

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/0492
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Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 1 DP 524083, 21 A Warili Road FRENCHS FOREST NSW 2086 Lot 1 DP 1298188, 49 Blackbutts Road FRENCHS FOREST NSW 2086
Proposed Development:	Neighbourhood title subdivision comprising of 13 lots and new road access
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Applicant:	Sekisui House Services (NSW) Pty Limited

Application Lodged:	01/05/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Subdivision only
Notified:	07/05/2024 to 21/05/2024
Advertised:	Not Advertised
Submissions Received:	8
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,538,275.00
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EXECUTIVE SUMMARY

The proposal seeks approval for the subdivision of 2 lots into 13 lots, being 12 residential allotments and 1 community title allotment, in the form of a neighbourhood title scheme.

The application is referred to the Development Determination Panel (DDP) due to 8 submissions being received in response to the public exhibition of the application.

The proposal to change the use of the site from a community facility use (disability support services

premises) to residential development was the subject of a prelodgement meeting and the advice provided by Council has been incorporated into the proposed subdivision under this development application.

Concerns raised by adjoining and nearby residents include; natural environment impacts, location and impacts associated with the new internal road, extent of earthworks, and amenity impacts to the surrounding residences.

Amended plans were submitted in response to concerns raised during the assessment, which incorporated improvements to the subdivision layout and design, including; a reduction in the extent of earthworks, a reduction in the height of landfill adjacent to site boundaries and a reduction in the height of retaining walls (and boundary fence heights) on the southern and eastern boundaries. The lot widths were also adjusted to improve the amenity outcome for adjoining properties to the south, with Lot 13 being increased in width.

The internal road which will service the 12 new residential lots is designed to provide a densely planted landscaped buffer between the road and the western boundary, which will result in an improved outcome for the adjoining residential properties compared to the existing situation. The existing disability support services premises, which has been the neighbour to those properties for many decades, is in close to the common boundary and there is very limited landscape screening vegetation. The character of the site presently is dominated by numerous buildings, driveways and hard paving. Furthermore, in order to embellish the landscape buffer zone to the west, a condition is proposed which will delete 3 of the visitor spaces which are shown as indented spaces between the road and the boundary, to ensure maximum visual and noise protection for the neighbouring properties. A condition is also proposed to ensure street lighting on the new internal road is located and designed to not be intrusive and to preserve nighttime amenity.

Council's Natural Environment Officer's have considered the impacts on existing trees and have provided various conditions in relation to tree protection and the completion of the new landscaping scheme for the site. The stormwater management system has also been developed to ensure no adverse impacts to adjoining properties, and suitable conditions are imposed in this regard.

In terms of the planning controls, the proposal complies with the minimum 600sqm lot size requirement under the Warringah LEP, is consistent with the subdivision character of the area, complies with the subdivision requirements under the Warringah DCP in terms of lot width and depth, and demonstrates with indicative building footprints, setbacks, landscaped open space, private open space and vehicular access, that future DA's for the individual dwelling-houses can reasonably satisfy the requirements of the LEP and DCP.

In addition to the well developed landscape treatment of the site, the extent of fill and retaining walls (as amended and subject to conditions) has been refined through the course of assessment, and the final outcome is satisfactory with regard to protecting the amenity of neighbouring properties. Various conditions have also been imposed to protect the natural environment and neighbouring amenity.

The outcome is a subdivision that demonstrates good design and consideration of the constraints on the site and protection of the amenity for surrounding residential properties, and which will provide new housing stock for the area.

This report concludes with a recommendation that the DDP should grant approval to the development application, subject to conditions.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks neighbourhood title subdivision for 13 lots, being 12 residential allotments and 1 community title allotment.

The application does not seek consent for any new buildings or dwellings. The proposal involves other subdivision works including:

- Construction of a new road
- 5 on-street visitor parking spaces
- Landscaping
- Removal of trees
- Earthworks and retaining walls
- Stormwater Infrastructure

Amendment to proposal

In response to issues provided in a Request for Information letter sent by Council, the proposal was amended from being a Community Title Subdivision to be a Neighbourhood Title Subdivision.

Further amendments were made to the Stormwater design and earthworks to reduce the height of the retaining walls along the eastern and southern boundaries. The retaining wall along the southern boundary of lot 13 was also setback from the boundary.

In accordance with the Community Participation plan, re-notification was not required.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

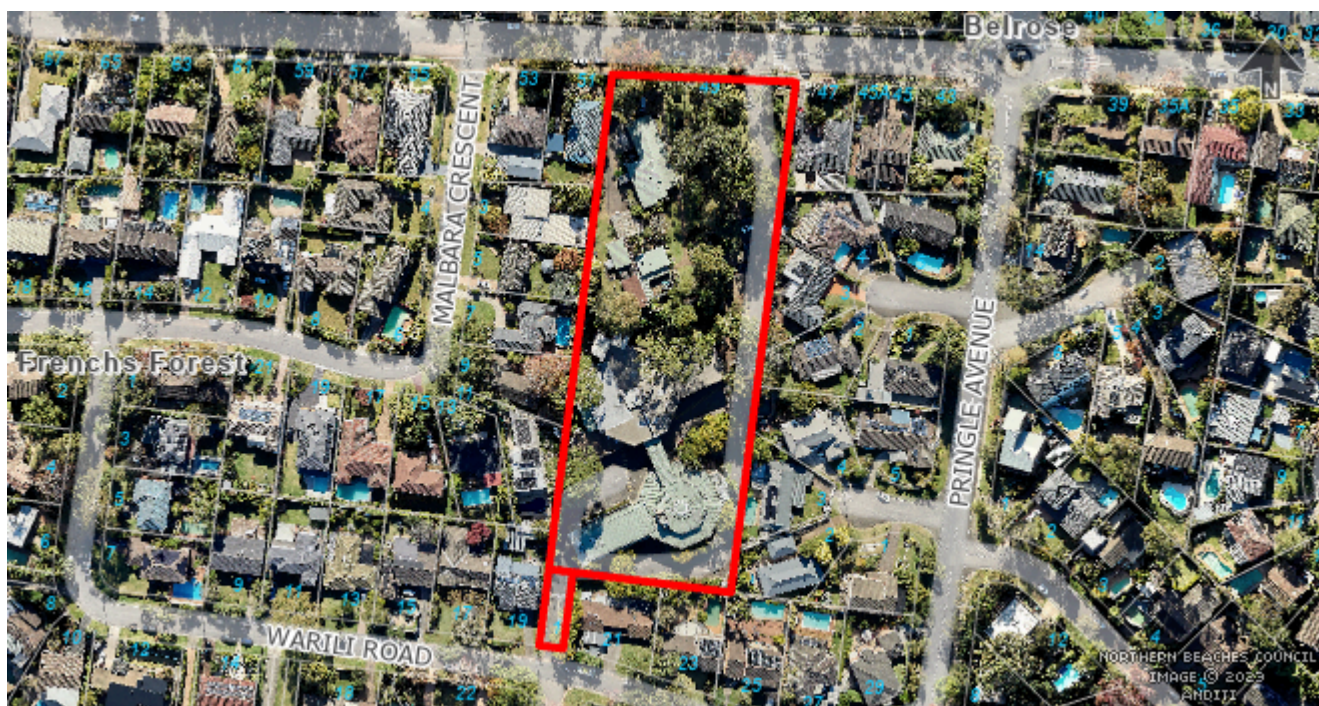
SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C1 Subdivision

SITE DESCRIPTION

Property Description:	<p>Lot 1 DP 524083 , 21 A Warili Road FRENCHS FOREST NSW 2086</p> <p>Lot 1 DP 1298188 , 49 Blackbutts Road FRENCHS FOREST NSW 2086</p>
Detailed Site Description:	<p>The subject site consists of two allotment located on the southern side of Blackbutts Road and northern side of Warili Road. The lot abutting Blackbutts Road is Lot 1 DP 1298188, known as 49 Blackbutts Road, and is the larger of the two lots. The lot abutting Warili Road is Lot 1 DP 524083, know as 21A Warili Road, and is significantly smaller.</p> <p>49 Blackbutts Road is irregular in shape, with a frontage of 60.637m along Blackbutts Road and a maximum depth of 167.724m. The site has an area of 9970sqm.</p> <p>21A Warili Road is regular in shape, with a frontage of 8.23m along Warili Road and a depth of 25.406m. The site has an area of 208.6sqm.</p> <p>The site is located within the R2 Low Density Residential zone of the WLEP 2011 and accommodate buildings previously associated with a faciality operated by Aruma Services, a provider of disability services and support. The 49 Blackbutts Road lot contains buildings and internal driveways associated with the facility, with 21A Warili Road connecting the rear of the larger lot to Warili Road through a rear access driveway.</p> <p>The site slopes from the Blackbutts Road frontage (north) to the Warili Road frontage (south), with a fall across the site of approximately 9m.</p> <p>The site contains lawn areas, trees and widespread vegetation amongst the built form.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by low-density residential development. Across Blackbutts Road to the north is Lionel Watts Reserve and Frenchs Forest Showground. A short distance to the north-west is Glenrose Village Mall.</p>

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

Pre-Lodgment Meeting No. PLM2023/0120

This was held on 5 October 2023 to discuss a 13 lot subdivision of the site.

At this pre-lodgement meeting, two concept options were provided for Council's consideration, being 'Option A' and 'Option B'. Option A included a punch through road (from Blackbutts to Warili). Option B included the design submitted for this development application. This followed after Council had provided comments that this was the preferred option as follows:

"Option B is preferred by all Officers in Council; however, the site planning layout shall be determined following arboricultural investigations and recommendations as any proposal to remove existing trees of moderate to high retention value will not be supported. Indicative plans are required to show the building footprints to indicate where significant trees can be retained. In addition, the indicative plans shall demonstrate compliance with the built form, landscape / open space requirements and solar access controls.

Option B also requires design changes to address the servicing (waste, engineering and transport requirements) including the need for a 7.5m wide carriageway, a redesign turning circle and a need for a 1.5m wide footpath. Should the amendment result in undersized lots it is recommended that the density be reduced as a variation to the 600sqm minimum lot size controls is unlikely to be supported given the lack of physical constraints on the site.

Additional landscape planting is required along the western boundary to protect existing residential amenity and the siting of the dwellings shall consider solar, privacy and view loss impacts to neighbours."

In relation to the removal of trees, Council's Landscape officer has accepted that the removal of trees

in the road area is reasonable, and that trees within the lots shall be considered for removal under future applications. Council's Landscape officer also agrees that the indicative building lots can provide 'appropriate landscape outcomes within the front and rear setbacks including retention of existing trees where feasible.'

As discussed throughout this report, the indicative footprints show that future buildings have appropriate potential to comply with controls and provide an acceptable amenity outcome (subject to conditions).

Council's referral officers (including Traffic, Waste and Engineering) support the design (as amended).

The lots also comply with the minimum lot size requirements.

Suitable planting has also been provided along the western boundary adjacent to the road.

Overall, the proposal has responded well to the advice provided in the Pre-lodgement meeting.

Development Application No. DA2024/0081

This was approved on 12 June 2024 for the Demolition of all existing structures on site. This application was in preparation for the further residential use of the site.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent</p>

Section 4.15 Matters for Consideration	Comments
	authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 07/05/2024 to 21/05/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 8 submission/s from:

Name:	Address:
Mrs Samantha Jane Gavel	4 Rikara Place FRENCHS FOREST NSW 2086
Graham James Payne	9 Malbara Crescent FRENCHS FOREST NSW 2086
Mr Adam Colin Williams	25 Warili Road FRENCHS FOREST NSW 2086
Ms Gail Jennifer Phillips	3 Malbara Crescent FRENCHS FOREST NSW 2086
Mr Robert Charles Scott	7 Malbara Crescent FRENCHS FOREST NSW 2086

Name:	Address:
Mrs Vanessa Gotelee Payne	3 Boronia Avenue DEE WHY NSW 2099
Jennifer Yonge	5 Malbara Crescent FRENCHS FOREST NSW 2086
Miss Rebecca Sally Gotelee	9 Malbara Crescent FRENCHS FOREST NSW 2086

The issues raised in submissions are addressed as follows:

- **Concerns with impacts to Natural Environment (including flora and fauna)**

The submissions raised concerns with impacts to trees and impact on natural environment.

Comment:

Council's Natural Environment Officer's have reviewed the application and are satisfied with the design, subject to conditions.

Tree removal under this application has only been accepted where necessary for the proposed civil and road infrastructure work. In this regard, Council's Landscape officer has provided a condition that allows the removal of 14 trees.

- **Noise and light spill; Location of the internal road.**

The submissions raised concerns with noise and light spill due to the subdivision design. A submission also provides potential alternative designs.

Comment:

The proposed design ensures an acceptable level of amenity is maintained to surrounding dwellings through appropriate separation and landscaping (subject to conditions). In particular, a substantial landscaped strip is provided to the west of the proposed internal road. This provides suitable screening to the rear private open space areas of dwellings to the west. As such, there is suitable provision in the design to minimised amenity impact (including noise and light spill) to the neighbours.

The internal road does not provide any through access, will not allow for vehicle travel at high speeds, and will only provide access for the 13 lots within this subdivision. As such, noise impacts from vehicles using this road will be low and within the parameters of what can be expected for an R2 Low Density Residential zone.

The proposal also provide a sufficient area for landscaping along the road boundary to provide a suitable visual buffer. A condition is also imposed to minimise impacts of street lighting including that lighting will not face the properties to the west.

- **Stormwater/drainage impacts**

The submissions raised concerns that appropriate provisions have not been put in to place for the minimisation or stormwater/drainage impacts.

Comment:

Council's Development Engineer has reviewed the application and is satisfied with the outcome with Stormwater, subject to conditions.

- **Concerns with information submitted**

The submissions raised concerns that the documentation submitted with the application is inadequate.

Comment:

The information submitted with the application is consistent with Council's Lodgment requirements and has been deemed acceptable to allow a proper assessment in accordance with the *Environmental Assessment Act 1979*.

- **Request for fencing adjacent to 23 and 25 Warili Road**

A submission requests fencing to replace the existing incinerator to provide privacy.

Comment:

There are no dwellings proposed under this application. Screening and fencing that is specific for privacy between dwellings is a matter to be determined under any future application for dwellings. It is noted that the compliant width of the lot provides a reasonable opportunity for a dwelling to provide an acceptable design for privacy.

Further, amended plans have provided a redesign to provide a setback of the retaining wall from the southern boundary (adjoining 23 Warili Road). This contributes to providing suitable opportunity for appropriate physical separation to a future dwelling on this lot (Lot 13).

- **Concern with safety and traffic impacts for access via 21A Warili Road, Frenches Forest.**

The submissions raised concerns with the access from Warili Road and the associated traffic and safety impacts.

Comment:

Council's Traffic officer has reviewed the application, provided comments under the Traffic officer section of this report, and suitable conditions have been imposed.

- **Concern with asbestos and hazardous debris from incinerator**

The submissions raised concerns with asbestos and hazardous debris from the existing incinerator.

Comment:

Conditions of consent are imposed which require the demolition and removal of asbestos to be carried out in accordance with Work Cover requirements, relevant Australian Standards and

other regulatory requirements.

- **Concern with results of Geotechnical investigation including impacts caused by excavation; Concerns with scale of earthworks.**

The submissions raised concerns with the results of the Geotechnical Investigation and request requirements to manage and mitigate risk. Specific concern is raised with regard to potential impacts to an existing pool.

Concern is also raised with the scale of earthworks and potential impact this may have on trees.

Comment:

Conditions have been imposed to require compliance with the recommendations of the Geotechnical report.

A condition has also imposed to require a pre-commencement Dilapidation report.

In regard to the scale of earthworks, the proposal has been amended to reduce the extent of fill on the eastern and southern boundaries so that retaining walls are generally 1m-2m in height.

As above, Council's Landscape officer is satisfied with the impact to trees and has placed conditions to ensure protection of trees, where necessary.

- **Concern with safety and traffic impacts for access via 21A Warili Road, Frenches Forest.**

The submissions raised concerns with the access from Warili Road and the associated traffic and safety impacts.

Comment:

Council's Traffic officer has reviewed the application, provided comments under the Traffic officer section of this report, and suitable conditions have been imposed.

- **Concern with asbestos and hazardous debris from incinerator**

The submissions raised concerns with asbestos and hazardous debris from the existing incinerator.

Comment:

Conditions of consent are imposed which require the demolition and removal of asbestos to be carried out in accordance with Work Cover requirements, relevant Australian Standards and other regulatory requirements. Further, a condition has been imposed for further investigations, sampling (and remediation if necessary) to be carried out once the incinerator has been demolished

- **Community consultation**

The submissions raised concerns with the lack of Community consultation.

Comment:

The community was consulted (via notification) in a way which is consistent with the requirements of the Community Participation Plan.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Contaminated Lands)	<p>SUPPORTED (with conditions)</p> <p>General Comments</p> <p>This application is seeking consent for a proposed community title subdivision, into 13 allotments, including one (1) community title allotment and 12 residential allotments, including a new road. A Preliminary Site Investigation and a Detailed Site Investigation (DSI) were undertaken by Geotechnique Pty Ltd.</p> <p>The findings of the DSI are summarized as follows:</p> <p><i>The general soil profile comprised imported fill materials or topsoil overlying natural clayey soil. The boreholes did not reveal any visual evidence of asbestos or other indicators of significant contamination, such as staining, odours or significant foreign matter. One fibro-cement piece was found on the ground surface at sample location FCP1, which does not contain asbestos containing materials.</i></p> <p><i>All the laboratory test results satisfied the criteria for stating that the analytes selected are either not present i.e., concentrations less than laboratory limits of reporting, or present in the sampled soil at concentrations that do not pose a risk of hazard to human health or the environment under a “residential with access to soil” form of development,</i></p> <p><i>Based on this assessment covering sampling and testing of soil at ten limited borehole locations, we consider that the site is suitable for the proposed subdivision into residential allotments, subject to sampling and testing of soils beneath the buildings, loading dock and concrete handstand area at twelve additional sampling locations after demolition and removal of the site features.</i></p> <p>Further testing will need to be conducted under the buildings, loading dock and concrete handstand area at twelve additional sampling locations after demolition and removal of the site features, to satisfy sampling requirement for a site area of 1.018 hectares (ha) as per NSW EPA (2022) Contaminated Land Guidelines - Sampling Design part 1 - application.</p> <p>If contamination is found to be present, a further detailed assessment, remediation and validation may be required. The DSI has stated the site can be made suitable for the proposed development therefore Environmental Health recommends approval subject to conditions.</p>

Internal Referral Body	Comments
Landscape Officer	<p>SUPPORTED (with conditions)</p> <p>The application proposal is for community title subdivision into thirteen allotments, and the construction of a new road with a single OSD tank under. Twelve residential allotments are proposed under the subdivision plan. Subdivision Plans are submitted that include Indicative Building Layouts and Engineering Plans are submitted illustrating the proposed civil works under the application. Landscape Plans are submitted that cover landscape works associated only with the proposed civil works for the new road, under community lot number 1.</p> <p>The Statement of Environmental Effects indicates that the proposed works under this application include: establishment of a community title road and stormwater system to facilitate subdivision for 12 residential lots; construction of one (1) on-site stormwater detention tank with an inbuilt water quality chamber; connection to Warili Road; implementation of erosion and sediment controls; earthworks for proposed lots and community title road; stormwater management; construction and commissioning of essential utilities; road construction; retaining wall and footpath construction.</p> <p>An Arboricultural Impact Assessment (AIA) is submitted and proposed tree removal shall only be supported for the portion of physical works under the development application that impact upon existing trees and in this case it is the proposed civil works for the construction of a new road and associated works. Existing trees within the proposed residential lots and not affecting the construction of the proposed civil works under this development application are not considered, and shall be considered for removal or otherwise retention as part of separate lot applications.</p> <p>The following existing trees are in proximity to the proposed works under this application, as listed above:</p> <ul style="list-style-type: none"> • Prescribed trees requiring Council consent include T7, T71, T72, T74 (<i>Corymbia maculata</i>), T10 (<i>Corymbia gummifera</i>), T60 (<i>Magnolia soulangeana</i>), T64, T81, T120 (<i>Callistemon viminalis</i>), T75 (<i>Livistona australis</i>), T77 (<i>Banksia integrifolia</i>), T79 (<i>Backhousia citriodora</i>), T82 (<i>Yucca</i>), and T121 (<i>Acacia decurrens</i>), • Exempt species that may be removed without Council consent: T6, T61, T62, T63, T65, T66, T69, T70, T73, T76, T78, T80, T119, T122, T123, T124, T125, T126, and T127. <p>The AIA report recommends the retention of the following trees near the proposed footpath: T3 (<i>Liquidamber</i> street tree), and within the property T4, T5, T8, T9 (<i>Corymbia maculata</i>) and it is considered that a Project Arborist will be required to guide the retention of these trees, including advice on final location and construction methodology, and a condition shall be imposed.</p> <p>The Statement of Environmental Effects indicates that each residential allotment is able to satisfy the 40% landscape open space area as required under Warringah Development Control clause D1, and Landscape Referral consider that the Indicative Building Layouts are able to either provide for appropriate landscape outcomes within the front and rear setbacks including retention of existing trees where feasible, following relocation of the proposed retaining walling along the eastern boundaries (lots 5 to 13 inclusive).</p>

Internal Referral Body	Comments
	<p>Landscape Referral consider that the above listed prescribed trees proposed for removal will require removal to accommodate the proposed civil works. Landscape Plans are submitted indicating existing trees to be retained, proposed additional tree planting and other mass planting, and Landscape Referral raise no concerns with the landscape outcomes for this portion of proposed works under the development application. The proposed landscape planting includes 14 native trees, 67 native shrubs, and 900 native groundcovers, presenting a suitable landscape outcome along the western boundary adjoining residential properties.</p> <p>All trees and vegetation within adjoining properties shall be retained and Landscape Referral require that along the eastern boundary the proposed retaining walling (lots 5 to 13 inclusive) directly along the boundary in the form of blockwork construction limits the capacity of future landscape setting outcomes to satisfy the requirements of Warringah Development Control clause D1 and to support the application a minimum landscape planting zone of 1.2 metres is required to: support new screen planting along the boundary, and to support retention of existing trees and vegetation within adjoining properties, and conditions shall be imposed for relocation of the retaining walling and stormwater works to allow for a unobstructed 1.2 metres wide landscape planting zone</p>
NECC (Bushland and Biodiversity)	<p>SUPPORTED (with conditions)</p> <p>AMENDED COMMENTS</p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 • Warringah DCP - Clause E2 Prescribed Vegetation • Warringah DCP - Clause E6 Retaining unique environmental features <p>An amended Flora and Fauna Assessment (Ecological Consultants Australia Pty Ltd T/ Kingfisher Urban Ecology and Wetlands, August 2024) has been submitted with the application and confirms that a total of 0.2ha will be cleared and therefore the proposal will not trigger entry into the Biodiversity Offsets Scheme via the clearing pathway. Calculations for area clearing have also been provided and no objections are raised. Furthermore, the FFA has addressed the issues raised in relation to the Avoidance and Minimisation of Impacts to the natural environment satisfying the requirements of the Biodiversity Guidelines for Development Applications.</p> <p>As established in the RFI response from the applicant, amendments to the submitted landscape plan will be required given the findings of the FFA. Historically, the Plant Community Type present on site would have been Sydney Coastal Shale-Sandstone Forest which is related to Duffys Forest Endangered Ecological Community and amendment of the Landscape plan will be conditioned to remove species that are not present in the scientific determination of Duffys Forest (i.e. <i>Tristaniopsis laurina</i>, <i>Banksia robur</i>, <i>Acacia terminalis</i>).</p> <p>It is noted that the Landscape Referral has been completed and only approved tree removals related to direct impacts from the proposed civil works under the application which include the following: 7, 10, 60, 64, 72, 74, 75, 77, 79, 81, 82, 120 and 121. Removal of additional prescribed trees will be dealt with at the time of future applications resulting from the proposed subdivision.</p>

Internal Referral Body	Comments
	<p>Standard conditions will be recommended and will be complemented with conditions recommended in the submitted Flora and Fauna Assessment. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p> <p>AMENDED COMMENTS</p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 • Warringah DCP - Clause E2 Prescribed Vegetation • Warringah DCP - Clause E6 Retaining unique environmental features <p>An Arboricultural Impact Assessment (AIA) has been prepared and submitted with the application (The Tree Guardian, March 2024). The report has assessed the condition of a total of 149 trees and an additional 52 trees that have been grouped (trees 21 - group of 6 trees, 32 - group of 3 trees, 41 - group of 18 trees, 51 - group of 5 trees, 52 - group of 7 trees, 70 - group of 2 trees, 90 - group of 2 trees, 94 - group of 2 trees, 120 - group of 8 trees, 141 - group of 7 trees, 146 - group of 3 trees) number of trees that could potentially be impacted by the proposed subdivision.</p> <p>The AIA outlines that a separate development application was lodged for demolition of the existing structures on site and recommended the removal of 91 trees with 55 being exempt by species, height and/or location, 20 within the demolition footprint, 8 subject to major encroachments and 8 were in poor health. This application has been determined and therefore trees approved for removal under that separate DA will not be considered as part of this application.</p> <p>The following trees have been proposed for removal under this development application: 7, 14, 15, 16, 17, 18, 19, 20, 22, 25, 27, 29, 30, 31, 34, 35, 36, 37, 38, 39, 41 (grouping of 18 trees), 42, 43, 44, 45, 46, 47, 52 (grouping of 7 trees), 53, 54, 57, 59, 67, 71, 72, 74, 75, 77, 79, 81, 83, 84, 85, 86, 88, 89, 91, 96, 97, 98, 99, 100, 103, 104, 105, 106, 121.</p> <p>As trees 41 and 52 are groupings, it has to be assumed that all trees within those groupings will be removed as specific tree protection measures cannot be conditioned, therefore it is considered that a total of 75 prescribed trees are being proposed for removal.</p> <p>A Flora and Fauna Assessment (Ecological Consultants Australia Pty Ltd TA Kingfisher Urban Ecology and Wetlands, April 2024) has been submitted with the application and concluded that the application would not trigger entry into the Biodiversity Offsets Scheme (BOS) as the proposal does not exceed the clearing threshold (0.2 ha). However:</p> <ul style="list-style-type: none"> • No map including these calculations has been provided and the inclusion of <i>Figure 7.2 Trees retained after demolition</i> would allow for consideration that the total impact of demolition works and subdivision works have been considered separately in the calculation of the clearing thresholds.

Internal Referral Body	Comments
	<ul style="list-style-type: none"> The report considers in its results that a total of 88 prescribed trees, 45 exotic trees and a grouping of an additional 18 trees are proposed for removal (total of 151 trees). These numbers are inconsistent with those presented in the AIA. The report has also failed to adequately address and discuss the Avoidance and Minimisation strategies explored by the development as required in Council's Biodiversity Requirements for Development Applications: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://files-preprod-d9.northernbeaches.nsw.gov.au/nbc-prod-files/media/files/2024-05/Biodiversity%20Requirements%20for%20Development%20Applications%202024.pdf?1715582608 <p>Furthermore, a Landscape Plan (Taylor Brammer, April 2024) has been submitted with the application and includes a planting schedule that is consistent with the Native Planting Guide available on Council's website. The Planting guide includes a total of 14 trees to be planted.</p> <p>Council's Biodiversity Referrals team do not support the application in its current form due to the following:</p> <ul style="list-style-type: none"> The proposal to subdivide the lot into 13 lots for residential development is found to be inconsistent with the requirements of the Environmental Planning and Assessment Act Section 4.1.5 (1) (b). The proposal is also inconsistent with the objectives of WDCP cl. E2 and cl. E6 as the majority of trees on site are appear to be proposed for removal. The information provided with the subdivision application is unclear. The total number of trees to be removed for the purposes of demolition of existing structures and the number of trees proposed to be removed due to the proposed subdivision is inconsistent in the reports (Arboricultural Impact Assessment and Flora and Fauna Assessment) submitted with the application. The submitted Flora and Fauna Assessment has not adequately demonstrated whether the application exceeds the Biodiversity Offsets Scheme and has failed to adequately address the Avoidance and Minimisation strategies explored to reduce impacts to the natural environment. The application in its current form would require substantial removal of prescribed trees that are not compensated by the proposed Landscape planting schedule. <p>The applicant is encouraged to retain prescribed vegetation and consider alternative designs that will avoid and minimise impacts to the natural environment. Reports submitted with the application should be consistent with each other for evaluation of impacts to the natural environment to be clearly discernible.</p> <p>In addition to the incorporation of the landscaping elements already included in the application, consideration should be given to the removal of a dwelling within proposed Lot 3 to form a community title lot which would allow for the retention of a number of prescribed trees including trees 15, 16, 17, 18, 19, 20, 21, 22, 29, 30, 34, 36, 37, 43, 45, 46, 47, 48 and 49.</p> <p>ORIGINAL COMMENTS</p> <p>The comments in this referral relate to the following applicable controls and provisions:</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 • Warringah DCP - Clause E2 Prescribed Vegetation • Warringah DCP - Clause E6 Retaining unique environmental features <p>An Arboricultural Impact Assessment (AIA) has been prepared and submitted with the application (The Tree Guardian, March 2024). The report has assessed the condition of a total of 149 trees and an additional 52 trees that have been grouped (trees 21 - group of 6 trees, 32 - group of 3 trees, 41 - group of 18 trees, 51 - group of 5 trees, 52 - group of 7 trees, 70 - group of 2 trees, 90 - group of 2 trees, 94 - group of 2 trees, 120 - group of 8 trees, 141 - group of 7 trees, 146 - group of 3 trees) number of trees that could potentially be impacted by the proposed subdivision.</p> <p>The AIA outlines that a separate development application has been lodged for demolition of the existing structures on site and recommended the removal of 91 trees with 55 being exempt by species, height and/or location, 20 within the demolition footprint, 8 subject to major encroachments and 8 were in poor health. This application is yet to be determined and therefore approved tree removals for the purposes of demolition are unconfirmed. Additional information to be noted is the following:</p> <ul style="list-style-type: none"> • In addition to the 91 trees proposed for removal for the Demolition DA (undetermined), the current DA will require the removal of an additional 42 prescribed trees (17, 22, 25, 27, 30, 31, 34, 35, 36, 37, 38, 41 (grouping of 18), 42, 43, 44, 45, 46, 52, 53, 54, 57, 59, 60, 64, 67, 71, 74, 75, 77, 79, 83, 85, 86, 88, 89, 91, 100, 101, 104, 105, 106 & 114). • An overlap of 24 of these trees are proposed to be removed in the Demolition DA (62, 64, 83, 84, 85, 86, 88, 89, 91, 96, 97, 98, 99, 100, 101, 103, 104, 105, 106, 107, 108, 110, 114 and 137). These trees include grouping 41 where the specific number of trees to be retained has not been confirmed and therefore, for the purpose of calculation of impacts they are assumed to be proposed for removal. <p>A Flora and Fauna Assessment (Ecological Consultants Australia Pty Ltd TA Kingfisher Urban Ecology and Wetlands, April 2024) has been submitted with the application and concluded that the application would not trigger entry into the Biodiversity Offsets Scheme (BOS) as the proposal does not exceed the clearing threshold (0.2 ha). However:</p> <ul style="list-style-type: none"> • No map including these calculations has been provided and the inclusion of <i>Figure 7.2 Trees retained after demolition</i> would allow for consideration that the total impact of demolition works and subdivision works have been considered separately in the calculation of the clearing thresholds. • The report considers in its results that a total of 88 prescribed trees, 45 exotic trees and a grouping of an additional 18 trees are proposed for removal (total of 151 trees). These numbers are inconsistent with those presented in the AIA. • The report has also failed to adequately address and discuss the Avoidance and Minimisation strategies explored by the development as required in Council's Biodiversity Requirements for Development Applications: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://files-preprod-d9.northernbeaches.nsw.gov.au/nbc-prod-files/media/files/2024-

Internal Referral Body	Comments
	<p data-bbox="435 342 1465 409">05/Biodiversity%20Requirements%20for%20Development%20Applications%20%202024.pdf?1715582608</p> <p data-bbox="336 477 1465 611">Furthermore, a Landscape Plan (Taylor Brammer, April 2024) has been submitted with the application and includes a planting schedule that is consistent with the Native Planting Guide available on Council's website. The Planting guide includes a total of 14 trees to be planted.</p> <p data-bbox="336 656 1465 723">Council's Biodiversity Referrals team do not support the application in its current form due to the following:</p> <ul data-bbox="371 757 1465 1350" style="list-style-type: none"> <li data-bbox="371 757 1465 857">• The proposal to subdivide the lot into 13 lots for residential development is found to be inconsistent with the requirements of the Environmental Planning and Assessment Act Section 4.1.5 (1) (b). <li data-bbox="371 862 1465 929">• The proposal is also inconsistent with the objectives of WDCP cl. E2 and cl. E6 as the majority of trees on site are appear to be proposed for removal. <li data-bbox="371 934 1465 1104">• The information provided with the subdivision application is unclear. The total number of trees to be removed for the purposes of demolition of existing structures and the number of trees proposed to be removed due to the proposed subdivision is inconsistent in the reports (Arboricultural Impact Assessment and Flora and Fauna Assessment) submitted with the application. <li data-bbox="371 1108 1465 1243">• The submitted Flora and Fauna Assessment has not adequately demonstrated whether the application exceeds the Biodiversity Offsets Scheme and has failed to adequately address the Avoidance and Minimisation strategies explored to reduce impacts to the natural environment. <li data-bbox="371 1247 1465 1350">• The application in its current form would require substantial removal of prescribed trees that are not compensated by the proposed Landscape planting schedule. <p data-bbox="336 1417 1465 1552">The applicant is encouraged to retain prescribed vegetation and consider alternative designs that will avoid and minimise impacts to the natural environment. Reports submitted with the application should be consistent with each other for evaluation of impacts to the natural environment to be clearly discernible.</p> <p data-bbox="336 1556 1465 1731">In addition to the incorporation of the landscaping elements already included in the application, consideration should be given to the removal of a dwelling within proposed Lot 3 to form a community title lot which would allow for the retention of a number of prescribed trees including trees 15, 16, 17, 18, 19, 20, 21, 22, 29, 30, 34, 36, 37, 43, 45, 46, 47, 48 and 49.</p>
NECC (Development Engineering)	<p data-bbox="336 1736 767 1780">SUPPORTED (with conditions)</p> <p data-bbox="336 1809 571 1843">Comments 3/2/25</p> <p data-bbox="336 1848 1465 1948">The stormwater/engineering plans have now been amended to reflect the new retaining wall heights and locations. No objections to the subdivision development subject to conditions.</p> <p data-bbox="336 2016 616 2049">Comments 8/1/2025</p> <p data-bbox="336 2054 1374 2087">The sketch plans detailing the reduced boundary retaining wall have been</p>

Internal Referral Body	Comments
	<p>reviewed and it has been determined that the proposed lots including Lot no 13 can drain via gravity to the OSD Tank . The applicant is to amend the stormwater management plans accordingly to reflect the new lot finished levels.</p> <p>Updated comments 1/11/2 The proposed 12 lot subdivision is supported as the DRAINS model was reviewed and supports the stormwater management plan . The applicant has also submitted a draft neighbourhood management statement however the requirement for by laws covering the operation of OSD/water quality system etc will be conditioned as the statement is generic.</p> <p>The proposed 12 lot subdivision is not supported for the following reasons:</p> <p>Stormwater management 1) The proposed stormwater management plan is to be supported by a DRAINS model to determine the OSD storage volumes and post development discharge rates, noting the pre developed condition is to be state of nature. A summary report of the DRAINS inputs and outputs is to be submitted also. 2) The On Site Detention tank is to be fully located within the footprint of the proposed internal road ,this will limit the current OSD Tanks footprint which impacts open space and landscaping. 3) The stormwater management plans are also to comply with the minimum information requirements for development as detailed in section 9.7.3 of Councils Water Management for Development Specification. 4) A catch drain is also to feature of the rear boundaries of Nos 21-23 Warili Road to capture any upstream overland stormwater flows.</p> <p>Geometric Road Design The proposed Cu De Sac diameter is 25m in width these seems excessive and is to be reduced to 20m.</p> <p>Community Management Plan As the subdivision is proposed to be a Community Title enabling a community association to fund and maintain community facilities including the On site detention tank, water quality treatment devices , street lighting , the shared footpath and the private road. A draft community management statement is to be submitted for Councils review together with an Operations and Maintenance Manual for the operation of the OSD Tank and Water Quality treatment devices.</p>
NECC (Water Management)	<p>SUPPORTED (with conditions)</p> <p>This application was assessed in consideration of but not limited to:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Relevant LEP and DCP clauses; • Northern Beaches Water Management for Development Policy <p>The proposed stormwater management (quality and balance) is satisfactory and meet the General Stormwater Quality Requirements of the Northern Beaches Water Management for Development Policy.</p>

Internal Referral Body	Comments
Strategic and Place Planning (Urban Design)	<p>SUPPORTED (without conditions)</p> <p>This advice is provided as an internal referral from the Urban Design Unit to the Development Assessment Officer for consideration and coordination with the overall assessment.</p> <p>The application seeks consent for a proposed Community title subdivision comprising of 13 lots and new road access.</p> <p>Urban Design raises no objection to the proposed development.</p> <p>Please note: Regarding any view impacts and any impacts on solar amenity and overshadowing these matters will be dealt with under the evaluation of Council Planning Officer. Any impacts of non-compliances regarding heritage will be dealt with under the evaluation of Council Heritage Officers, and any Landscape non-compliance will be dealt with under the evaluation of Council Landscape Officers.</p>
Traffic Engineer	<p>SUPPORTED (subject to conditions)</p> <p>This development application seeks consent for the community title subdivision of 49 Blackbutts Road and 21A Warili Road, Frenchs Forest; into 1 community allotment that includes a new road and stormwater drainage infrastructure, and 12 residential allotments. The Transport Network section has reviewed the proposal with respect to access, parking, and traffic generation impacting the road network.</p> <p>Traffic Generation and Impact to Road Network</p> <p>A Traffic Impact Assessment (TIA) has been prepared by SCT Consulting for the proposed subdivision. The Guide to Traffic Generating Developments (GTGD) provide rates for dwelling houses, with daily vehicle trips of 9.0 per dwelling and weekday peak hour vehicle trips of 0.85 per dwelling. The development would result in 108 vehicle trips per day and 10 vehicles per hour during the weekday peak period, equivalent to one car every 6 minutes. The projected future traffic generation is unlikely to result in any significant impacts to the local road network.</p> <p>Access Road and Parking</p> <p>Access for the development is provided from Warili Road via a new road, under community Lot number 1; with the exception of Lot 4 which has a separate driveway of Blackbutts Road. The road design should be a minimum 6m wide, and include the road pavement, vertical kerb and gutter, and a 1.5m wide footpath. The Applicant proposes a 5.5m road width from the Warili Road to the property boundary of No.21 Warili Road and Lot 13. This is considered acceptable due to the narrow width and requirement to include a 1.5m footpath. A minimum 6m wide road width has been provided for the straight section of road from the proposed indented parallel parking bay (2.1m wide) to the end of the cul-de-sac. The proposed 12.2m radius for the turning area is supported as it demonstrates access for Council's 10.5m Waste vehicle to turn around in a</p>

Internal Referral Body	Comments
	<p>continuous movement without mounting the kerb, shown on Turning Path Plan Drawing Number 230057-00-DA-C22.01.</p> <p>The proposal to install a “Give-Way” holding line on the bend to control vehicles exiting the subdivision and enable access for a waste vehicle entering from Warili Road is not acceptable and cannot be supported. The curved section of road, between the property boundary with No.21 Warili Road and the indented parallel parking bay, should be widened to enable both service/delivery vehicles and passenger vehicles to pass simultaneously. The eastern kerbline should be retained with the western kerbline realigned, and the radius on the inside of the curve increased to enable the vehicle passing movements. An updated swept path analysis should be provided to demonstrate compliance with this condition.</p> <p>A 1.5m concrete footpath is provided on the eastern side of the road, from Warili Road, connecting with the existing footpath on Blackbutts Road. The Civil Engineering plans shows the use of a rollover kerb and gutter adjacent to the proposed footpath north of the property boundary with No.21 Warili Road. The use of rollover kerb and gutter raises safety concerns for pedestrians and often leads to illegal parking on the footpath and nature strip. Council therefore requires the use of a vertical faced kerb and gutter only.</p> <p>Two sections of visitor parking (separated by kerb extensions) are proposed on the western side of the road, providing a total of 5 indented parallel parking spaces. The number of visitor spaces is acceptable however the two sections should be consolidated into one continuous parking bay from the cul-de-sac southwards, creating a larger landscaped area on the bend, and improving the transition for access exiting the curve.</p> <p>The Arboricultural Impact Assessment Report states that T140 will be subjected to a 27.8% major encroachment from development of the proposed new road. The current indented parking design shows the works through the SRZ, and a design modification is required to ensure the footprint of the new road is outside of the SRZ. The recommended consolidation of the parking bays would remove the end parking space so the road is outside of the SRZ. The proposed T82 can no longer be planted at the location shown on the Landscape Details plan, Drawing No.LD01; as a result of the consolidation which removes the kerb extension. I have discussed the design changes with Council’s Landscape section who supports the recommended changes.</p> <p>The parallel parking spaces should be linemarked and designed in accordance with AS 2890 (On-street Parking standards). The parking bay should be 2.1m wide and indented with a 45 degree angle transition to facilitate entry and exit. Linemarking of the intermediate spaces should be 6m in length and the end spaces 6.3m in length.</p> <p>The above requirements can be conditioned as part of the Consent with the amended Civil Engineering plans to be submitted to Council for approval prior to the issue of a Construction Certificate.</p> <p>Signage and Linemarking</p>

Internal Referral Body	Comments
	<p>The widened road design would still require parking restrictions to prevent on-street parking which reduces the travel lanes for vehicular access. The Applicant has provided Pavement, Signage and Linemarking Plans, Drawing No.230057-00-DA-C11.01 and 230057-00-DA-C11.02 Revision 1, proposing the installation of 'No Stopping' signs for the 5.5m wide section of road and 'No Parking' signs for the remainder of the road. The proposal should instead provide a double dividing barrier line (BB lines) from Warili Road to the start of the turning area. BB lines can be installed for roads with a road width of 5.5m or more. According to the Road Rules, it is illegal to park within 3m of the continuous line, which is enforceable without additional parking signs. The recommended BB lines would restrict parking and also provide delineation along the bend which helps separate the opposing traffic flows. The BB lines can therefore be installed instead of 'No Parking' signs which would otherwise narrow the existing nature strip. The installation of an unbroken yellow 'No Stopping' line (C3 line) would also be required in the turning circle to prevent parking and reduce overall signage clutter.</p> <p>The required changes to the Parking Layout and Signage Plans can be conditioned as part of the Consent, with the amended plans to be submitted to Council's Traffic team for approval prior to the issue of a Construction Certificate.</p> <p>The proposal can only be supported subject to the recommended Conditions.</p>
Waste Officer	<p>SUPPORTED (subject to conditions)</p> <p>Waste Management Assessment</p> <p>The Waste Management Plan will need to be corrected to state that bins and bulky goods are to be presented at the kerbside on the community road in front of each dwelling rather than being taken to Blackbutts Road for collection.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

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

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

Housing and Productivity Contribution

Part 2 Development for which contribution is require and determination of contribution, Division 2 Housing and productivity contribution amounts, Clause 7 Base component.

This Clause details the base component amounts that apply to the calculation of the housing and productivity contribution, as set out in the following table:

Region	HPC class of development	Amount	HPC unit
Greater Sydney	Residential subdivision	\$12,000	new dwelling lot
	Residential strata subdivision	\$10,000	new strata dwelling lot
	Non-strata multi-dwelling development	\$10,000	new non-strata dwelling
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA

Comment:

The proposal involves 12 new residential lots and is sited within the Greater Sydney region. As such, the contribution is \$144,000 (before adjustment explained in condition).

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the consent authority to consider whether land is contaminated.

In response to the above requirements of Chapter 4, the applicant has submitted a Preliminary Environmental Site Investigation dated 31 January 2024 and prepared by Geotechnique Pty Ltd. In its conclusion, the investigation states:

'Based on the information obtained in preparation of this report, it is considered possible that the site has limited potential for contamination due to past and present site activities.'

Therefore, as the Investigation indicates that there is a potential for contaminants to exist on the site, sub-section 4.6 (1)(b) and 7(1)(c) of this chapter must be considered.

Sub-section 4.6(1)(b) stipulates that *"if the land is contaminated, it [Council] is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out"*.

Given the claimed potential of contamination on the site as noted in the Phase 1 Investigation, a Phase 2 Environmental Site Assessment has been provided to confirm contamination present, at what levels and at what locations. A Phase 2 Environmental Site Assessment has been provided which

confirms the location and type of contaminants on the site and provides recommendations for the remediation of the site to enable the development to be safely carried out. In this regard, Council is satisfied that the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation are included as conditions in the Recommendation of this report.

Sub-section 4.6 (1)(c) stipulates that *"if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose"*.

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

Further, a condition has been imposed to require further sampling (and if necessary remediation). Sampling locations are required to be provided in accordance with NSW EPA (2022) Contaminated Land Guidelines as well as directly adjacent to and within the footprint of the incinerator.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	600sqm	Lot 1: 2599sqm Lot 2: 619sqm Lot 3: 659sqm Lot 4: 620sqm Lot 5: 681sqm Lot 6: 645sqm Lot 7: 625sqm Lot 8: 625sqm Lot 9: 623sqm Lot 10: 607sqm Lot 11: 616sqm Lot 12: 606sqm Lot 13: 655sqm	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision - consent requirements	Yes
4.1 Minimum subdivision lot size	Yes
5.3 Development near zone boundaries	Yes

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control - Indicative footprints	Requirement	Proposed	% Variation*	Complies
B3 Side Boundary Envelope	4m	Width of lots complies to allow potential for a compliant envelope	N/A	Yes
B5 Side Boundary Setbacks	0.9m	0.9m (minimum)	N/A	Yes
B7 Front Boundary Setbacks	6.5m	6.5m (minimum)	N/A	Yes
B9 Rear Boundary Setbacks	6m	6m (minimum)	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	Potential is shown for at least 40% for each lot	N/A	Yes

Note: Application does not involve any built works (except subdivision works).

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C1 Subdivision	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

C1 Subdivision

Component	Requirement	Proposed	Compliant
Lot requirements	<p>R2 Low Density Residential zone requirements:</p> <p>Proposed new allotments:</p> <p>a) Minimum width: 13 metres b) Minimum depth: 27 metres; and c) Minimum building area: 150m²</p>	<p>a) 13m-17.38m b) 27.6m- 48.05m c) 606sqm-681sqm</p>	Yes
Access	<p>Motor vehicle access to each residential allotment is required from a constructed and dedicated public road.</p> <p>Where access is proposed to a section of unconstructed public road, then the subdivision will need to provide legal, constructed access to the Council's satisfaction.</p> <p>Access for Council service vehicles, emergency vehicles and garbage collection vehicles must be provided.</p> <p>Driveways, accessways, etc, to allotments should have a gradient not exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10.</p> <p>Driveways in excess of 200 metres will not be allowed for residential development.</p>	<p>-Vehicle access is provided from Warili Road to a new internal road within the proposed subdivision.</p> <p>-N/A</p> <p>-Access is provided for service vehicles, emergency vehicles and garbage collection vehicles via the proposed road.</p> <p>-Council's Development Engineer is satisfied with the proposed accessway and driveways. Future applications for the dwellings may be subject to further requirements for the internal driveways.</p> <p>-N/A</p> <p>-N/A (Driveways less than 30m)</p> <p>-N/A</p>	Yes

Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m.

-N/A

-Suitable access is designed for allow for vehicle turning.

Passing bays should have regard to sight conditions and minimise vehicular conflict.

-Complies (subject to conditions).

Vehicular ingress/egress points to internal lots may be used as passing/turning bays, subject to extension of a right-of-carriageway over the passing/turning bay.

Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities.

-N/A

Width of accessways are to be as follows:

Number of lots to be serviced	Width of clear constructed accessway (m)
1 - 5	3.5
6 - 10	5.0
in excess of 10	Access is to be provided by a private or public road constructed with a width that is in accordance with Council standard specifications for engineering works (AUSPEC 1)

Provision of services in rights of carriageway are as follows:

Number of lots to be serviced	Additional width to be provided in Right of Carriageway (m)
Up to 3 lots	0.5

	4 or more lots	1.0		
Design and construction	<p>All roads, rights of carriageway, drainage design and construction is to be in accordance with Council's policy requirements including; AUSPEC 1 - Council's Specification for Engineering Works, Development Engineering Minor Works Specification, On Site Stormwater Detention (OSD) Technical Specification and Council's Water Sensitive Urban Design Policy. Additionally, internal roads must be designed in accordance with the relevant Australian Standards.</p> <p>Subdivision design needs to maximise and protect solar access for each dwelling by considering factors such as orientation, shape, size and lot width.</p>		<p>-Suitable conditions of consent are imposed in this regard.</p> <p>-The dimensions and size of the lots (compliant with the requirements above) provide a situation in which design including compliant side boundary envelope can be provided at the southern elevation. Sufficient rear setbacks for lots 5-13 also contribute to providing an acceptable outcome.</p>	Yes
Drainage	<p>Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system. The topography of the land should not be altered to adversely affect the natural drainage patterns. Stormwater should drain directly to a Council-approved drainage system and not via adjoining properties unless via a formalised interallotment drainage system. The proposed allotments are to be drained to the direction of the natural fall of the land. Interallotment drainage easements will be required through adjoining properties to adequately drain land to Council's downstream system.</p>		<p>Council's Development Engineer is satisfied with the proposal and suitable conditions of consent are imposed in this regard.</p>	Yes
Restrictions	<p>Any easement, right-of-carriageway, or other restriction that is placed on the title of any land as a requirement of the approval of the subdivision is to be protected by a positive</p>		<p>Suitable conditions of consent are imposed in this regard.</p>	Yes

	covenant or like instrument with the Council nominated as a party.		
Environmentally constrained land	In areas subject to constraints such as flooding, tidal inundation, threatened species, landslip risk, bushfire or any other matter, adequate safe area for building, where the risk from hazard is minimised, is to be provided within an allotment. Where possible, lot boundaries should utilise natural land features such as creeks, escarpments and rock outcrops.	The site is not subject to any significant environmental constraints. Councils Natural Environment officer have imposed various conditions to mitigate impacts to the natural environment. Constraints are of a nature that can be dealt with under a future application for dwellings.	Yes
Bushfire	Subdivision should be designed to minimise the risk from potential bushfire. Asset protection zones should be contained within the property boundaries of the new subdivision.	The site is not bush fire prone land.	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$15,383 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,538,275.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and

- Codes and Policies of Council.

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

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

PLANNING CONCLUSION

The proposed subdivision of the site into 13 lots, including 12 residential allotments and 1 community title lot has been the subject of detailed assessment against the provisions of the WLEP 2011, WDCP 2011 and relevant State and Council policies, and this report provides a detailed account of that assessment.

The application is referred to the Development Determination Panel (DDP) due to 8 submissions being received in response to the public exhibition.

Overall, the proposed subdivision performs well against all relevant planning, environment and engineering related controls and will not result in unreasonable or unacceptable impacts on adjoining or nearby properties or the natural environment.

There are a number of special conditions that have been imposed to ensure the final outcome is entirely suitable and appropriate for the site and neighbouring amenity.

The issues and concerns raised by residents in the submissions have been considered, and where appropriate have resulted in amendments to the proposal during the assessment, or special conditions being imposed.

In particular, the original extent of filling of the site on the eastern and southern sides, the height of retaining walls and fencing on those boundary interfaces was interrogated and found to be excessive. Amended plans were sought which reduced the amount of landfilling, reduced the height of retaining walls and consequently the height of boundary fencing. Internal lot widths were also adjusted to provide greater width for Lot 13 and a better interface (including increased setback and lower land levels) with properties at 21, 23 and 25 Warili Road in particular.

In terms of the planning controls, the proposal complies with the relevant provisions of the WLEP and WDCP that relate to subdivision, including minimum lot size, width, depth and the subdivision character. The application has also demonstrated that the proposed lots can be developed for individual dwelling-houses in a manner that complies with the built form controls under the LEP and DCP, as demonstrated by the indicative footprints and associated plans.

Specifically, there have been a number of special conditions imposed that will provide for an improved

outcome for neighbouring amenity, including; a more substantial landscaped strip and buffer zone to the western boundary, and increased setbacks to retaining walls along the east and southern boundaries.

The proposal is recommended for approval.
It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2024/0492 for Neighbourhood title subdivision comprising of 13 lots and new road access on land at Lot 1 DP 524083, 21 A Warili Road, FRENCHS FOREST, Lot 1 DP 1298188, 49 Blackbutts Road, FRENCHS FOREST, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. **Approved Plans and Supporting Documentation**
Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
0923/3D	-	Plan Showing Proposed Neighbourhood Scheme	YSCO Geomatics	23/1/2025
C01.41	2	GENERAL ARRANGEMENT PLAN	Enspire Solutions Pty Ltd	23/1/2025
C03.01	3	EROSION AND SEDIMENTATION CONTROL PLAN	Enspire Solutions Pty Ltd	22/01/2025
C03.21	2	EROSION AND SEDIMENTATION CONTROL DETAILS	Enspire Solutions Pty Ltd	15/01/2025
C04.01	3	EARTHWORKS CUT AND FILL PLAN	Enspire Solutions Pty Ltd	22/01/2025
C04.21	2	EARTHWORKS CUT AND FILL SECTIONS	Enspire Solutions Pty Ltd	15/01/2025
C5.01	4	SITEWORKS AND STORMWATER	Enspire Solutions Pty Ltd	22/01/2025

		MANAGEMENT PLAN SHEET 01		
C05.02	4	SITEWORKS AND STORMWATER MANAGEMENT PLAN SHEET 02	Enspire Solutions Pty Ltd	22/01/2025
C06.01	2	ROAD TYPICAL CROSS SECTIONS	Enspire Solutions Pty Ltd	15/01/2025
C07.01	2	ROAD LONGITUDINAL SECTION	Enspire Solutions Pty Ltd	15/01/2025
C11.01	3	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 01	Enspire Solutions Pty Ltd	22/01/2025
C11.02	2	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 02	Enspire Solutions Pty Ltd	15/01/2025
C13.01	1	SITE SECTIONS	Enspire Solutions Pty Ltd	15/01/2025
C14.01	2	SITEWORKS DETAILS	Enspire Solutions Pty Ltd	15/01/2025
C15.01	1	RETAINING WALL ELEVATIONS - SHEET 01	Enspire Solutions Pty Ltd	15/01/2025
C15.02	1	RETAINING WALL ELEVATIONS - SHEET 02	Enspire Solutions Pty Ltd	15/01/2025
C17.01	3	OSD TANK PLAN AND SECTION	Enspire Solutions Pty Ltd	22/01/2025
C18.01	2	STORMWATER DETAILS	Enspire Solutions Pty Ltd	15/01/2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Operational Waste Management Plan	B	Consulting. An elephant Foot company.	13/03/2024
Preliminary Site Investigation	20499/1-AA	Geotechnique Pty Ltd	31/01/2024
Detailed Site Investigation	20499/2-AA	Geotechnique Pty Ltd	16/08/2024
Geotechnical Investigation Report	1	Crozier Geotechnical Consultants	26/03/2024
Landscape Architecture - DA Package	A	Taylor Brammer	5/04/2024
Civil Engineering and Stormwater Report	3	Enspire	15/01/2025

Traffic Impact Assessment	2.0	SCT Consulting	26 March 2024
Flora and Fauna Assessment	Final	Kingfisher	April then updated July and September 2024
Arboricultural Impact Assessment Report	2.0	The Tree Guardian Arboricultural Consultancy	1 August 2024
Neighbourhood Management Statement	Form 30	Colin Biggers & Paisley Lawyers	06/09/2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid - UG Cables and Kiosk	Ausgrid Referral Response - UG Cables and Kiosk	16.12.2022
Ausgrid - Subdivision	Ausgrid Referral Response - Subdivision	17.05.2024

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

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

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier 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 Certifier 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 Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

(i) protect and support the adjoining premises from possible damage from the excavation, and

(ii) where necessary, underpin the adjoining premises to prevent any such damage.

(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,

- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) 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.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$15,382.75 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$1,538,275.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

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 are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or

demolition work commencing, and details demonstrating payment are to be submitted to the Certifier 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. Housing and productivity contribution - Development consents

1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

Contribution Type	Amount
Housing and Productivity Contribution	\$12,000 per residential lot
Total:	\$144,000 (12 residential lots)

2. The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

highest PPI number

consent PPI number

where—

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted.

June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
-------------	--------------------------------

Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Manufactured home estate for which no construction certificate is required

4. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).

5. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
 - a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
 - b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.

6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

8. **Construction, Excavation and Associated Works Security Bond(s)**
The applicant is to lodge a bond with Council for the following:

Crossing / Kerb & Gutter / Footpath Works

As security against any damage or failure to complete the construction of any vehicular

crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent a bond of \$50000

Security Bond

As security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site a bond of \$40000

Maintenance for Civil Works

A maintenance bond of \$15000 for the construction of the 1.5m wide footpath for the Blackbutts frontage and vehicle crossings. The maintenance bond will only be refunded upon completion of the six month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council prior to issuing of practical completion.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9. Amended Plans

Amended Plans shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details to be amended:

- i) the retaining walling along the along the eastern boundaries of lots 5 to 13 inclusive shall be relocated to provide an unobstructed 1.2 metres wide landscape planting zone,
- ii) the stormwater pits and drainage lines shall be relocated accordingly.

Certification shall be provided to the Certifier that these amendments have been documented.

Reason: Provision of landscape setting along the boundary and preservation of existing trees and vegetation in adjoining properties.

10. Street Lighting

Prior to the issue of a Construction Certificate, location and details of street lighting is to be provided to the Certifier.

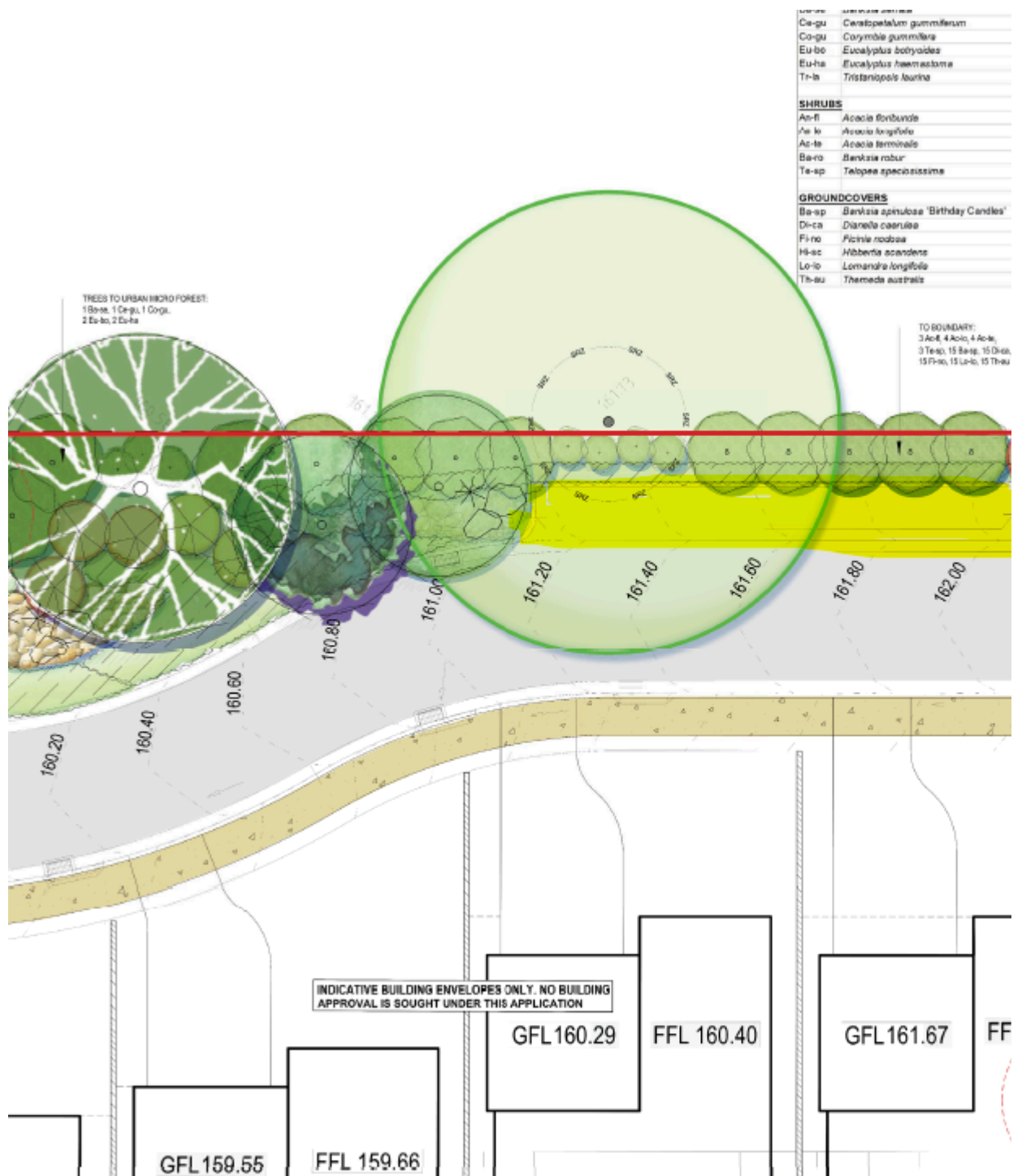
A suitably qualified professional is to confirm that the design for lighting will minimise impact on neighbouring properties. This includes that all lighting must face away from the neighbouring properties to the west.

Reason: To minimise lighting impacts to neighbouring properties.

11. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- The three on-street car parking spaces to the south (highlighted in yellow below) are to be deleted and replaced with landscaping with proposed planting extended.



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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

12. On-Site Stormwater Detention

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Enspire, drawing number 230057-00-DA C5.01(Rev 4), C5.02(Rev 4), C17.01 (Rev 17.01), dated 22/1/25. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

i. Detail the installation of a orifice plate as detailed in the DRAINS model.

ii. Detail the installation of a suitably sized catchdrain upstream of the properties known as 21-23 Warili Road and connected into the on site stormwater system.

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

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

13. Utilities Services

Prior to the issue of the Subdivision Works Certificate, written evidence of the following service provider requirements must be provided to the Principal Certifier:

- a) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity,
- b) a response from Sydney Water as to whether the proposed works subject to this consent would affect any Sydney Water infrastructure, and whether further requirements need to be met, and
- c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Works Certificate.

Reason: To ensure relevant utility and service providers' requirements are provided to the Principal Certifier.

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

The Applicant is to submit an application for approval for Infrastructure works on Councils roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

1) The application is to include Civil Engineering plans for the design of a 1.5m wide concrete footpath within the Blackbutts footpath reserve to replace the existing concrete footpath for the full frontage of the site.

2) Vehicle crossings in Blackbutts Road and Warili Road.

3) The stormwater connection of the 375mm outlet pipe to Councils stormwater pit in Warili

Road. The stormwater drainage longsection is to detail all service locations to AHD determined by a services locator in the footpath area.

The Plans are to be in accordance with the Council's specification for engineering works - AUS-SPEC #1 and standard engineering drawings. The plans shall be prepared by a qualified Civil Engineer.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifier prior to the issue of the Subdivision Works Certificate

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

15. Pre-Commencement Dilapidation Report

The applicant must prepare and submit a dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties (including all adjacent properties to the west that abut the internal road).

The dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Principal Certifier prior to the issue of the any Subdivision Works Certificate and the commencement of any works including demolition.

Reason: Protection of Council's Infrastructure during construction.

16. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.

- Demonstrate that direct access from a public space/road is not viable for each stage of works.
- An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
- Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
- No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
- How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
- If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
- A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for all Staff and Contractors to use parking onsite.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Specify that, due to the proximity of the site in proximity to Mimosa Public School and Davidson High School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to

adjoining property owners prior to the implementation of any temporary traffic control measure.

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

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

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

A copy of the approved CTMP must be kept on-site at all times while work is being carried out. The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

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

17. Tree Removal Within the Property

This consent approves the removal of existing prescribed trees on the subject site as listed below:

- a) T7, T71, T72, T74 (*Corymbia maculata*), T10 (*Corymbia gummifera*), T60 (*Magnolia soulangeana*), T64, T81, T120 (*Callistemon viminalis*), T75 (*Livistona australis*), T77 (*Banksia integrifolia*), T79 (*Backhousia citriodora*), T82 (*Yucca*), and T121 (*Acacia decurrens*),
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

18. Work Zones and Permits

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles

associated with a construction site.

A separate application is required with a Traffic Guidance Scheme for standing of construction vehicles in a trafficable lane.

Reason: To ensure Work zones are monitored and installed correctly.

19. Land Contamination Assessment

After demolition and removal of site features, sampling and testing of soils beneath the buildings, loading dock and concrete handstand area at twelve additional sampling locations is to be undertaken by a suitably qualified consultant to satisfy sampling requirements for a site area of 1.018 hectares (ha) as per NSW EPA (2022) Contaminated Land Guidelines - Sampling Design part 1 - application.

In addition to this, sampling locations are required to be provided directly adjacent, and within the footprint of the incinerator.

If contamination is identified, a suitably qualified Environmental Consultant is to provide appropriate remediation and validation, if required. Any remediation recommended by the consultant is to be implemented into the development.

Reason: To ensure the effective management of potential land contamination.

DURING BUILDING WORK

20. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works for the proposed footpath near existing trees T3 (Liquidamber street tree), and within the property T4, T5, T8, T9 (Corymbia maculata), including: advice on final location and construction methodology. The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

21. Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree(s) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by an Arborist with

minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

22. **Tree and Vegetation Protection**

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees within the site not approved for removal,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

c) The arboricultural works listed in a) and b) are undertaken as complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment and/or Project Arborist as applicable.

Reason: Tree and vegetation protection.

23. **Compliance with Ecologist's Recommendations – During Construction**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report/Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

24. **Wildlife Protection**

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

Reason: To protect native wildlife.

25. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

26. **Road Reserve**

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

Reason: Public safety.

27. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

28. **Staff and Contractor Parking**

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the available on-site parking.

Reason: To ensure minimum impact of construction activity on local parking amenity.

29. Implementation of Construction Traffic Management Plan

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

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

30. Ongoing Management

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Principal Certifier.

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure pedestrian safety and continued efficient network operation.

31. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

32. Site filling - Virgin Excavated Natural Material (VENM)

Where site fill material is necessary, fill materials must:

1. Be Virgin Excavated Natural Material (VENM) only, as defined in The Protection of the Environment Operations Act 1997.
2. Be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.

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

Reason: To ensure protection of the natural environment.

33. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

34. **Removal of Excavated Material**

Any materials to be excavated and removed from the site is to be classified prior to disposal at an appropriately licensed landfill, or potential re-use at other sites, in accordance with:

Waste Classification Guidelines Part 1: Classifying Waste (NSW EPA, 2014);

NSW EPA resource recovery exemptions and orders under the Protection of the Environment Operations (Waste) Regulation 2014; or

Protection of the Environment Operations Act 1997 (POEO Act), for Virgin Excavated Natural Material (VENM).

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the fill being imported to the site.

Reason: To ensure that excavated material/fill is of an acceptable standard.

35. **Importation of Fill**

Any imported soil (fill) must be assessed by a qualified environmental consultant prior to importation, to ensure suitability for the proposed use. In addition, the imported fill must, not contain asbestos and ash, be free of unusual odour, not be discoloured and not be acid sulphate soil or potential acid sulphate soil. The imported fill should either be virgin excavated natural material (VENM) or excavated natural material (ENM).

Prior to the importation of any landfill material onto the site, a waste classification report is to be prepared in accordance with the NSW Environment Protection Authority Guidelines, the report shall state in an end statement that the fill material is suitable for the proposed use on the land.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: For protection of environment.

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

36. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plans and any conditions of consent.

Reason: To maintain local environmental amenity.

37. **Compliance with Ecologist's Recommendations – Ongoing**

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report/Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

Successful establishment/initiation of ongoing biodiversity measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

38. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

39. **Traffic Management**

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Principal Certifier.

Reason: To ensure pedestrian safety and continued efficient network operation.

40. **Positive Covenant for Council and Contractor Indemnity**

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

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

41. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

42. **Nest Boxes**

A minimum of 2 nest boxes are to be installed in retained trees / throughout the trees within areas of retained native vegetation / on the site as recommended in the approved Flora and Fauna Assessment (Ecological Consultants Australia Pty Ltd TA Kingfisher Urban Ecology and

Wetlands, September 2024).

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods).

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Certifier prior to issue of the Subdivision Works Certificate.

Reason: To maintain wildlife habitat.

43. Amendment to Landscape Plan

The submitted Landscape Plan is to be amended in accordance with the following:

- The submitted landscape plan will have to be consistent with the Duffys Forest Ecological community determination as established within the submitted Flora and Fauna Assessment.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To maintain and replace habitat on the site.

44. Compliance with Ecologist's Recommendations – Post Construction

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report/Biodiversity Development Assessment Report are to be implemented at the appropriate stage of development.

Written and photographic evidence of compliance is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to issue of a Subdivision Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

45. Boundary Identification Survey

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

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

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of a Subdivision Works Certificate.

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

46. Authorisation of Legal Documentation Required for Waste Services

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

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

Reason: To create encumbrances on the land.

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

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

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

48. **Positive Covenant for On-site Stormwater Detention**

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate

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

49. **Provision of Services for Subdivision**

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision.

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

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

50. **Right of Carriageway**

The Applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument, to include all vehicular access and manoeuvring areas.

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

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

51. **Restriction as to User (On-site Stormwater Detention)**

The Applicant shall create a restriction as to user (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument for the on-site stormwater detention system, restricting any alteration or additions to the system. The terms of such restriction are to be prepared to Council's standard requirements. Council shall

be nominated as the party to release, vary or modify such restriction.

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

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

52. Certification of Road and Drainage works and the On-site Stormwater Detention System (New Subdivision)

A Compliance Certificate is to be submitted by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifier that the stormwater drainage system and on-site stormwater detention system, road construction works, retaining walls and associated works have been constructed in accordance with the approved subdivision works certificate and relevant conditions of Development Consent. The Subdivision Certificate will not be released until this certification has been submitted and the Principal Certifier has confirmed that this condition has been satisfied.

Reason: To ensure the Engineering works have been built in accordance with the approved plans.

53. Sydney Water Compliance Certification

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

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

54. Subdivision Certificate Application

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

55. Stormwater Treatment Measures Operation and Management Plan

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached or referred to in the Neighbourhood Management Statement and contain the following:

1. Detail on the stormwater treatment measures:

- a) Work as executed drawings
- b) Intent of the stormwater treatment measures including modelled pollutant removal rates
- c) Site detail showing catchment for each device
- d) Vegetation species list associated with each type of vegetated stormwater treatment measure
- e) Impervious area restrictions to maintain the water balance for the site
- f) Funding arrangements for the maintenance of all stormwater treatment measures
- g) Identification of maintenance and management responsibilities
- h) Maintenance and emergency contact information

2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:

- a) Activity description, and duration and frequency of visits

Additionally for vegetated devices:

- b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
- c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure

3. Maintenance schedule and procedure - ongoing

- a) Activity description, and duration and frequency of visits
- b) Routine maintenance requirements
- c) Work Health and Safety requirements
- d) Waste management and disposal
- e) Traffic control (if required)
- f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to Council prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

56. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)

- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: Protection of the receiving environment.

57. Preparation of the Neighbourhood Management Statement

The Neighbourhood management Statement is to contain by laws to cover the maintenance and renewal of the following infrastructure:

- 1) The on site stormwater detention system and water quality control devices including all filter cartridges and pit inserts.
 - 2) Collection of waste by Council in accordance with Council's standard by law wording.
 - 3) All other infrastructure including the street lighting, the internal road, drainage and footpaths.
- The Neighbourhood management Statement is to be submitted to Council for review and approval prior to release of the subdivision certificate.

Reason: For the ongoing maintenance of the community association infrastructure.

58. Detailed Design of Stormwater Treatment Measures - Major

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the Enspire Solutions Pty Ltd plans, report listed below and Council's Water Management for Development Policy.

- Civil Engineering and Stormwater Report, project 230057, dated 08 March 2024
- 230057-00-DA-C05.02 dated 7/03/2024
- 230057-00-DA-C05.01 dated 7/03/2024
- 230057-00-DA-C20.21 dated 7/03/2024
- 230057-00-DA-C18.01 dated 7/03/2024
- 230057-00-DA-C17.01 dated 7/03/2024

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

Reason: Protection of the receiving environment.

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

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

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

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the

Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

60. Certification for the Installation of Stormwater Treatment Measures

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the certificate approved plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment.

The certificate shall be submitted to the Principal Certifier prior to the release of an Subdivision Certificate.

Reason: Protection of the receiving environment.

61. Stormwater Treatment Measures Operation and Maintenance Plan

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

1. Detail on the stormwater treatment measures:
 - a) Work as executed drawings
 - b) Intent of the stormwater treatment measures including modelled pollutant removal rates
 - c) Site detail showing catchment for each device
 - d) Vegetation species list associated with each type of vegetated stormwater treatment measure
 - e) Impervious area restrictions to maintain the water balance for the site
 - f) Funding arrangements for the maintenance of all stormwater treatment measures
 - g) Identification of maintenance and management responsibilities
 - h) Maintenance and emergency contact information
2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:
 - a) Activity description, and duration and frequency of visitsAdditionally for vegetated devices:

- b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
3. Maintenance schedule and procedure - ongoing
- a) Activity description, and duration and frequency of visits
 - b) Routine maintenance requirements
 - c) Work Health and Safety requirements
 - d) Waste management and disposal
 - e) Traffic control (if required)
 - f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
 - g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifier prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

62. **Works as Executed Drawings - Stormwater Treatment Measures**

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifier prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

63. **Landscape Completion**

Landscape works are to be implemented in accordance with the approved Landscape Plans, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plans, unless otherwise imposed by conditions,
- c) all tree planting shall be pre-ordered to equal the container size as nominated in the Plant Schedule; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located within garden bed,
- d) mass planting shall be installed in accordance with the approved Landscape Plans.

Prior to the release of a Subdivision Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

64. Condition of retained Vegetation

Prior to the release of a Subdivision Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

65. Engagement of Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with **XX** Report (reference).

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

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Certifier prior to issue of the Subdivision Works Certificate.

Reason: To protect native vegetation and wildlife.

66. No Clearing of Vegetation and no weeds

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Subdivision Works Certificate.

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

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

Details demonstrating compliance are to be submitted to the Certifier prior to issue of Subdivision Works Certificate.

Reason: To protect native vegetation.

67. Submission of Engineering Plans

The application is to include four (4) copies of Civil Engineering plans for the design of a new road and stormwater drainage under community Lot number 1; including footpath, kerb and gutter, and indented parallel parking bay, which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer.

The design must include the following information:

- a) Construct a new internal access road, minimum 6m wide; with the exception of the 5.5m wide section from Warili Road to the property boundary of No.21 Warili Road and Lot 13.
- b) Kerb and gutter (vertical faced only) and associated stormwater drainage for the full length of the internal access road.
- c) The access road driveway crossing at Warili Road is to include a kerb splay to enable access for Council's Waste vehicle.
- d) Construct a 1.5m wide concrete footpath on the eastern side of the road, from Warili Road connecting with the existing footpath on Blackbutts Road.
- e) Construct a 12.2m radius turning circle for Council's 10.5m Waste vehicle to turn around in a continuous movement.
- f) A swept path analysis is required for a widened road design which enables both Council's 10.5m waste vehicle and a B99 design vehicle to pass simultaneously on the curved section of road. The final kerb alignment and road layout must be approved by Council's Traffic Engineer.
- g) Construct a single consolidated indented parking bay south of the turning circle providing 5 visitor parking spaces. The parking bay should be 2.1m wide and indented with a 45 degree angle transition to facilitate entry and exit. Linemarking of the intermediate spaces should be 6m in length and the end spaces 6.3m in length. Parking spaces must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

The submitted Signage and Linemarking Plans, Drawing No.230057-00-DA-C11.01 and 230057-00-DA-C11.02 Revision 1, must be amended and submitted to Council's Traffic team prior to the issue of any Construction Certificate:

- Installation of double dividing barrier line (BB lines) from Warili Road to the start of the turning area.
- Installation of an unbroken yellow 'No Stopping' line (C3 line) in the turning circle.
- Removal of proposed signage.
- Removal of proposed 'Give Way' holding line.

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

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification. To prevent parking along the internal access road and reduce signage clutter.

68. Vehicular Swept Paths and Kerb Splay

A swept path analysis is required for a widened road design which enables both Council's 10.5m waste vehicle and a B99 design vehicle to pass simultaneously on the curved section of road.

Vehicular manoeuvring paths must also be provided to demonstrate Council's 10.5m waste

vehicle can enter or depart the site onto Warili Road in a forward direction without encroaching on required car parking spaces. Details demonstrating compliance with this condition must be submitted to the Council's Traffic team prior to the issue of the Subdivision Certificate.

A plan showing the modified kerb splay to enable Council's 10.5m waste vehicle to enter and exit the internal access road onto Warili Road shall be submitted to and approved by Council prior to the issue of the Construction Certificate.

Reason: To ensure access for the development site and compliance with Australian Standards relating to manoeuvring and parking of vehicles and to ensure vehicles do not impact the kerb and gutter and cause ongoing maintenance concerns.