

24 September 2024



Architecture Design Studio Pty Ltd
1/7 Murray Rose Avenue
SYDNEY OLYMPIC PARK NSW 2127

Dear Sir/Madam

Application Number: Mod2024/0051
Address: Lot 1 DP 5055 , 8 Forest Road, WARRIEWOOD NSW 2102
Proposed Development: Modification of Development Consent N0440/15 for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping

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

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at www.northernbeaches.nsw.gov.au

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to council@northernbeaches.nsw.gov.au

Regards,



Steven Findlay
Acting Manager Development Assessments

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2024/0051 PAN-410408
Applicant:	Architecture Design Studio Pty Ltd 1/7 Murray Rose Avenue SYDNEY OLYMPIC PARK NSW 2127
Property:	Lot 1 DP 5055 8 Forest Road WARRIEWOOD NSW 2102
Description of Development:	Modification of Development Consent N0440/15 for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping
Determination:	Approved Consent Authority: Sydney North Planning Panel
Date of Determination:	13/09/2024
Date from which the consent operates:	24/09/2024

Under Section 4.56 Court Consent of the EP&A Act, notice is given that the above application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Steven Findlay, Acting Manager Development Assessments

Date 13/09/2024

NOTE: Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 13/09/2024.

Modification Summary

The development consent is modified as follows:

Note: Condition wording amendments noted below are in bold and in italics for ease of reference

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-410408 MOD2024/0051	The date of this notice of determination	<p>Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings</p> <p>Add Condition A1E - Modification of Consent 3 - Approved Plans and supporting Documentation</p> <p>Add Condition A9(a) - Compliance with Other Department, Authority or Service Requirements 2</p> <p>Amend Condition B20</p> <p>Amend Condition B26</p> <p>Amend Condition B37</p> <p>Amend Condition B43</p> <p>Delete Condition B50</p> <p>Amend Condition B63</p> <p>Amend Condition B66</p> <p>Amend Condition C33 - Amendments of Landscape Plan (C33A)</p> <p>Amend Condition E22</p> <p>Amend Condition F2(k)</p> <p>Amend Condition F5(f)</p> <p>Add Condition C37 - Building Code of Australia Fire Safety Requirements</p> <p>Add Condition C38- Access and Facilities for Persons with Disabilities</p> <p>Add Condition C39 - Waste and Recycling Requirements</p> <p>Add Condition C40 - Erosion and Sediment Control Plan</p> <p>Add Condition C41 - Amended Stormwater Management Plans</p> <p>Add Condition D24- Installation and Maintenance of Sediment and Erosion Controls</p> <p>Add Condition D25 - Waste/Recycling Requirements (Waste Plan Submitted)</p> <p>Add Condition D26 - Waste/Recycling Requirements (Materials)</p> <p>Amend Condition E21</p> <p>Add Condition E26 - Fire Safety Measures</p> <p>Add Condition E27- Garbage and Recycling Facilities</p> <p>Add Condition E28 - Waste and Recycling Facilities Certificate of Compliance</p> <p>Add Condition E29- Waste and Recycling Compliance Documentation</p>

		<p>Add Condition E30- Positive Covenant for Council and Contractor Indemnity Add Condition E31 - Authorisation of Legal Documentation Required for Waste Services Add Condition E32 - Swimming Pool Requirements Add Condition (Ongoing)- Presentation of Waste and Recycling Bings for Collection Add Condition (Ongoing) - Use of Street Level Waste Service Bay</p> <p>(Note: Conditions from court approval do not have titles)</p>
PAN-323210 MOD2023/0201	31 August 2023	<p>Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings</p> <p>Add Condition A1D - Modification of Consent 2 - Approved Plans and supporting Documentation Add Condition A9 - Compliance with Other Department, Authority or Service Requirements Delete Condition B41 Add Condition C33- Amendment of Landscape Plan Add Condition C34 - Adherence to Natural Environment Consent Conditions Add Condition C35 - Fencing Add Condition C36 - Amendments to the approved plans Add Condition D22 - Wildlife Protection Add Condition D23 - Protection of Habitat Features Add Condition E24 - No Weeds Imported on to the Site Add Condition E25 - Priority Weed Removal and Management</p>
PAN-194267 MOD2022/0070	20 September 2022	<p>Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings</p> <p>Add Condition 1C - Approved Plans and supporting Documentation Amend Condition B21 - Visitor Parking Amend Condition B28 - Rooftop Mechanical Systems Add Condition B45.1 - Maintenance of Asset Protection Zones Amend Condition B67 - Apartment Mix Add Condition B73 - Parking Enclosure Amend Condition C8 - Construction Traffic Management Plan Add Condition D21 - Staff and Contractor Parking Add Condition E22 - Acoustic Review Add Condition E23 - Clearing Asset Protection Zones</p>
PAN-156910 MOD2021/0816	24 February 2022	<p>Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings</p> <p>Delete Condition A1</p>

		<p>Add Condition A1C Delete Condition B72 Delete Condition B73 Delete Condition B74 Delete Condition B75 Amend Condition C4 Amend Condition C6 Amend Condition C7 Amend Condition C8 Amend Condition C9 Amend Condition C10 Amend Condition C15 Amend Condition C17 Amend Condition C18 Amend Condition C19 Amend Condition C20 Amend Condition C22 Amend Condition E1 Amend Condition E2 Amend Condition E3 Amend Condition E4 Amend Condition E5 Amend Condition E6 Amend Condition E9 Amend Condition E13 Amend Condition F4 Add Condition F1 Add Condition F2 Add Condition F3</p>
MOD2018/0566	13 December 2018	<p>Modification of Development Consent N0440/15 granted for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping.</p> <p>Add Condition A1B - Modification of Consent -- Approved Plans and supporting Documentation</p>
MOD2018/0019	10 June 2018	<p>Modification of Development Consent N0440/15 granted for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping.</p> <p>Add Condition 1A - Modification of Consent -- Approved Plans and supporting Documentation Add Condition B72 Add Condition B73 Add Condition B74 Add Condition B75 Amend Condition C9 Amend Condition E18 Amend Condition E19 Delete Condition F1</p>

		Delete Condition F2 Delete Condition F3 Add Condition F4 Add Condition F5
N0440/15/S96/1	9 April 2018	Modification of Development Consent N0440/15 granted for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping. Delete Condition A1 Amend Condition B1 Delete Condition B36 Amend Condition B43 Delete Condition B44 Amend Condition B45 Add Condition B69 Add Condition B70 Add Condition B71 Amend Condition C7 Amend Condition C9 Delete Condition C29 Delete Condition C30 Delete Condition E17 Amend Condition E21 Amend Condition F2
N0440/15	3 May 2017	Construction of a residential development, comprising 81 dwellings (including an existing dwelling) at 8 Forest Road, Warriewood (Lot 1 DP 5055) (the site).

Modified conditions

A. Add Condition No. A1E - Modification of Consent 3 - Approved Plans and supporting Documentation to read as follows:

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
A001	Rev 13	Preliminary Site Plan	ADS Architects	8 August 2024
A099.1	Rev 12	Floor Plans - Basement 1 - East	ADS Architects	8 August 2024
A100.1	Rev 19	Floor Plans - Ground Floor Plan - East	ADS Architects	8 August 2024
A100.2	Rev 19	Floor Plans - Ground Floor Plan - West	ADS Architects	8 August 2024
A101.1	Rev 11	Floor Plans - Level 1 - East	ADS Architects	7 May 2024

A102.1	Rev 11	Floor Plans - Level 2 - East	ADS Architects	7 May 2024
A103.1	Rev 09	Floor Plans - Roof Level - East	ADS Architects	30 April 2024
A103.2	Rev 09	Floor Plans - Roof Level - West	ADS Architects	30 April 2024
A300	Rev 11	Elevations Building A and B	ADS Architects	7 May 2024
A301	Rev 11	Elevations Building C and D	ADS Architects	7 May 2024
A302	Rev 11	Elevations Townhouses	ADS Architects	7 May 2024
A350	Rev 03	Gym and Pool Ground Floor Plan 1/2	ADS Architects	7 May 2024
A351	Rev 03	Gym and Pool Ground Floor Plan 2/2	ADS Architects	7 May 2024
A352	Rev 03	Gym and Pool Roof Plan	ADS Architects	7 May 2024
A353	Rev 03	Gym and Pool Elevations	ADS Architects	7 May 2024
A354	Rev 03	Gym and Pool Sections	ADS Architects	7 May 2024
-	-	FF&E Schedule	ADS Architects	30 April 2024
L-01	Rev U	Landscape Master Plan	Site Design + Studios	1 July 2024
L-02	Rev U	Existing Trees Plan	Site Design + Studios	1 July 2024
L-03	Rev U	Ground Floor East Landscape Plan	Site Design + Studios	1 July 2024
L-04	Rev U	Ground Floor West Landscape Plan	Site Design + Studios	1 July 2024
L-05	Rev U	Riparian Planting	Site Design + Studios	1 July 2024
L-06	Rev U	Sections	Site Design + Studios	1 July 2024
L-07	Rev U	Sections	Site Design + Studios	1 July 2024
L-08	Rev U	Sections	Site Design + Studios	1 July 2024
L-09	Rev U	Typical Details and Notes	Site Design + Studios	1 July 2024
C5.01	Issue 3	Road set-out plan	WSCE	September 2023
C5.11	Issue 1	Road Long Section - Access Road	WSCE	September 2023
C5.21	Issue 1	Road Cross Section - Access Road	WSCE	September 2023
C5.22	Issue 3	Road Cross Section - Ring Road Sheet 1	WSCE	September 2023
C5.23	Issue 3	Road Cross Section - Ring Road Sheet 1	WSCE	September 2023
C4.01	2	General Arrangement Plan - Sheet 1	WSCE	17 June 2024
C4.02	4	General Arrangement Plan - Sheet 2	WSCE	17 June 2024

C6.01	2	Stormwater Layout Plan - Sheet 1	WSCE	17 June 2024
C6.02	4	Stormwater Layout Plan - Sheet 1	WSCE	17 June 2024
C6.06	2	Stormwater Drainage Details - Sheet 1	WSCE	17 June 2024
C6.07	2	Stormwater Drainage Details - Sheet 1	WSCE	1 February 2024
C6.11	3	Bioretention Basin Plan - Sheet 1	WSCE	17 June 2024
C6.12	2	Bioretention Basin Plan - Sheet 2	WSCE	17 June 2024
C6.13	1	Bioretention Basin Sections - Sheet 1	WSCE	3 November 2023
C6.14	1	Bioretention Basin Sections - Sheet 1	WSCE	3 November 2023
C6.21	3	Stormwater Catchment Plan - Sheet 1	WSCE	17 June 2024
C6.22	3	Stormwater Catchment Plan - Sheet 1	WSCE	17 June 2024
C6.41	3	Trunk Drainage Longitudinal Section	WSCE	17 June 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Building Code of Australia Assessment Report	1	BCP	4 April 2024
BASIX Certificate No. 669006M_09	9	Efficient Living Pty Ltd	7 November 2023
BASIX Certificate No. 668084M_10	10	Efficient Living Pty Ltd	2 November 2023
Operational Waste Management Plan	C	Elephants Foot Consulting	20 June 2024
Bushfire threat assessment	-	AEP	25 June 2024
Traffic and Parking Review	-	MLA Transport Planning	1 July 2024

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

In the event of any inconsistency with 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.

B. Add Condition A9- Compliance with Other Department, Authority or Service Requirements - to read as follows:

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	Ausgrid Referral Response	N/A
Rural Fire Service	RFS Referral Response	6 August 2024
Department of Planning and Environment	Reference: IDAS-2024-10350	19 June 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.

C. Amend Condition B20 - to read as follows:

Each dwelling **except one bedroom apartment 04** must have two parking spaces, dedicated on title.

D. Amend Condition B26 - to read as follows:

Garbage enclosures/stores shall be provided and maintained in accordance with the following:

- a. A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
- b. The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
- c. The floor shall be of impervious material covered at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
- d. Stormwater shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters
- e. Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
- f. The room used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete blocks, structural fibrous cement or similar homogeneous material) so as to prevent the formation of cavities which become possible harborage for insects and vermin. Framing in timber is not permitted.
- g. The garbage and recycling room shall be made vermin proof.
- h. Cold water hose cocks shall be located within a garbage enclosure or in close proximity to Council's satisfaction.

E. Amend Condition B43 - to read as follows:

Asset Protection Zone (APZ) area, accessways and all infrastructural works including the fire trail (or Fire Access Road), 8m wide Driveway Access Road, 4m wide central private access way and the communal detention based etc related to the development site are to remain in private ownership and

are to be located wholly within the development site and within private property, and maintained by the owners of the development or its Owners Corporation over the life of the development. These facilities located on residential allotments are to be maintained by the respective owners of these allotments in perpetuity.

F. Amend Condition B37 - to read as follows:

The minimum ceiling height of all habitable rooms (as defined by the Apartment Design Guidelines), including living areas, dining rooms, studies, bedrooms and kitchens, **but excluding required bulkheads**, is to be 2.7m.

G. Delete Condition B50 - to read as follows:

**B50
DELETE**

H. Amend Condition B63- to read as follows:

In accordance with section 88B of the 'Conveyancing Act 1919' a suitable instrument shall be placed on the relevant lots to specify the sizing of the rainwater tanks within each of the apartment buildings and townhouses and the requirement to provide a connection to each apartment and townhouse from the rainwater tanks for the purposes of irrigating **common landscaped areas only**.

I. Amend Condition B66- to read as follows:

The existing dwelling to be retained must **have provision for future connection** to town water and sewer”.

J. Amend number of Condition C33- Amendments of Landscape Plans - to read as follows:

C33(a)- Amendments of Landscape Plans

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

- Compliance with Biosecurity Act 2015: Replace *Murraya paniculata* (General biosecurity duty in all of NSW) with native hedging.

The Landscape Plan is to be amended by a qualified landscape architect and provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To maintain and replace habitat on the site.

K. Amend Condition E22 -Acoustic Review - to read as follows:

Prior to the issue of an Occupation Certificate, an acoustic review of the rooftop mechanical plant shall be carried out by a suitably qualified person to ensure compliance under the provisions of the Protection of the Environment Operations Act 1997. Details demonstrating compliance shall be issued to the certifier prior to the issue of **the relevant** Occupation Certificate.

Reason: To ensure adequate acoustic amenity is afforded to future occupiers

L. Amend Condition F2(k)- to read as follows:

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

- a. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994;
- b. Copies of the Subdivision Plans (original plus 6 copies);
- c. The Certifying Authority's Compliance Certificates. Each component of the works as outlined above are to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. Certification is to include:
 - i. Certification to Council, by an experienced civil engineer who is listed on the National Engineers Register (NER) NER maintained by Engineers Australia, that all roads, drainage and other civil engineering works have been carried out and completed in accordance with the engineering plans and specifications required under the Conditions of this Consent.
 - ii. All appropriate infrastructure as outlined in the Conditions of Consent and approved Construction Certificate plans and specifications has been provided to service the proposed lots including roads, drainage facilities, landscaping, water management facilities, civil engineering works and services.
 - iii. the construction of the water management system has been supervised and certified by person(s) with appropriate experience and expertise in Civil/Environmental Engineering / Environmental Science, Hydrology and Hydraulics, and must be listed on the National Engineers Register (NER) maintained by Engineers Australia.
 - iv. Works associated with the water management system have been completed in accordance with information required under the conditions of this consent (including the deferred commencement conditions) and have been installed to the manufacturers' specification (where applicable). Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001);
- d. Security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.
- e. Creation of appropriate easements where service lines or drainage lines pass through private property other than the lot which they benefit.
- f. Certification of appropriate easements to provide legal access over the 8m wide internal road for all owners/occupants of 4 Forest Road and the Community Title estate previously known 6 Forest Road (all dwellings in Bert Close, Valley Place and Hillview Crescent).
- g. Evidence of the payment of s94 contributions.
- h. The creation of a s88B instrument relating to relevant lots requiring the ongoing provision of the APZs.
- i. The creation of a s88B instrument, that is to be carried onto the title of any future dwellings on the site, to advise that vehicular access via Jubilee Avenue will be closed once vehicular access to Forest Road becomes available.
- j. The creation of a s88B instrument relating to the Flood Emergency Response Plan
- k. The creation of a s88B instrument relating to the rainwater tanks within the apartment buildings and townhouses and the requirement to provide to connect each apartment and townhouse to the rainwater tanks for **irrigating common landscape areas only**.
- l. Notification to Council, certified by an appropriately qualified Water Engineer, of any properties to be notated under Section 149(2) Planning Certificates and specifying the applicable flood categories as set out in the Flood Risk Management Policy for Development in Pittwater (Pittwater 21 DCP Appendix 8).
- m. A Certificate by a qualified Engineer or Architect confirming that all driveways have been constructed in accordance with the approved plans and Council's Pittwater 21 DCP.
- n. Works-As-Executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements or which will require ongoing maintenance by Council. The plans are to be in paper and electronic format (dwg or dxf file) and comprise at least the following:
 - Boundary layout;

- Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
 - Signage (including type and wording), line marking;
 - Easements, survey numbers and marks, reduced levels and co-ordinates;
 - Stormwater drainage locations, pipe sizes and types, pit sizes and types, subsoil drains, debris control structures;
 - Water quality devices, creek line corridors (where relevant);
 - Significant landscaping.
- o. The Community Management Statement incorporating the following:
- i. Maintenance requirements and responsibilities of the owners of the development or its Community Association for all water management facilities related to the development site including the rainwater tanks, stormwater quality improvement devices (bioretention basins), stormwater filters/pit baskets, the onsite detention basins, and private stormwater drainage, in accordance with manufacturer's specifications;
 - ii. Maintenance requirements and responsibilities of the owners of the development or its Community Association for the private road;
 - iii. Maintenance requirements and responsibilities of the owners of the development or its Community Association for the access driveway and bridge from Jubilee Avenue in accordance with condition B68;
 - iv. Maintenance requirements and responsibilities for all garden areas including the outer creekline corridor.

M. Amend Condition F5(k) - to read as follows:

The following documents and payments are to be submitted to the Certifying Authority in a single package to ensure the efficient release of the Strata Title Subdivision Certificate:

- (a) A copy of any necessary Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994;
- (b) Copies of the Subdivision Plans,
- (c) The Certifying Authority's Compliance Certificates in relation to the relevant stage. Each component of the works as outlined above are to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. Certification is to include:
 - (i) Certification to Council, by an experienced civil engineer who is listed on the National Engineers Register (NER) NER maintained by Engineers Australia, that all drainage, roadworks and other civil engineering works have been carried out and completed in accordance with the engineering plans and specifications required under the Conditions of this Consent.
 - (ii) All appropriate infrastructure as outlined in the Conditions of Consent and approved Construction Certificate plans and specifications has been provided to service the proposed lots.
 - (iii) The construction of the water management system has been supervised and certified by person(s) with appropriate experience and expertise in Civil/Environmental Engineering/Environmental Science, Hydrology and Hydraulics, and must be listed on the National Engineers Register (NER) maintained by Engineers Australia.
 - (iv) Works associated with the water management system have been completed in accordance with information required under the conditions of this consent (including the deferred commencement conditions) and have been installed to the manufacturers' specification (where applicable). Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001);
- (d) Security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.
- (e) The creation of a s88B instrument to advise that vehicular access via Jubilee Avenue will be closed once vehicular access to Forest Road becomes available.
- (f) The creation of a s88B instrument relating to the rainwater tanks within the apartment buildings and

townhouses and the requirement to provide to connect each apartment and townhouse to the rainwater tanks for the purposes of irrigating **common landscaped areas only**

(g) Works-As-Executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements/public road reserves or which will require ongoing maintenance by Council. The plans are to be in paper and electronic format (dwg or dxf file) and comprise at least the following (where relevant):

(i) Boundary layout;

(ii) Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;

(iii) Signage (including type and wording), line marking;

(iv) Easements, survey numbers and marks, reduced levels and co-ordinates;

(v) Water quality devices, creek line corridors (where relevant);

(vi) Significant landscaping.

(h) A Certificate by a qualified Engineer or Architect confirming that all driveways have been constructed in accordance with the approved plans and Council's Pittwater 21 DCP.

(i) Certification from a suitably qualified Landscape Architect that the works shown on the approved Landscape Plans have been completed, and demonstrated evidence that the Landscape Architect has been engaged for the associated 24 month minimum maintenance period, and for at least 12 months from the date of issuance of the Final Occupation Certificate.

(j) Certification from a suitably qualified ecologist that the works prescribed by the approved VMP have been implemented, and will continue to be implemented for the associated 24 month minimum maintenance period, and for at least 12 months from the date of issuance of the Final Occupation Certificate.

(k) An updated Water Management report shall be prepared in accordance with the requirements of the Water Management Specification (2001) and the conditions of this consent and include a completed checklist from the WMS (2001) to be signed by an engineer that is listed on the National Engineers Register maintained by Engineers Australia. The updated report shall be submitted to the Principal Certifying Authority.

(l) Confirmation from Council that the inner creekline corridor has been reasonably maintained and has not been damaged or polluted as a result of construction associated with resultant stages.

N. Add Condition C37 - Building Code of Australia Fire Safety Requirements - to read as follows:

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the BCA Assessment Report prepared by Building Code Professionals Pty Ltd, dated 4/4/2024, Rev 1, including any required Performance Reviews, are to be considered as part of the assessment for any Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority, prior to the issue of a Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

O. Add Condition C38 - Access and Facilities for Persons with Disabilities - to read as follows:

Access and facilities to and within the building are to be provided as required for Persons with a Disability in accordance with the Building Code of Australia 2019 and AS1428.1-2021.

Details are to be provided to the Certifying Authority prior to the issue of a Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

P. Add Condition C39 - Waste and Recycling Requirements - to read as follows:

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

Q. Add Condition C40 - Erosion and Sediment Control Plan - to read as follows:

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.

R. Add Condition C41 - Amended Stormwater Management Plans - to read as follows:

The Development is to be undertaken in accordance with the following Civil Engineering Drawings (Stormwater Management) prepared by Warren Smith Consulting Engineers :

C4.01, C4.02, C6.01, C6.02, C6.06, C6.07, C6.11, C6.12, C6.13, C6.14, C6.21, C6.22 and C6.41.

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

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

S. Add Condition D24 - Installation and Maintenance of Sediment and Erosion Controls - to

read as follows:

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 prepared 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.

T. Add Condition D25 - Waste/Recycling Requirements (Waste Plan Submitted) - to read as follows:

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

U. Add Condition D26 - Waste/Recycling Requirements (Materials) - to read as follows:

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

This is to occur for all works undertaken following the determination of this modification application.

Reason: To ensure waste is minimised and recovered for recycling where possible.

V. Amend Condition E21 - to read as follows:

A Plan of Management is to be produced to provide for the ongoing management of the development and is to include:

- a. The responsibilities, management, operation, ongoing maintenance and the repair of all common property and infrastructure including the Asset Protection Zone (APZ) areas, accessways and all infrastructural works including the fire trail (or fire access road), 8m wide Driveway Access Road, 4m central private accessway and the communal detention basin etc.
- b. Space management strategies including activity coordination, site cleanliness, rapid repair of vandalism and graffiti, and the maintenance of lightning and landscaping (including all planter boxes).
- c. The maintenance requirements of the communal water management facilities, as outlined in the approved Water Management Report referenced in this consent and amended via condition.
- d. Maintenance requirements and responsibilities for the access driveway and bridge from Jubilee Avenue in accordance with Condition B68.

W. Add Condition E26 - Fire Safety Matters - to read as follows:

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

X. Add Condition E27 - Garbage and Recycling Facilities - to read as follows:

All internal walls of the waste rooms approved under this modification application shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

Y. Add Condition E28 - Waste and Recycling Facilities Certificate of Compliance - to read as follows:

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

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

Reason: To ensure waste and recycling facilities are provided.

Z. Add Condition E29 - Waste/Recycling Compliance Documentation - to read as follows:

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

This is to occur for all works undertaken following the determination of this modification application.

Reason: To ensure waste is minimised and recycled.

Z(i). Add Condition E30- Positive Covenant for Council and Contractor Indemnity - to read as follows:

A positive covenant shall be created on the title of the land prior to the issue of an Occupation 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.

Z(ii). Add Condition E31- Authorisation of Legal Documentation Required for Waste Services - to read as follows:

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of an Occupation 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.

Z(iii). Add Condition E32 - Swimming Pool Requirements - to read as follows:

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifier, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the Division of Local Government.

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

Occupation Certificate.

Reason: To protect human life.

Z(iv). Add Condition - Presentation of Waste and Recycling Bins for Collection - to read as follows:

- Bins are to be available for collection from the street level waste service bay between 6.00am and 6.00pm on the scheduled day of collection.
- It is the responsibility of the owners' corporation to transfer the waste and recycling bins between the resident use bin rooms (three locations) and the street level waste service bay.
- The bins must be stacked in the waste service bay in a manner that allows collection staff unimpeded access to each material type separately.
- Bins are to be transferred from the resident use bin rooms to the street level waste service bay no earlier than 4.00pm on the day prior to the scheduled day of collection.
- Bins are to be transferred from the street level waste service bay to the resident use bin rooms as soon as possible after collection but no later than the evening of the day of collection.

Reason: To allow for efficient servicing of the waste and recycling bins.

Z(v). Add Condition- Use of Street Level Waste Service Bay - to read as follows:

The street level waste service bay is only to be used for the presentation of bins and bulky goods for collection.

It is not to be used for the storage of any goods and other materials at any time.

The street level bin holding bay is not to be used for the permanent storage of garbage and recycling bins.

Reason: To ensure the appropriate presentation of bins and bulky goods for collection. To ensure access to bins and bulky goods by collection staff is not obstructed.

Important Information

This letter should therefore be read in conjunction with N0440/15 dated 03 May 2017; N0440/15/S96/1 dated 09 April 2018; MOD2018/0019 dated 10 June 2018; MOD2018/0566 dated 13 December 2018; MOD2021/0816 dated 24 February 2022; MOD2022/0070 dated 20 September 2022 and; MOD2023/0201 dated 31 August 2023.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Northern Beaches Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Northern Beaches Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel.