

Reason: To ensure potential acid sulfate soil is appropriately managed.

51. Tree and vegetation protection

- a. Existing trees and vegetation shall be retained and protected as follows:
 - i. all trees and vegetation located on adjoining properties,
 - ii. all road reserve trees and vegetation,
- b. Tree protection shall be generally undertaken as follows:
 - i. all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites,
 - ii. removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
 - iii. existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
 - iv. any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
 - v. to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
 - vi. no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 Project Arborist on site,
 - vii. all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
 - viii. excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root protection measures,
 - ix. should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
 - x. any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009,
 - xi. tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

Reason: to retain and protect significant planting on development and adjoining sites.

52. Fauna and Tree Hollow relocation

During any vegetation clearance for construction works the Project Ecologist is to be present to relocate any displaced fauna that may be disturbed during this activity.

Tree hollows are to be salvaged from trees within the development area and placed within the retained vegetation / Conservation Areas within the Lots. This is to be done by a qualified and experienced Arborist, under the direction of the Project Ecologist.

Details prepared by the project ecologist in writing demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure bushland management in accordance with Local Habitat Strategy 2007.

53. Compliance with Ecologist's Recommendations

All biodiversity-related measures are to be implemented during construction, as specified in the approved Vegetation Management Plan referenced in Condition 1 of this consent, as amended by any other condition of consent. Compliance with these measures is to be certified by the project ecologist prior to issue of the occupation certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

54. Implementation of Construction Traffic Management Plan

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

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

55. Groundwater monitoring

Groundwater levels must be maintained as close as possible to the pre-development conditions during construction (allowances for rainfall made).

Once excavation of the site begins, groundwater levels must be monitored quarterly at sites BH1, BH3, BH4, and BH7 used for the study conducted by Geotechnique Pty Ltd in the approved Geotechnical Risk Management Report referenced in Condition 1 of this consent, until excavation ceases and ground surfaces are stabilised.

A monitoring report from a suitably qualified engineer who has membership of Engineers Australia and appears on the National Engineering Register (NER) must be provided following each quarterly monitoring event to the Principal Certifying Authority, and a groundwater management plan prepared where groundwater levels are lowered by greater than 0.2 metres (allowances for rainfall made).

Reason: Protection of groundwater dependent endangered ecological community.

56. **Maintenance of Sediment and Erosion Control**

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

57. **Dewatering - Water Quality**

Discharge must achieve the following water quality targets in addition to any conditions/documentation of this consent, any requirements of the General Terms of Approval/Controlled Activity permit issued by DPI Water, and legislation including Protection of The Environment Operations Act 1997 and Contaminated Lands Act 1997.

Parameter	Criterion	Method	Time Prior to Discharge
Oil and grease	No visible	Visual inspection	<1 hour
pH	6.5- 8.5	Probe/meter	<1 hour
Total Suspended Solids (TSS)	<50mg/L	Meter/grab sample measures as NTU	<1 hour

NOTE: The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.

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

Tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted.

Reason: Protection of the receiving environment.

58. **Dewatering Management**

If groundwater (greater than seepage) is encountered during excavations of greater than one metre depth from the existing ground surface level and dewatering is required to continue work, work must cease until the applicant has made an application for a dewatering permit to the Natural Resource Access Regulator (NRAR), and a dewatering management plan has been prepared.

The dewatering management plan must be certified by a suitably qualified civil engineer who has membership of Engineers Australia and appears on the National Engineering Register (NER), and the plan(s) provided to the Principal Certifying Authority. Council must issue a permit based on the plan and general terms of approval from the NRAR prior to dewatering commencing.

Reason: Protection of the adjacent groundwater dependent endangered ecological community.

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

59. **Landscape Maintenance**

In addition to the recommendations of the approved Vegetation Management Plan referenced in Condition 1 of this consent, as amended, a 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

Reason: To maintain local environmental amenity.

60. Maintenance of Stormwater Quality System

The stormwater quality system must be maintained at all times in accordance with the Stormwater Quality Operation and Maintenance Plan (required by this consent), manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Reason: Protection of the receiving environment.

61. Control of Weeds

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website. All environmental weeds are to be removed and controlled.

Reason: Weed management.

62. Compliance with Vegetation Management Plan

All biodiversity-related measures are to be implemented at the appropriate stage of development and for the full five year maintenance period, as specified in the approved Vegetation Management Plan referenced in Condition 1 of this consent, as amended by any other condition.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

63. No Planting Environmental Weeds

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website.

Reason: Weed management.

64. Works to Cease if Item Found

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

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

65. Positive Covenant for Stormwater Infrastructure and Drainage Structures

A positive covenant (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument, requiring the proprietor of the land to maintain the water quality management and on site detention system including GPTs in accordance with the standard requirements of Council. The terms of the

positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the subdivision certificate.

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

66. **Authorisation of Legal Documentation Required for Onsite Detention**

The original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the subdivision certificate.

Reason: To create encumbrances on the land.

67. **Right of Carriageway**

A right of carriageway (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument to include all vehicular access, pedestrian access and manoeuvring areas. The right of carriageway over the proposed extension of Pheasant Place is to benefit the properties of the adjoining Community Management Association that also gain access across Pheasant Place. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the subdivision certificate.

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

68. **Restriction as to User (Stormwater Infrastructure and Drainage Structures)**

A restriction as to user shall be created on the title over the on site detention and water quality management systems, restricting any alteration to the system and infrastructure. The terms of such restriction, (available from Northern Beaches Council), are to be prepared by a registered surveyor to Northern Beaches Council's standard requirements at the applicant's expense. Northern Beaches Council shall be nominated as a party to release, vary or modify such restriction. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the subdivision certificate.

Reason: To ensure no modification of the on site detention and water quality management systems without Council's approval.

69. **Community Management Statement**

A Community Management Statement is to be prepared and submitted to Council, and is to incorporate the following:

- a. That each of the residential lots is to have a share of the responsibility and costs associated with the ongoing operation and maintenance of all water management infrastructure, roadways and landscaping.
- b. Specific details of all ongoing operating and maintenance requirements associated with the water management infrastructure, as outlined in the Operations and Maintenance Manual required by this consent.

- c. Replication of all 'on-going conditions that must be complied with at all times'.
- d. Replication of the restriction as to user relating to stormwater infrastructure and drainage structures required by this consent.
- e. The prohibition of front fences.
- f. Management of waste collection practises to ensure that all bins are efficiently moved to and from the public road reserve to minimise impact upon the streetscape. Bins to be collected from Lorikeet Grove should be neatly arranged and evenly distributed to both sides of the street.

Details demonstrating compliance are to be submitted to the Council prior to the issue of the subdivision certificate.

Reason: To ensure compliance with water management strategy for the subdivision.

70. Certification of Stormwater Infrastructure and Drainage Structures

Prior to the issuance of the subdivision certificate, a Compliance Certificate is to be submitted by a qualified experienced practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifying Authority that the stormwater infrastructure and drainage structures have been constructed in accordance with the approved Civil Plans referenced in Condition 1 of this consent, as modified by any other condition of consent. The Compliance Certificate is to be accompanied by works as executed drawings certified by a registered surveyor and overdrawn in red of the approved Civil Plans.

Reason: To ensure the stormwater infrastructure and drainage structures has been built to the appropriate standard.

71. 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.

72. 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 registered 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.

73. 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

Coordinator. 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 Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the subdivision certificate.

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

74. 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.

75. 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 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.

76. Easement to Drain Water - Council Stormwater Drainage Line

A 3m wide easement to drain water shall be created in favour of Council over the proposed upgraded Council drainage line which runs from Warriewood Road to the creek outlet. The easement is to be detailed on the final plan of subdivision and contain wording in the 88B instrument for maintenance in accordance with Councils requirements. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the subdivision certificate.

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

77. 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.

78. Natural Watercourse

Natural watercourses are to be accurately shown on all copies of the subdivision plan by the

surveyor as “natural watercourses of variable widths”, for lodgement with the Department of Lands.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the subdivision certificate.

Reason: To determine the location of natural drainage systems.

79. Adjustment and Construction of All Public Utilities

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 and future/proposed landscaping in the public domain.
- b. Street lighting facilities on Lorikeet Grove, the existing public road reserve frontage on Warriewood Road and internally which 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 Warriewood Road which are to be placed and/or relocated underground for the full length of the public road reserve frontages of the development site at the full cost to the developer.

Certification that the above requirements have been completed is to be submitted to Council prior to the issue of the subdivision certificate.

Reason: To ensure provision of utility services meets Council and the service authorities standards and specifications.

80. 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.

The application should be accompanied by a checklist, demonstrating that each relevant condition has been satisfied, with a reference to the relevant documentation relied upon in relation to each condition.

Reason: Statutory requirement of the Conveyancing Act 1919.

81. Updated Water Management and Water Quality Monitoring Report and Checklist - Subdivision Certificate

The applicant must provide a further updated Water Management Report (that includes an updated Water Quality Monitoring Report). The report must address all the requirements of the Warriewood Valley Water Management Specification 2001 - Checklist - Subdivision Certificate. The checklist is to be completed by a suitably qualified water/environmental/civil engineer who has membership of Engineers Australia and appears on the National Engineering Register (NER).

The signed checklist and the updated Water Management Report must be provided to the Principal Certifying Authority prior to issue of the subdivision certificate.

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

82. Assets to be Dedicated to Council.

Works as executed plans for all works and structures 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) in accordance with Councils standard specifications and comprise at least the following:

- a. Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
- b. Signage (including type and wording), line marking;
- c. Easements, survey numbers and marks, reduced levels and co-ordinates;
- d. Stormwater drainage locations, pipe sizes and types, pit sizes and types, subsoil drains;
- e. Water quality devices;
- f. Canopy trees;
- g. Creekline works;

Please note that asset IDs need to be obtained from Council prior to the applicants CCTV review of the new Council stormwater drainage line. The works as executed plans are to be submitted to Council prior to the issuance of the subdivision certificate.

Reason: To comply with Councils policies and specifications.

83. Certification of Consistency with Vegetation Management Plan

The Project Ecologist or Ecological Consultant is to certify that:

- a. Native plant selection and planting as per the approved Vegetation Management Plan referenced in Condition 1 of this consent, as amended by any other condition, has been completed;
- b. All actions prescribed in the approved Vegetation Management Plan (as amended) have been undertaken fully and where relevant completed and that an appropriate program of regeneration and maintenance has been entered into to comply with requirements of the Plan;
- c. That areas/features requiring protection have been adequately protected and are in an acceptable condition.

Documented evidence is to be provided to the certifying authority prior to the issuance of the subdivision certificate.

Reason: Bushland management.

84. Post Construction Dilapidation Report

The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of all property, infrastructure, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council prior to the issue of the subdivision for public infrastructure and private property owners .

Additionally photographic evidence of the condition of the street trees and road reserve area adjoining the site after the completion of all construction, must be submitted showing that no

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

Reason: To ensure security against possible damage to Council and private property.

85. **Compliance with Contamination Management Plan**

Prior to the issue of the subdivision certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the Contamination Management Plan have been complied with throughout excavation, demolition and development work stages. The certification shall also include:

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

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

Reason: Protection of the environment, SEPP 55 compliance.

86. **Geotechnical Certification**

Prior to issue of the subdivision certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

87. **Landscaping Completion**

Landscape works are to be implemented in accordance with the approved Landscape Plans referenced in Condition 1 of this consent, as modified by any other condition of consent.

Prior to the issue of the subdivision certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to Council, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.

88. **Narrabeen Creek Rehabilitation Works**

The applicant must submit certification from a suitably qualified water/environmental/civil engineer who has membership of Engineers Australia and the National Engineering Register (NER) that the Narrabeen Creek rehabilitation works have been constructed in accordance with the approved Creekline Plans referenced in Condition 1 of this consent and the detailed design plans submitted to satisfy the requirements of the construction certificate.

Details demonstrating compliance must be submitted to the Principal Certifying Authority prior to issue of the subdivision certificate.

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

89. Certification of Planting, Biodiversity Management and ongoing work

The Project Ecologist or Ecological Consultant is to certify that:

- a) Native plant selection and planting as per Vegetation Management Plan has been completed;
- b) All actions prescribed in the approved Vegetation Management Plan have been undertaken fully and where relevant completed and that an appropriate program of regeneration and maintenance has been entered into to comply with requirements of the Plan;
- c) That areas/features requiring protection have been adequately protected and are in an acceptable condition.

Reason: Bushland Management.

90. Certification of Compliance with General Terms of Approval Issued by the NSW Rural Fire Service

Prior to the issuance of the subdivision certificate, certification is to be provided to Council from a suitably qualified bushfire consultant to confirm that the as-built works are consistent with the General Terms of Approval issued by the NSW Rural Fire Service, as referenced in Condition 2 of this consent.

Reason: To ensure the as-built works have been carried out in accordance with the determination and statutory requirements of the NSW Rural Fire Service.

91. Certification of Compliance with General Terms of Approval Issued by the Natural Resources Access Regulator

Prior to the issuance of the subdivision certificate, certification is to be provided to Council from a suitably qualified professional to confirm that the as-built works are consistent with the General Terms of Approval issued by the Natural Resources Access Regulator, as referenced in Condition 3 of this consent.

Reason: To ensure that the as-built works have been undertaken and completed in accordance with the determination and the statutory requirements of the Natural Resources Access Regulator.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

If you are dissatisfied with this decision Division 8.3 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Signed On behalf of the Consent Authority



Name Matthew Edmonds, Manager Development Assessments

Date 02/10/2019

GENERAL ADVICE

Advisory Notes (General)

Where are you in the development process?



Note: The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team.

The attached Notice of Determination includes conditions of consent which must be complied with.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action.)

Building Certification

The Environmental Planning and Assessment Act 1979 provides that:

- Building work cannot occur unless a construction certificate has been issued;
- Occupation of building works cannot occur unless an occupation certificate has been issued
- Subdivision cannot be registered until a subdivision certificate has been issued
- Mandatory Inspection for building work must be completed

Please refer to process chart for more detail.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action.)

Certification Services

Construction Certificates / Occupation Certificates / Subdivision Certificates / Strata Certificates, can be issued by Council or an accredited private certifier (Note Council must be the Principal Certifying Authority (PCA) for subdivisions).

Council is well placed to provide Certification Services. Council can issue Construction Certificates and act as your Principle Certifying Authority at competitive rates. Please visit our web site www.northernbeaches.nsw.gov.au or speak to our Customer Service Officers if you have any further questions about our Certification Services or if you wish to use Council as your certifier.

Charges Associated with the Development Consent

All bonds, fees, (s94A) Development Contributions or the Long Service Levy detailed within the Notice of Determination are required to be paid prior to the issuing of any Construction Certificate.

Bonds are released after:

1. 'Final Occupation Certificate' has been received by Council; and
2. Final inspection by a Council Officer where:
 - the development is complete
 - damage has not been caused to council assets during the works
 - conditions of development consent have been met.

The bond will be released to the person or business who paid the bond to Council (The name that appears on the original receipt)

Acceptable Form of Security Bonds

Council will accept bank guarantee (in a form acceptable to Council) in lieu of cash and is required prior to the issue of a construction certificate.

Modifications to the consent

If you seek to make any changes to the development (which may include internal / external configuration of the building, variation to facades, site layout or any changes to the proposed operation or use), the modifications may require the submission and approval of an application to modify the development consent prior to the issuing of a Construction Certificate and prior to the works being

carried out. The proposed changes should be discussed with the PCA.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action.)

Other Matters not detailed within the Notice of Determination

The Notice of Determination does not stipulate every requirement that must be completed to satisfy New South Wales and Commonwealth legislation.

You should check, as may be relevant, with other authorities including but not limited to:

- Workcover NSW for work safety and asbestos requirements
- Sydney Water – Quick Check Agent for the provision of water and sewer services
- Energy & Gas suppliers for utility services
- Department of Fair Trading for advice about builders and licensing
- Building Professionals Board for advice about private certifiers
- NSW Roads and Maritime Services for works on state roads only
- Human Rights and Equal Opportunity Commission for access issues
- NSW Land and Property Information for Land Title matters
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact :Telstra's Network Integrity Team on Phone Number 1800810443.

(1) if the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted

to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and

(2) The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

Model

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

Trade waste agreement

A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

Waste collection

Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the Protection of the Environment Operations Act 1997. Records must be kept of all waste disposal from the site.

Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the approved Waste Management Plan.

Aboriginal Heritage

If in undertaking excavation or works and any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

On-Site Sewage Management System

This approval does not authorise the installation or operation of a new or modification of an existing on-site wastewater management system. An On-Site Sewage Management System must not be installed or operated unless an 'Approval to Install an On Site Sewage Management System' is obtained from Warringah Council.

Cost of Works

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

Tree preservation

Where tree work has not been approved by this Development Consent the developer is notified that a general Tree Preservation Order applies to all trees in the Northern Beaches Local Government Area. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, transplanting, injuring, or wilful destruction of such trees except without the prior written consent of Council.

Storage bins on footpath and roadway

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.

Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place.

- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained.

Road Opening Permit

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

Special Permits

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time.

- Permit for on-street mobile plant

Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

- Hoarding Permit

Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

- Storage of building materials and building waste containers (skips) on Council's property

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.

- Kerbside restrictions, work zones

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Other permits may include out of construction hours permits.

Licensing requirements for removal of bonded asbestos

Anyone who removes, repairs or disturbs bonded asbestos must hold a bonded or a friable asbestos licence, or a demolition licence in accordance with Workcover requirements and the Occupational Health and Safety Act 2000.

Pool Access

Access to pools are required to be restricted by a child resistant barrier in accordance with the regulations prescribed in all relevant Acts, Regulations and Australian Standards including:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2012;
- (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

It is your responsibility as a land owner to ensure any fencing is maintained.

Dewatering

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Department of Water and Energy. The bore license must be obtained prior to commencement of dewatering works.

Requirement to Notify about New Contamination Evidence

Any new information revealed during works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to Council and the Principal Certifying Authority.

Flood Evacuation Plan

If your site is on flood prone land you may wish to consider the preparation of a flood evacuation plan.

Generally a Flood Evacuation Plan would be prepared by suitably qualified Engineer (e.g. Hydraulic) with a number of years experience in flood management and who is eligible for Membership to the Australian Institute of Engineers.

Some matters that you may wish to consider (but not limited to) include:

- (i) a route of evacuation to higher ground and / or point of shelter
- (ii) depth of water for a Possible Maximum Flood event surrounding the building
- (iii) details of 'last chance' evacuation water levels / times for evacuation prior to floodwaters surrounding the building
- (iv) provide details of flood warning systems and protocols
- (v) details of how this information will be distributed and people educated for users of the site.

You may seek to discuss this with the State Emergency Service of NSW.

Utility Service Requirements

Where development requires the installation of, or the relocation of utility services being (but not limited to) gas, water, electricity and telecommunications, the installation of, or the relocation of utility services shall be conducted in accordance with the requirements of the relevant service provider / authority (unless stipulated by any other condition of the consent or will result in damage to threatened or endangered species defined under the Threatened Species Conservation Act 1995).

Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This does not prevent any requirement to comply with the Protection of the Environment Operations Act.

Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 - 1997 Control of the obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

Silt and Sediment Control

During any onsite demolition, excavation and construction works, the site should be maintained in accordance with "The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction".

In managing the site provision shall be made throughout the period of works to prevent transmission of soil to the public road, drainage system, any riparian lands or off site in any manner. Upon completion of the development, any measures to prevent the transition of soil off site to remain in place until the site is stabilised.

A failure to prevent the transmission of silt and sediment and / or causing, water pollution, air pollution, noise pollution or land pollution may result in a breach of the Protection of the Environment Operations Act and orders, penalties and prosecutions may occur.

Maintenance of Sediment and Erosion Control Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain.

Reason: To avoid erosion and sedimentation impacts that will result in an adverse change in watercourse or riparian land condition

Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: soils and construction (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site

Dividing Fences Act 1991

The construction and maintenance of side boundary fences is to be agreed upon by all adjoining property owners of the fence. Works are to be in accordance with the Dividing Fences Act 1991.

OTHER MATTERS

Child Care Centres

A license to operate a child care centre must be obtained from the NSW Department of Community Services prior to the commencement of the use of the child care centre.

Disability Access

This decision does not ensure compliance with the Commonwealth Disability Discrimination Act 1992. Applicants are strongly advised to investigate their requirements under that Act

Food Premises

Food premises are required to comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standards.

The proprietor of a food business must notify the NSW Food Authority of the details of the business. Notification may be done either online at www.foodnotify.nsw.gov.au or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

Wheel washing facility

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council's roads. The wheel wash facility shall be constructed prior to any truck movements occurring. Water from the wheel wash facility must not cause pollution. Any direction of Council with regard to cleaning trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

Monitoring State of Roadways

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

Storage of Dangerous Goods

Prior to the storage of any "dangerous goods" on the premises, a copy of a license obtained from the Chemical Safety Branch of Work Cover Authority must be submitted to Council.

Storage of Flammable and Combustible Liquids

Flammable and combustible liquids must be stored in accordance with Australian Standard 1940 The Storage and Handling of Flammable and Combustible Liquids.

Noise and Vibration

The premises, including operation of vehicles, shall be conducted so as to avoid offensive noise or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

Hairdressing/Beauty Treatment/ Skin penetration Requirements

The premises must comply with the following requirements before the commencement of business:

- i) A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap and paper towel.
- ii) The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
- iii) The premises must be provided with washing, drainage, ventilation and lighting that are adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.
- iv) The floor coverings must be smooth and impervious.

- v) All furniture, shelves and fittings must be constructed of, or covered with a material that is smooth, impervious to moisture and capable of being easily cleaned.
- vi) Adequate lockers must be provided for the storage of employees clothing and personal effects.
- vii) The premises must be provided with facilities that are adequate for the purpose of storing of hairdressing/beauty treatment/skin penetration appliance and utensils.
- viii) The premises must be provided with a sink sullied with hot and cold water for washing equipment.

Food Premises Construction Requirements

The food premises must comply with the following specific construction requirements:

Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);

- ix) Walls in food preparation and wash up areas must be finished with a smooth and impervious surface to a height of at least 2 metres.
- x) Hand wash basins must be provided with warm water delivered through a common spout with taps that are hands free operation;
- xi) Coving with a radius of 25mm must be provided between all floor and wall joints in food handling areas;
- xii) The open space between the top of the coolroom and the ceiling must be fully enclosed and kept insect and pest proof;
- xiii) The coolroom must be able to be opened from the inside with out a key and fitted with an alarm that can only be operated from within the coolroom;
- xiv) The doors to the toilet air lock and toilet compartment must be tight fitting and self closing;
- xv) The rear external door must be self closing or be provided with a fly screen that is self closing;
- xvi) Where cooking or extensive heating processes or such other processes as may be specified are carried out in food preparation areas, an approved mechanical ventilation system shall be installed and operated in accordance with AS 1668 part 1 & 2.

Legionella Control

Cooling towers, warm water systems, water cooling systems must be registered with the Council. Details of registration are to be provided to the Council prior to operation.

Pool/Spa Safety

Owners of properties with swimming pools and spa's must meet safety compliance and registration requirements. Provisions also apply when renting/selling properties. Details are available from the Division of Local Government.

Grease Trap

Contact Sydney Water to determine what trade waste provisions you are required to provide to your food premises. Should a grease trap be required by Sydney Water, it must be located in an area that is easily accessible for the removal of waste water and must not be installed in any kitchen, food preparation or food stage area. The design and location of the grease trap should also not impede on any commercial right of way or pedestrian access.

Bandicoot/Penguin

Long-nosed Bandicoots & Little Penguins – Best Practices for Residents Residents are encouraged to follow a number of *Best Practices* to assist with the protection and management of the endangered populations of Long-nosed Bandicoots and Little Penguins:

- Long-nosed Bandicoots, Little Penguins and other native animals should never be fed as it may cause them nutritional problems, hardship if supplementary feeding is stopped, and it may increase predation.
- Feral cats or foxes should never be fed or food left out where they can access it, such as rubbish bins without lids or pet food bowls, as these animals present a significant threat to Long-nosed Bandicoots, Little Penguins and other wildlife.
- The use of insecticides, fertilisers, poisons and/or baits should be avoided on the property.

Garden insects will be kept in low numbers if Long-nosed Bandicoots are present.

- When the North Head Long-nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- Dead Long-nosed Bandicoots or Little Penguins should be reported by phoning Manly Council on 9976 1500 or Department of Environment and Conservation on 9960 6266.
- Please drive carefully as vehicle related injuries and deaths of Long-nosed Bandicoots and Little Penguins have occurred in the area. Care should also be taken at night in the drive way when moving cars as bandicoots will seek shelter beneath vehicles.
- Cat/s and or dog/s that currently live on the property should be kept indoors at night to avoid disturbance/death of native animals. Ideally, when the current cat/s and/or dog/s that live on the property no longer reside on the property it is recommended that they not be replaced by new dogs or cats.
- Report all sightings of feral rabbits, feral or stray cats and/or foxes to N B Council.