

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF DEFERRED DEVELOPMENT CONSENT

Development Application No: DA2021/2600

Development: Subdivision of land into twelve (12) lots, supporting civil engineering works, biodiversity management of riparian/wetland areas and the construction of two (2) residential flat buildings

Site: Lot 2 in DP972209, Lot 2 in DP349085 and Lot 1 in DP349085 and known as 43, 45 and 49 Warriewood Road, Warriewood, NSW, 2102

The above development application has been determined by the granting of deferred consent subject to the conditions specified in this consent.

Date of determination: 14 June 2024

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 2 in DP972209, Lot 2 in DP349085 and Lot 1 in DP349085 and known as 43, 45 and 49 Warriewood Road, Warriewood, NSW, 2102

The conditions of consent are as follows:

Deferred Commencement Consent

Pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979* deferred commencement consent is granted subject to **Part A** of the consent.

PART A

DEFERRED COMMENCEMENT CONDITIONS

1. DEFERRED COMMENCEMENT

A. An updated Water Management Report is to be submitted to Council. This report should be a single consolidated report that described all aspects of water management for the development and include every element identified in the Water Management Specification (2001) DA Checklist. Specifically, the report should:

- a. Include the results of an adequate, but not more than 12 months, amount of baseline water quality and sediment quality data. This is a minimum of at least one dry weather sample collection and one wet weather sample collection from Narrabeen Creek as well as macroinvertebrate sampling on at least one occasion.
- b. be accompanied by a signed checklist.
- c. Include a Maintenance Plan and Schedule for all water management facilities (including the gross pollutant traps, bioretention/OSD system and outlet works) is prepared to accompany the updated Water Management Report.

B. A revised essential services plan to each lot (being water, sewer, electricity, drainage and vehicle access) is to be provided which demonstrates that the essential services have been coordinated with street tree and driveway locations.

Reason: To resolve civil works and water-related matters prior to the operation of the consent.

Evidence required to satisfy these conditions must be submitted to Council (through the NSW Planning Portal) within 48 months of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation.

Applicants must submit a request for operational consent to Council via the NSW Planning Portal and upload all relevant documentation. This can be completed through accessing the relevant portal application ID and navigating to 'Request for Operational Consent' in the Actions dropdown menu.

Upon satisfaction of the deferred commencement condition/s, the conditions in **Part B** of this consent apply.

PART B

GENERAL CONDITIONS

2. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation, except where the conditions of this consent expressly require

otherwise.

Approved Architectural Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A02.2	R-12	Site Analysis – Essential Services Plan – Part 2	Archidrome	6 March 2024
A03	R-12	Site Plan	Archidrome	6 March 2024
A03.a	R-12	Site Fencing and Rain Water Tank Details	Archidrome	6 March 2024
A04	R-12	Basement Plan	Archidrome	6 March 2024
A05	R-12	Ground Floor Plan	Archidrome	6 March 2024
A06	R-12	First Floor Plan	Archidrome	6 March 2024
A07	R-12	Second Floor Plan	Archidrome	6 March 2024
A08	R-12	Roof Plan	Archidrome	6 March 2024
A09.1	R-12	Block C – Ground Floor Plan	Archidrome	6 March 2024
A09.2	R-12	Block C – First Floor Plan	Archidrome	6 March 2024
A09.3	R-12	Block C – Second Floor Plan	Archidrome	6 March 2024
A10.1	R-12	Block D – Ground Floor Plan	Archidrome	6 March 2024
A10.2	R-12	Block D – First Floor Plan	Archidrome	6 March 2024
A10.3	R-12	Block D – Second Floor Plan	Archidrome	6 March 2024
A11.1	R-12	Elevations 01 – Block C	Archidrome	6 March 2024
A11.2	R-12	Elevations 02 – Block D	Archidrome	6 March 2024
A11.3	R-12	Elevations 03	Archidrome	6 March 2024
A12.1	R-12	Section AA'	Archidrome	6 March 2024
A12.2	R-12	Section BB	Archidrome	6 March 2024
A12.3	R-12	RW Sections Across Site Boundary (North-West)	Archidrome	6 March 2024
A12.4	R-12	RW Sections Across Site Boundary (South-East)	Archidrome	6 March 2024
A14	R-12	Door Window Schedule	Archidrome	6 March 2024
A15.2	R-12	Material Schedule	Archidrome	6 March 2024
A20	R-12	Waste Management Plan	Archidrome	6 March 2024
A022	R-12	Inner and Outer Creekline Corridor Plan	Archidrome	6 March 2024

Approved* Subdivision Plans				
6278-STG2	Preliminary*	Plan of Subdivision of Lot 1 and 2 Sheet 1	Peter Lawrence Nancarrow	March 2024
6278-STG2	Preliminary*	Plan of Subdivision of Lot 1 and 2 Sheet 2	Peter Lawrence Nancarrow	March 2024

Landscape Drawings				
Page 4	Revision H – Design Amendments	Landscape Concept: North	Creative Planning Solutions	6 March 2024
Page 5	Revision H – Design Amendments	Detail Plan: Communal Open Space	Creative Planning Solutions	6 March 2024
Page 15	Revision H – Design Amendments	Planting Character	Creative Planning Solutions	6 March 2024
Page 16	Revision H – Design Amendments	Planting Character: Creekline Corridor and Stormwater Basin	Creative Planning Solutions	6 March 2024
Page 17	Revision H – Design Amendments	Planting Character: Landscape Batter and Streetscape	Creative Planning Solutions	6 March 2024
Page 18	Revision H – Design Amendments	Planting Character: Communal Open Space / Lift Cores	Creative Planning Solutions	6 March 2024
Page 19	Revision H – Design Amendments	Planting Character: Private Open Space, Rooftop Balconies and Subdivision Allotments	Creative Planning Solutions	6 March 2024
D221_DA_01	Revision D	Planting Plan – Creekline Corridor	Creative Planning Solutions	6 March 2024
D221_DA_02	Revision A	Planting Schedules: Ground Floor and Rooftops	Creative Planning Solutions	6 March 2024
D221_DA_03	Revision A	Planting Plan Ground Floor 01	Creative Planning Solutions	6 March 2024
D221_DA_04	Revision A	Planting Plan Ground Floor 02	Creative Planning Solutions	6 March 2024
D221_DA_05	Revision A	Planting Plan Rooftops	Creative Planning Solutions	6 March 2024
Page 25	Revision H – Design Amendments	Typical Construction Details	Creative Planning Solutions	6 March 2024

Page 26	Revision H – Design Amendments	General Specifications	Creative Planning Solutions	6 March 2024
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Engineering Drawings				
C1.00	C	Cover Sheet and Notes	ACOR Consultants (CC) Pty Ltd	6 March 2024
C1.01	C	Drainage Catchment Plan	ACOR Consultants (CC) Pty Ltd	undated
C2.00	C	Key Plan – Site Stormwater Management	ACOR Consultants (CC) Pty Ltd	6 March 2024
C2.01	C	Stormwater Management Plan - Sheet 1 of 2	ACOR Consultants (CC) Pty Ltd	6 March 2024
C2.02	C	Stormwater Management Plan Sheet 2 of 2	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.00	C	Key Plan – Roadworks and Drainage General Arrangement	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.01	C	Road Works & Drainage Plan Sheet 1 of 5	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.02	C	Road Works & Drainage Plan Sheet 2 of 5	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.03	C	Road Works & Drainage Plan Sheet 3 of 5	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.04	C	Road Works & Drainage Plan Sheet 4 of 5	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.05	C	Road Works & Drainage Plan Sheet 5 of 5	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.06	C	Road Longitudinal Section (MC01) – Lorikeet Grove	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.07	C	Road Cross Sections (MC01) Lorikeet Grove Sheet 1 of 3	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.08	C	Road Cross Sections (MC01) Lorikeet Grove Sheet 2 of 3	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.09	C	Road Cross Sections (MC01) Lorikeet Grove Sheet 3 of 3	ACOR Consultants (CC) Pty Ltd	6 March 2024

C3.10	C	Road Longitudinal Section (MC02) – Warriewood Road	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.11	C	Road Cross Sections (MC02) Warriewood Road Sheet 1 of 2	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.12	C	Road Cross Sections (MC02) Warriewood Road Sheet 2 of 2	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.13	C	Drainage Easement Longitudinal Section (DR01)	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.14	C	Drainage Pit & Pipe Longitudinal Section	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.15	C	Typical Detail Sheet 1 of 2	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.16	C	Typical Detail Sheet 2 of 2	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.17	C	Typical Road Sections	ACOR Consultants (CC) Pty Ltd	6 March 2024
C3.18	D	Bulk Earthworks Plan	ACOR Consultants (CC) Pty Ltd	19 March 2024
C4.01	C	Boardwalk Location Plan	ACOR Consultants (CC) Pty Ltd	6 March 2024
C4.02	C	Boardwalk Generic Details Sheet 1 of 2	ACOR Consultants (CC) Pty Ltd	6 March 2024
C4.03	C	Boardwalk Generic Details Sheet 2 of 2	ACOR Consultants (CC) Pty Ltd	6 March 2024

Approved Reports and Documentation

Document Title	Version/Document Number	Prepared By	Date of Document
BASIX Certificate	Certificate No.1086034M_09	Eco-Mantra Design	22.3.2024
Supplementary Water Management Report	Document No. CC230177_WMP Version B	ACOR Consultants (CC) Pty Ltd	6.3.2024
Revised Flood Impact Assessment	Document No. L.N20951.011.01_	BMT Commercial	19.3.2024

	45_Warriewood_Rd_FIA.docx		
Biodiversity Development Assessment Report	Document No. 21097RP4 Version v5	Cumberland Ecology	29.2.2024
Biodiversity Management Plan	Document No. 21097RP3 Version v5	Cumberland Ecology	29.2.2024
Water Quality Monitoring Plan	Document No. 2355 Version R0	H2O Consulting Group	8.3.2024
Bush Fire Assessment Report	Document No. 20200828ARCH BAR 3.3 Version 6	Advanced Bushfire Performance Solutions	15.12.2023
Addendum Bushfire Assessment for RFS General Terms of Approval Conditions	–	Advanced Bushfire Performance Solutions	10.3.2024
Addendum Bushfire Assessment to Joint Expert Town Planning Report	–	Advanced Bushfire Performance Solutions	19.3.2024
Technical Memorandum Water and Wastewater Servicing for No. 43-49 Warriewood Rd Warriewood	Document No. 23-0415	Orion	18.3.2024
Ausgrid Electrical Infrastructure Report	Document No. 3860	Edgewater Connections	21.3.2024
Arboricultural Impact Assessment	Revision B	Creative Planning Solutions	18.12.2023
Letter by Oleg Sannikov to address traffic and parking contentions in the Statement of Facts and Contentions	–	TEF Consulting	21.12.2023
Addendum Traffic and Parking Impacts Report	Document No. 23042 Rep 01f	TEF Consulting	21.12.2023
Stage 1 – Preliminary Site Investigation	Document No. 2148-PSI-01-060723.v1f Revision v1f	Sydney Environmental Group	7.7.2023
Detailed Site Investigation	Document No. 2148-DSI-01-280723.v1f Rev v1f	Sydney Environmental Group	28.7.2023
Remediation Action Plan	Document No. 2148-RAP-01-280723.v1f Revision v1f	Sydney Environmental Group	28.7.2023

Preliminary Acid Sulphate Soil Assessment	Document No. CA/20/126-2702 Report No. 161121 Version 2	N.G. Child & Associates	16.11.2021
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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.

3. 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	Ausgrid Referral Response	30.1.2024
NSW Rural Fire Service	NSW RFS Referral Response	6.8.2023
Natural Resource Access Regulator	NRAR Referral Response (General Terms of Approval (GTA's))	21.3.2024

(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.

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal 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.

5. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday, No
 - work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) 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.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.
- (k) 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.

- (l) 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.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) 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 sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

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. Warriewood Valley - Contribution Condition

The applicant must pay a total development contribution to Council of **\$3,176,496** in accordance with the *Warriewood Valley Development Contributions Plan* (as amended). The contribution is based on 43 additional dwellings/allotments as follows:

- a contribution for 11 Torrens Title allotments,
- a contribution for a 34-unit residential flat building, and
- a credit for two existing dwellings.

The contribution comprises:

a) a monetary contribution paid to Council prior to the issue of any Construction Certificate. The monetary contribution will be adjusted at the time of payment and when the quantum of land to be dedicated is known, in accordance with the provisions of the *Warriewood Valley Development Contributions Plan* (as amended), and

b) the dedication of creekline corridor land to Council, measured at 25m from the rear property boundary, in lieu of monetary contributions calculated in accordance with Table 4 of the Contributions Plan. The land to be dedicated is to be shown on an amended Plan of Subdivision which must be approved by Council prior to the issue of any Subdivision Certificate. Dedication of the creek land will occur through the registration of the final Plan of Subdivision after any required rehabilitation works in the creek corridor are completed.

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Principal Certifier at the appropriate time as stated above.

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land (other than those already identified above) in lieu of the monetary contribution above (or any portion of that monetary contribution) through a Planning Agreement between Council and the Applicant in accordance the *Warriewood Valley Development Contributions Plan* (as amended) and Council's Planning Agreement Policy. The Planning Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

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 Contributions Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Warriewood Valley Release Area.

8. Construction, Excavation and Associated Works Security Bond (Road works)

The applicant is to lodge a bond with Council of **\$400,000** as security against any damage or failure to complete the construction of road pavement/shoulder, footpath and crossings construction and all associated Section 138 works as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

9. Construction, Excavation and Associated Works Bond (Drainage works)

The applicant is to lodge a bond of **\$500,000** as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent as identified in the subdivision works certificate and Section 138 application.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

10. Construction, Excavation and Associated Works (Security Bond)

A bond of \$50,000 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.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

11. Construction, Excavation and Associated Works Bond (Maintenance for civil works).

The developer/applicant must lodge with Council a maintenance bond of **\$200,000** for the construction of the civil works associated with the subdivision works certificate and Section 138 application. 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 issuing practical completion.

Reason: To ensure adequate protection of Council infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

12. Access and Facilities for Disabled

Access and facilities to and within the building are to be provided for Persons with a Disability and are to comply with the *Building Code of Australia* (BCA) and *Australian Standard AS 1428.1*.

Details are to be provided to the Certifier prior to the issue of the 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.

13. Detailed Hard and Soft Landscape Plans

Prior to the issue of a Construction Certificate, Detailed Hard and Soft Landscape Plans shall be submitted to Council for approval which are in accordance with the approved landscape plans referenced in condition 1. Design details of the shared paths along Warriewood Road and Lorikeet Grove must be consistent with the plans approved by Council under S138 of the Roads Act 1993 and the Detailed Hard and Soft Landscape Plans must include:

Warriewood Road

(a) street tree planting is required along Warriewood Road in accordance with layout and specifications contained within the *Warriewood Valley Landscape Masterplan Design Guidelines* S-1, including 400 litre street trees to be pre-ordered, and tree guards.

Lorikeet Grove

(b) Street tree planting is required to both sides of Lorikeet Grove in accordance with layout and specifications contained within the *Warriewood Valley Landscape Masterplan Design Guidelines* S-3, including 200 litre street trees to be pre-ordered, and tree guards.

Hard Landscape Plans

(c) design layout, materials, finishes, levels, and construction details for pavements, paths, walling, planters, play equipment, furniture, and ground surfaces.

(d) any creekline hard landscape works.

(e) creekline corridor share path is to be located above the 20% AEP flood level.

Soft Landscape Plans

(f) planting layout with quantities and container sizes, and schedules.

(g) creekline planting plan co-ordinated with Vegetation Management Plan.

(h) plant species shall be selected from the *Warriewood Valley Urban Release Area Landscape Masterplan* and *Design Guidelines Plant Species* list in section 2.0.

- (i) all *Cupaniopsis* and *Rhapiolepis* species nominated shall not be planted and shall be replaced with locally native alternatives of similar size and form.
- (j) all shrub species nominated in the Landscape Buffer schedule shall be revised to be at 1m spacing.
- (k) all native grass species nominated in the Landscape Buffer schedule shall be revised to be at 4/m² spacing.
- (l) the nominated *Westringia fruticosa* (WES fru) along the rear fence line of Building Block D (D1 to D10) shall be replaced with a Lilly Pilly species that is capable of attaining a maximum height of 3 metres at maturity.

Landscape Maintenance Plan

- (m) prepared and submitted to Council that outlines the technique and frequency of maintenance tasks during the establishment of the landscaping for a period 24 months immediately following the completion of hard and soft landscape works.

14. Building components and Levels

All new dwellings are to have habitable floor levels set at or above the Probable Maximum Flood level. Other non-residential development below the Flood Planning Level shall be designed and constructed from flood compatible materials.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

15. Car parking

All access, ventilation and any other potential water entry points, including entry ramp crests to the basement car park shall be at or above the Probable Maximum Flood level. PMF levels shall be obtained from Council.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

16. Emergency response

The proposed boardwalk is set at the 1 in 20 AEP or above and can be inundated in times of floods greater than the 1 in 20 AEP event. Flash-flood signage and signage to direct pedestrians and cyclists away from the creekline is to be installed at the lowest level of the boardwalk to direct pedestrians and cyclists to higher ground.

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

Reason: To inform pathway users of potential flood risks in accordance with Council and NSW Government policy.

17. Fencing

New fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area along any straight length, from the natural ground level up to the 1% AEP flood level. Openings shall be a minimum of 75mm x 75mm.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

18. 'Like for like' credit - Ecosystem credit retirement conditions

Prior to issue of the relevant Subdivision Works Certificate the class and number of ecosystem credits in Table A must be retired to offset the impacts of the development.

The requirement to retire credits outlined in Table A may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table A requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and to the Certifying Authority prior to release of the subdivision works certification.

Table A Ecosystem credits required to be retired – like for like

Impacted Plant Community Type	TEC	Number of ecosystem credits	Containing HBT	IBRA subregion	Plant community type(s) that can be used to offset the impacts from development

<p>Northern Paperbark-Swamp Mahogany Saw-sedge Forest PCT ID 4006</p>	<p>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions</p>	<p>1</p>	<p>YES</p>	<p>Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo. or From any IBRA subregion location within 100km of the impact site.</p>	<p>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 3272, 3906, 3983, 3985, 3986, 3988, 3989, 3990, 3995, 3997, 3998, 4000, 4001, 4004, 4006, 4009, 4013, 4019, 4020, 4021, 4044, 4047, 4057</p>
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Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

19. Design of Stormwater Outlet Structure to Creek

Stormwater outlet structures to the creek must be designed in accordance with DPI Water's *Guidelines for Outlet Structures on Waterfront land*. Guidelines can be found on Water NSW website.

- o The surface should be a textured finish to break up and dissipate sheet flows.

This design is to be submitted to the Certifying Authority prior to the release of the Construction Certificate.

Reason: To protect the surrounding creek bank from the effects of localised erosion.

20. Detailed Design of Boardwalk Works

A certificate from a from a suitably qualified engineer who has membership of Engineers Australia and the National Engineering Register (NER), stating that the boardwalk works have been generally designed in accordance with the Engineering Plans (Issue C) prepared by Acor Consultants and dated 6 March 2024 with the following exceptions:

- (a) no works on adjacent lands are authorised; and
- (b) connections with the adjacent site (to the west) must match into approved plans for the pedestrian/cycleway network on that land

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

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

21. Soil and Water Management Plan

A *soil and water management plan* (SWMP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The SWMP must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction* - Volume 1, 4th Edition (2004). The SWMP 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.
- Dewatering methodology and compliance

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

Reason: Protection of the receiving environment.

22. 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 Engineering Plans (Issue C) prepared by Acor Consultants and dated 6 March 2024, the Water Management Specification (2001) and Council's *Water Management for Development Policy*.

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

Reason: Protection of the receiving environment.

23. Car Parking Standards

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004.

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of a construction certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

24. Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Due to heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The CTMP must address following:

- a) The proposed phases of construction works on the site, and the expected duration of each construction phase.
- b) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- c) Make provision for all construction materials to be stored on site, at all times
- d) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- e) The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
 - f) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- g) Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- h) Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- i) Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- j) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
 - k) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
 - l) Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.

- o m) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- o n) Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- o o) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- o p) Proposed protection for Council and adjoining properties.
- o q) 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.

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

25. Removal of Redundant Driveways

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council prior to the issue of the Construction Certificate. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.

26. Amendments to the approved plans - General Environmental Design

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

(a) Air-conditioning condensers

Air-conditioning units / condensers or any associated machinery must not be placed on the roof of the building. The plans shall be amended to show the locations of all air-conditioning units either on the balcony / terrace or garden of each respective dwelling.

(b) Bin room roof

A flat roof is to be shown atop of the ground-level bin room and is to be finished in the same materiality as the roof the approved residential flat buildings.

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.

27. Building Code of Australia requirements

The Building Code of Australia works and recommendations for the fire safety measures of the buildings as detailed in the Building Code of Australia Assessment Report prepared by BCA Logic, dated 17/12/2021, Report Ref No.115064-BCA-r1 are to be considered as part of the assessment of the Construction Certificate.

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

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

28. Remediation Action Plan

Prior to the issue of any Construction Certificate, details demonstrating compliance with the *Remediation Action Plan* dated 28 July 2023, prepared by *Sydney Environmental Group* Report No: 2148-RAP-01-280723.v1f are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the land is suitably remediated for its intended use.

29. Hazardous Building Materials Survey

A Hazardous Building Materials Survey is to be conducted by a suitably qualified and experienced person. The survey is to include a survey of hazardous building materials, including but not limited to, asbestos, lead, SMF and PCB's. Following the survey a *Hazardous Building Materials Register* is to be prepared for the premises providing recommendations for the safe management / removal of hazardous building material.

Reason: To protect human health.

30. Noise Barrier to be Included

Prior to the issue of a Construction Certificate, noise barrier design recommendations in Section 3 of the acoustic report 12552619-73134-4 titled "*Proposed residential flat buildings at 43-49 Warriewood Road, Warriewood Acoustic Report for Garbage Collection*", dated 27 May 2021, must be implemented into the plans prior to issuing the Construction Certificate in order to achieve compliance with noted conditions of this consent.

The design, specifications and location of noise barrier/s are to be included in plans provided to the Principal Certifier.

Reason: To maintain residential acoustic amenity.

31. Riparian Corridor Landscape Plan

Amended and detailed landscape plans (at 1:200 scale minimum) are to be submitted, including typical detailed sections. The amended detailed landscape plans shall include the following information:

- i) Creekline corridor landscape plan demonstrating the planting layout for the inner and outer creekline corridors. The plan shall detail planting layout, and plant schedules with selection, quantities and size. Typical sections shall be provided. The creekline corridor landscape plan shall be co-ordinated with the amended Riparian Corridor Vegetation Management Plan required by Condition.
- ii) Selected native trees shall be in accordance with the *Plant Species List* contained within the *Warriewood Valley Release Area Landscape Masterplan and Design Guidelines*. The creekline corridor landscape plan shall clearly indicate the extent of the inner 25m wide public creekline corridor that is solely comprised of native flora/fauna and adjoining the creekline, as well as the 25m wide outer private landscaped buffer.

The amended landscape plan shall include the following detail:

- All trees shall be installed at 200mm pot size.
- All shrubs within the 50m creekline corridor shall be installed at 1 per 1m².
- All grasses and groundcovers within the 50m creekline corridor shall be installed at 6 per 1m².

Reason: protect and enhance the riparian corridor

32. Works in Narrabeen Creek Corridor

Apart from the boardwalk works, no rock or other civil engineering works are authorised under this consent.

Reason: Narrabeen Creek and its associated wetland and EEC areas are specifically excluded from civil works to avoid impact on flow behaviour.

33. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

34. Amendment to the Approved Plans - Building Block C and D

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

- (a) Privacy screens

Privacy screens are to be erected / installed / constructed in the following locations:

- i. Block C
All first-floor level bedroom windows on the north-western elevation
AND
- ii. Block D
All first-floor level bedroom windows on the south-eastern elevation.

The privacy screens must:

- iii. Extend for the full height of each window.
- iv. Extend for a minimum width equivalent to 40% of each window (in either one or more screens).

- v. Be constructed as horizontal louvers in a colour and material that complements the design of the approved development. The louvers may be operable to a maximum of 90 degrees (from a vertical starting position) so as to prevent downward angled sightlines.
- vi. Have a maximum spacing between louvers of 20mm.
- vii. Not be stackable but may be constructed on a track that allows sliding.

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.

35. Waste and Recycling Requirements

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

Note: 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.

36. External Glazing

The reflectivity index of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20% (expressed as a per centum of the reflected light falling upon any surface).

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

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

37. 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 the approved *Biodiversity Development Assessment Report* (Cumberland Ecology Version 5, 29/2/24) and Biodiversity Management Plan (Cumberland Ecology Version 5, dated 29/2/24).

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 Certifying Authority Prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

38. Engineering matters to be satisfied prior to the issue of the Construction Certificate

- 1) Engineering plans and specifications for all roads, drainage and other civil engineering works required by this consent within the existing public road reserve of Warriewood Road, which is to be designed as a Collector Road, must be submitted and approved by the Council prior to the issue of the relevant Construction Certificate. Payment of the Engineering Plan Assessment fee (in accordance with Council's adopted Fees and Charges) is required prior to Council releasing the approved engineering plans.
 - a. The works in relation to the full length of the Warriewood Road frontage of the development site and including the works in relation to the vehicular access to the Development are to be provided.
 - b. Kerb and gutter (vertical faced kerb only will be permitted) and associated stormwater drainage to drain the road pavement for the full length of the roadway of that part of Warriewood Road for the full frontage of the site subject to this consent. The face of kerb is to be located 10.9m from face of existing kerb on northern side of Warriewood Road.
 - c. The intersection of Warriewood Road with Road No.1 is to be designed to cater for safe movements by a waste collection vehicle minimum 9.7m in length, to accommodate the existing vehicle type (or greater Australian Standard vehicle class) for all turning movements, and be certified by a suitably qualified Traffic Engineer.
 - d. Road shoulder and road pavement construction including pavement design and treatments in Warriewood Road for the full frontage of the site. This condition will be deemed to have been satisfied if a suitably qualified geotechnical engineer provides certification to Council that the existing road pavement satisfies the requirement of the WVRMP for the pavement to meet the ESA pavement design criteria of 2×10^6 .
 - e. Footpath/cycleway (a minimum 2.1m wide) for the full length of the frontage in Warriewood Road at a level to match the kerb and gutter, is to be provided. The footpath/cycleway is to be wholly located on land dedicated as Public Road.
 - f. Indented parking bays.
 - g. Driveways to be constructed perpendicular to the road at all vehicle access points.
 - h. Landscaping of the road reserve..
 - i. Street lighting using Ausgrid standard lights/poles is to be provided in Warriewood Road with lighting of the pedestrian refuge and intersection to meet the relevant RMS and Australian Standards.
 - j. Undergrounding of existing overhead infrastructure for the full frontage of the site (only with respect to the sites side of Warriewood Road) and to the next existing power pole, such that the full extent of any existing spans within the adjacent road reserve are undergrounded.

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

The engineering design and plans for road and drainage works must be certified as meeting the requirements outlined above by a suitably qualified and experienced Civil Engineer who is registered on the NER maintained by Engineers Australia.

Reason :To ensure of road infrastructure is in accordance with The Warriewood Valley Roads Masterplan

- 2) Engineering plans and specifications for all roads, drainage and other civil engineering works required by this consent within the Lorikeet Grove public road reserve, which is to be designed as a Local Road, must be submitted and approved by the Council prior to the issue of the relevant Construction Certificate. Payment of the Engineering Plan Assessment fee (in accordance with Council's adopted Fees and Charges) is required prior to Council releasing the approved engineering plans.
- a. The works in relation to the full length of Lorikeet Grove frontage of the development site and including the works in relation to the vehicular access to the Development are to be provided.
 - b. Kerb and gutter and associated stormwater drainage to drain the road pavement for the full length of the roadway of that part of Lorikeet Grove for the full frontage of the site subject to this consent (vertical faced kerb only will be permitted).
 - c. Road shoulder and road pavement construction including pavement design and treatments in Lorikeet Grove (ESA pavement design criteria of 6×10^5) for the full frontage of the site.
 - d. Street lighting using Ausgrid standard lights/poles is to be provided in Lorikeet Grove with lighting of the pedestrian refuge and intersection to meet the relevant RMS and Australian Standards.

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

Reason :To ensure of road infrastructure is in accordance with The Warriewood Valley Roads Masterplan

- 3) An Operations and Maintenance Manual is to be prepared to provide specific maintenance regimes for the approved water management infrastructure. The Manual is to form an attachment to the approved strata management statement.

Reason: Ongoing stormwater management

BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

39. Stormwater Conveyance and Treatment

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with the Water Management Specification (2001) and the Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans (Issue C) prepared by Acor Consultants.

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.

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.

40. Subdivision Works Certificate

A Subdivision Works Certificate is to be approved by Certifying Authority for the provision of engineering works.

Engineering plans for the subdivision works within this development consent are to be submitted to the Certifying Authority for approval under Section 6.13 of the Environmental Planning and Assessment Act 1979.

Civil Engineering plans for the subdivision works are to be designed in accordance with the Council's specification for engineering works – AUS-SPEC #1. The plans shall be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering. The design must include the following information:

- i. A structural engineers report is to be prepared and all recommendations from that report are to be implemented prior to, during and after any excavation of areas adjacent to existing dwellings or utilities.
- ii. A geotechnical engineers report is to be prepared and all recommendations from that report are to be implemented prior to, during and after any excavation of areas adjacent to existing dwellings or utilities.

The minimum grade on short sections of the proposed drainage culvert within the 3.5 m drainage easement can be set at a slope of no less than 0.5% in the section that crosses the Sydney Water sewer line.

The Subdivision Works Certificate must be supported by engineering plans, calculations, specification or any certification relied upon.

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

41. Utilities Services

Prior to the issue of the Subdivision Works Certificate, the Applicant is to obtain the following:

- (a) A letter from the utility provider confirming that satisfactory arrangements have been made for the approved development have been made; and
- (b) Evidence that notification has been received from a utility authority that, requirements for the development can be provided
- (c) For the proposed drainage culvert in the 3.5 m easement that traverses the Sydney Water sewer easement, specific consultation with Sydney Water is required for the design and construction of this culvert as it is in close proximity to the under-side of the sewer line.

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

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

42. 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*. Civil plans to Northern Beaches Council shall include:

- Any drainage works on Warriewood Road approved under the requirements of Section 138 of the Roads Act are to be consistent with those shown in Engineering Drawings prepared by Acor 3.01 and 3.02, as the drainage in the road provides important overland flow conveyance to avoid inundation of the proposed new lots that front Warriewood Road.
- Half road reconstruction of Warriewood Road with kerb and gutter is to be included with the Civil Engineering plans to be submitted to Council.
- Kerb and gutter design to Lorikeet Road, with street lighting shall be included to Ausgrid and Council requirements.
- Design details for shared path to Lorikeet Road and Warriewood Road

Any drainage works on Warriewood Road approved under the requirements of Section 138 of the Roads Act are to be consistent with those shown in Engineering Drawings prepared by Acor 3.01 and 3.02, as the drainage in the road provides important overland flow conveyance to avoid inundation of the proposed new lots that front Warriewood Road.

The application is to include four (4) copies of Civil Engineering plans for the design of 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: 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 Certifying Authority 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.

43. Pre-Commencement Dilapidation Report - public land

The applicant must prepare and submit a pre-commencement 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.

The pre-construction / demolition dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifying Authority 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.

44. Structures Located Adjacent to Council Pipeline or Council Easement

All structures are to be located clear of any Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with *Council's Water Management Policy*; (in particular Section 6 - *Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specification*).

Structural details prepared by a suitably qualified Civil Engineer, who has National Engineers Register (NER) or Professionals Australia (RPENG) demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Subdivision Works Certificate.

Reason: Protection of Council's infrastructure.

45. Geotechnical Report Recommendations incorporated into designs and structural plans

The Applicant is to submit Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) and is to be completed and submitted to the Accredited Certifier, prior to issue of the Subdivision Works Certificate.

Reason: To ensure geotechnical risk is managed appropriately.

46. Water Management Report - Warriewood Valley

The detailed design of all works associated with the water management system must provide for a complete system, which meets the objectives and requirements of the Warriewood Valley Water Management Specification (February 2001).

The system is to be in accordance with the revised Water Management Report in accordance with condition C1.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Subdivision Works 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.

47. Certification of Water Management Report

A qualified practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member, and has appropriate experience is to certify that the Water Management Report and all associated plans and detailed design are in accordance with the Warriewood Valley Water Management Specification (February 2001), and as meeting the requirements of these conditions.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Subdivision Works 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.

48. Groundwater Baseline Monitoring

Groundwater monitoring is to be completed via an array of piezometers for a minimum of 6 months prior to works commencing on the site to establish a baseline dataset of groundwater levels within the EEC area. A minimum of three (3) piezometers are to be installed. The piezometers are to be installed under the direction of an ecologist with the least impact on the EEC (on the perimeter of the EEC and clear of the stormwater bioretention system). The piezometers should be installed such that they will be retained during and after construction and remain in place for the life of the implementation of the approved Biodiversity Management Plan for the site. The data from the piezometers is to be reported back to Council in the units of Below Ground Level (BGL) and Metres to Australian Height Datum.

Reason: To ensure sufficient baseline data is collected on groundwater levels to assist with determining and managing any impacts on the EEC, consistent with the approved Biodiversity Management Plan for the site.

49. Traffic Management and Control

The Applicant is to submit an application for *Traffic Management Plan* to Council for approval prior to issue of the Subdivision Works Certificate. The Traffic Management Plan shall be prepared to *NSW Roads & Maritime Service* (RMS) standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

50. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

51. Soil and Water Management Plan

A Soil and Water Management Plan is to be prepared for the proposed works in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Reason: To protect the environment.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

52. Tree Removal Within the Property

This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- (a) one (1) Swamp Mahogany (tree 8), one (1) Cooks Pine (tree 12), one (1) Lacebark Tree (tree 15), and group of thirteen (13) Swamp Oaks (tree group 16),
- (b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Exempt Species (by species type or by height) as listed in the Development Control Plan do not require Council consent for management or removal, and the following exempt species are

identified in the Arboricultural Impact Assessment: tree numbers 1 to 7 inclusive, 13, and 14 (Cypress), 11 (Silky Oak), 27 (Coral Tree), and 28 (group of Coral Trees).

Reason: To enable authorised development works.

53. No Access Through Adjoining Park/Reserves

Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council.

Reason: To ensure protection of council parks/reserves.

54. Temporary Protection Fencing – Exclusion Zones

Prior to the commencement of any works onsite, temporary mesh construction fencing is to be erected surrounding areas of retained native vegetation on the site as mapped in the approved Biodiversity Management Plan.

Details demonstrating compliance must be prepared by the Project Ecologist and submitted to the Principal Certifying Authority prior to any commencement.

Reason: To protect native vegetation.

55. Utilities Services

Prior to the commencement of demolition works, 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 commencement of demolition works.

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

56. Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property / Properties:

- All adjoining properties on Bubalo Street and Pheasants Place for external areas adjoining the site. (including but not limited to fencing, retaining walls, terrace, dwelling structures,

outbuildings and that like that are likely or risk of damage, dilapidation during works for the development.

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

57. Public Liability Insurance - Works on Public Land

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

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

58. Implementation of Biodiversity Management Plan

All requirements in the *Biodiversity Management Plan* (Ref. 21097RP3, Version r5) dated 29 February 2024 are to be implemented prior, during and post construction and subdivision works.

Details demonstrating pre-construction, construction and on-going compliance for the 5 year life of the BMP are to be certified by the project ecologist and submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Biodiversity / Vegetation Conservation and Management.

DURING BUILDING WORK

59. Site Contamination

All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility. All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant

Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officer's on request.

Note: The following Acts and Guidelines applied at the time of determination: *Protection of the Environment Operations Act 1997*; and *Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (1999).

Reason: To protect human health and the environment.

60. Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.

Reason: Street tree protection.

61. Tree and Vegetation Protection

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

- (a) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - i) all trees and vegetation located on adjoining properties,
 - ii) all road reserve trees and vegetation.

(b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an 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 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 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 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 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 to the Certifying Authority,
- 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 Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 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 Australian Standard 4373-2007 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.

(c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, including in particular:

- i) section 5 Discussions, section 6 Conclusions, section 7 Recommendations
- ii) appendix 5 General Tree Protection Specification and appendix 6 Typical Tree Protection Details

The Certifying Authority must ensure that:

- (d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- (e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property 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.

Reason: Tree and vegetation protection.

62. Compliance with Ecologist's Recommendations – During construction All impact mitigation measures specified in section 8.5 of the approved *Biodiversity Development Assessment Report (Cumberland Ecology Version 5 dated 29/2/24)*, as summarised in Table 15, 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.

63. Wildlife Management During Works

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

Reason: To protect native wildlife.

64. 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.

65. Aquatic Sediment Management

Environmental safeguards (e.g. silt curtains) are to be used during construction to prevent the escape of turbid plumes into the aquatic environment.

The safeguards must be regularly maintained and removed once the works are completed.

Reason: Protection of Narrabeen Creek and Narrabeen Lagoon.

66. Dewatering Management

Tailwater (surface water and rainwater): Please contact catchment@northernbeaches.nsw.gov.au for advice on Council's water quality requirements for a single instance of dewatering tailwater that collects in an excavation during works.

A dewatering permit application must be made for expected multiple instances or continuous dewatering of tailwater.

Groundwater: A permit from Council is required for any dewatering of groundwater. An application for interference with an aquifer is required to the Natural Resources Access Regulator (. Contact catchment@northernbeaches.nsw.gov.au for more information about permits or *NSW Department of Climate Change, Energy, the Environment and Water* (DCCEEW).

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by *WaterNSW* (where applicable) , Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's *Compliance and Enforcement Policy* and legislation including *Protection of the Environment Operations Act 1997* and *Contaminated Lands Act 1997*.

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

Reason: Protection of the receiving environment and groundwater resources.

67. 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 Soil and Water Management 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.

68. Contractor Parking during Site Work

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project with the progress of works. All Staff and Contractors are to use the basement parking or open air parking on-site during construction works, once available and practicable to minimise parking impact on surrounding residential streets. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

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

69. 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 RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to 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.

70. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

71. Progress Certification (Road & Subdivision)

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

- (a) Silt and sediment control facilities
- (b) Laying of stormwater pipes and construction of pits
- (c) Proof Roll
- (d) Sub-grade trimmed and compacted **
- (e) Base-course laid and compacted **
- (f) Kerb and gutter construction

- (g) Pavement
- (h) Landscaping and vegetation
- (i) Clean-up of site, and of adjoining Council roadway and drainage system. (**To be tested by a recognised N.A.T.A. approved laboratory).

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

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

72. Civil Works Supervision

The Applicant shall ensure all civil works approved in the Construction Certificate are supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

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

73. Footpath Construction

The applicant shall complete the footpath works in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Section 138 Road Act approval
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Section 138 Road Act approval for footpath. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

74. Notification of Inspections (infrastructure works to be handed over to Council)

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level / basecourse level / subbase
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification.

Reason: To ensure new Council infrastructure is constructed in accordance with Auspec 1 Council's design and specification standards.

75. 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/businessindustry/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.

76. Vehicle Crossings

The Applicant is to construct vehicle crossings 3 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ normal and the driveway levels application approval in Warriewood Road and Lorikeet Grove. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

77. Kerb and Gutter Construction

The Applicant is to construct kerb and gutter and associated works along the entire frontage of the site in accordance with *Northern Beaches Council* Drawing No. A4 2276/A. Prior to the pouring of concrete, the works are to be inspected by Council and an approval issued.

The approval is to be submitted to the Principal Certifying Authority.

Reason: To facilitate the preservation of on street parking spaces.

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

Where site fill material is necessary, fill materials must:

- i. Be Virgin Excavated Natural Material (VENM) only, as defined in: *The Protection of the Environment Operations Act 1997*
- ii. 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 Certifying Authority for approval prior to importation of material.

Reason: To ensure protection of the natural environment.

79. Requirement to Notify about New Contamination Evidence

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

Reason: To protect human health and the environment.

80. Imported Fill

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the NSW *Department of Environment & Climate Change's* guidelines the validation 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 Certifying Authority prior to the fill being imported to the site.

Reason: To ensure that imported fill is of an acceptable standard.

81. Acid Sulfate Soil Management

All demolition, excavation and building works must be in accordance with Section 6 of "Preliminary Acid Sulfate Soil Assessment" report No.161121 dated 16 November 2021 by *NG Child & Associates*.

Reason: to minimise the environmental and health hazards associated with Acid Sulfate Soils.

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

'Chain of Custody' documentation shall be kept and submitted for the transport of the fill material from the site (being the subject land of this consent) at No.'s 43, 45 & 49 Warriewood Road, Warriewood, to a licensed waste facility.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and Council within seven (7) days of transport.

Reason: For protection of environment.

83. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted *Waste Management Plan* dated November 2021.

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

84. Waste/Recycling Requirements (Materials)

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.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**85. Landscape Completion**

Landscape works are to be implemented in accordance with the approved Detailed Hard and Soft Landscape Plans.

Prior to the issue of any Occupation Certificate details from a landscape architect shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

86. Certification of Works as Executed

A suitably qualified engineer and/or registered surveyor is to certify that the completed works have been constructed in accordance with this consent and the approved plans with respect to the following:

1. Floor levels for ground floor, and garage are set at or above the required level
2. All access, ventilation, driveway crests and any other potential water entry points to the basement car park have been set at or above the required level
3. There has been no filling on the land other than what has been approved.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

87. Certification of Services (B3)

Certification that new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections are located above the FPL and waterproofing of electrical equipment and installation of residual current devices below the Flood Planning Level

A suitably qualified electrical engineer or contractor is to certify that all new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections are located above the Flood Planning Level and any existing electrical devices, wiring and the like located below the FPL are protected from water egress or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

88. Basement Car Parking (D6)

A registered surveyor is to certify that all access, ventilation and any other potential water entry points, including entry ramp crests to the basement car park have been constructed at or above the Probable Maximum Flood level.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

89. Demonstrate compliance with Flood Management Report

A suitably qualified expert is to certify compliance with the following recommendations in the Flood Management Report prepared by BMT Commercial dated 19 March 2024:

Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

90. Compliance with Ecologist's Recommendations – Post Construction

All impact mitigation measures specified in section 8.5 of the approved Biodiversity Development Assessment Report (Cumberland Ecology Version 5 dated 29/2/24), as summarised in Table 15, 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 any Occupation Certificate.

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

91. Protection of Habitat Features

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

Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

92. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

93. Priority Weed Removal and Management

All Priority weeds as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) within the development footprint are to be removed.

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

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

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

94. Works as Executed Drawings – Creek Works

Works as Executed Drawings for the creek works, including surveyed levels, must be prepared

and submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.

Reason: Enabling effective asset management.

95. Temporary Protection Fencing – Exclusion Zones

Removal of the temporary mesh construction fencing is to be certified by the project ecologist (or equivalent) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect native vegetation and waterways.

96. Relocation of Logs and Coarse Woody Debris

All logs and branches are to be salvaged from trees prior to any vegetation clearing and reused as fauna habitat within the proposed riparian area of land to be dedicated to Council.

Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

97. 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 engineering plans (Issue C) dated 6 March 2024 prepared by *Acor Consultants*. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

98. 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 Certifying Authority prior to the issue of any interim / final 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.

99. 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 strata management statement) and contain the following:

A. 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

B. 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.

C. 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 Certifying Authority prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

100. 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 Certifying Authority prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

101. Disabled Parking Spaces

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2022.

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

Reason: To ensure compliance with Australian Standards.

102. Footpath Construction

The footpath sections required for the development shall be completed to Council's standard specifications, and shall be constructed along the property frontage to Council's satisfaction in co-ordination with civil road works required.

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

Reason: To provide pedestrian access to and from the property.

103. Validation for Remediation

A validation and site monitoring report, including a survey of all sites used for landfill disposal is to be prepared in accordance with relevant guidelines issued under the *Contaminated Land Management Act 1997* must be submitted to the Council within one month from completion of the remediation work.

The plan must identify the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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

Reason: To ensure environmental amenity is maintained.

104. Certification of Noise Control Measures

Prior to any Occupation Certificate being issued, noise barrier recommendations in Section 3 of the acoustic report 12552619-73134-4 titled "Proposed residential flat buildings at 43-49 Warriewood Road, Warriewood Acoustic Report for Garbage Collection", dated 27 May 2021, must be implemented.

Reason: To protect residential acoustic amenity.

105. Garbage and Recycling Facilities

All internal walls of the waste rooms 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.

106. House / Building Number

House / building numbers is to be affixed to the letterbox / fence to be readily visible from the public domain / pedestrian approach for each lot.

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

Reason: Proper identification of buildings.

107. Waste and Recycling Facilities Certificate of Compliance

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

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

Reason: To ensure waste and recycling facilities are provided.

108. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of a final Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

109. 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 Final 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.

110. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (*NSW Land Registry Services* form 13PC) must be submitted to Council for authorisation prior to the issue of the Final 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. Where required by Council or the Certifying Authority, a Compliance Certificate 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.

111. 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.

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

112. Landscape Maintenance

If any hard landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components as directed in the *Landscape Maintenance Plan*. 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 in accordance with the approved *Detailed Hard and Soft Landscape Plans* and applicable conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: Environmental amenity.

113. Flood Management

Flood Effects Caused by Development

There shall be no obstruction of flow paths through the property.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

114. 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.

115. Control of Domestic Dogs/Cats

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife in accordance.

116. Maintenance of Stormwater Treatment Measures

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

117. Vehicle Parking

The car parking shown on the approved drawings must be used for vehicle parking only and shall not be enclosed or modified to prevent access / practicable use for carparking purposes.

Reason: To ensure the safety and amenity and minimise displacement to on-street parking.

118. Landscaping adjoining vehicular access

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1,140mm

Reason: To maintain unobstructed sight distance for motorists.

119. Sight lines within carparks from Basement carparks

The required sight lines to pedestrians and other vehicles in and around the carpark and entrance(s) are not to be obstructed by landscaping or signage.

Reason: To maintain unobstructed sight distance for motorists.

120. Presentation of Waste Bins in the ground floor collection room and access for Waste Collection Vehicles.

The owners corporation will be responsible for transferring bins between the basement waste storage rooms and the ground floor collection room.

i) Bins are not to be placed in the ground floor collection room prior to 4.00pm on the day prior to the scheduled day of collection.

ii) Bins are to be removed from the ground floor collection room and returned to the basement waste storage rooms no later than the evening of the day of collection.

iii) The owners corporation are to ensure that no vehicles, items or other materials are placed in such a manner as to obstruct the progress of the waste collection vehicles when accessing the ground floor waste collection room and bulky goods room.

Reason: To maintain the amenity of the waste collection area. To ensure unimpeded access for waste collection vehicles.

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE**121. Amended Biodiversity Management Plan**

The *Biodiversity Management Plan* (Cumberland Ecology Version 5, 29/2/24) (BMP) is to be amended by a suitably qualified and experienced Ecologist or Bush Regenerator. Except where steps are required earlier by this consent, implementation of the BMP must begin immediately following the commencement of works. In preparing and implementing the BMP the following additional criteria must be addressed:

- a. A suitably qualified (TAFE Certificate IV in Conservation and Land Management or equivalent) and experienced professional bush regeneration contractor is to be engaged to carry out all weed control, regeneration, revegetation and maintenance works as specified in the BMP. In addition, the site supervisor is to have a minimum of three years demonstrated experience in a similar role.
- b. Update the weed density performance criteria within Table 2 Performance Indicators to match the weed density performance criteria contained in Table 4.
- c. Include weed coverage percentage performance indicators within the Phase 3 Maintenance section of Table 4.
- d. Include the requirement for a Baseline Report prepared by the Ecologist and Hydrologist following completion of the recommended minimum 6 month Water Table Depth Monitoring works. The Baseline Report is to document the Water Table, Water Quality and Vegetation Condition monitoring works, and include rainfall data for the monitoring period. The Baseline Report is to be submitted to Council for review prior to issue of a subdivision works certificate.

All subsequent Progress Reports and the Final Report as set out in the BMP should compare changes in site conditions (including changes in groundwater levels) to the Baseline Report.

Reason: To protect groundwater dependent ecosystems, native vegetation, wildlife and habitats.

122. Compliance with Ecologist's Recommendations – Pre-construction

All impact mitigation measures specified in section 8.5 of the approved Biodiversity Development Assessment Report (Cumberland Ecology Version 5 dated 29/2/24), as summarised in Table 15, 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 Subdivision Works Certificate.

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

123. No Clearing of Vegetation

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

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

Reason: To protect native vegetation.

124. Natural Watercourse

Natural watercourses are to be accurately shown on all copies of the subdivision plan by the surveyor as “natural watercourses of variable widths”, for lodgement with *NSW Land Registry Services*.

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

Reason: To determine the location of natural drainage systems.

125. Certification of Council Drainage Works and Works as Executed Data within Private Land

The Applicant shall submit a suitably qualified Civil Engineer’s certification that the completed works have been constructed in accordance with this consent and the approved Section 68 approved plans. Works as Executed data (details overdrawn on a copy of the approved drainage plan) certified by a registered surveyor in relation to boundaries and/or relevant easements prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' within the subject site, shall be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance of drainage works with Council’s specification for engineering works.

126. Certification of Civil Works and Works as Executed Data on Council Land

The Applicant shall submit a suitably qualified Civil Engineer’s certification that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Certificate plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Subdivision Certificate.

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

127. Easement Creation

The Applicant shall create an easement for drainage (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s).

The Applicant shall create an easement for services (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all utility services are located within the appropriate easement(s).

The Applicant shall create a 3,5 m easement to drain water from the catchment upstream of the site in favour of Council over the channel/floodway to encompass flows up to Probable Maximum Flood. The easements are to be detailed on the final plan of subdivision.

Drainage easements of a width of 1m are required along the rear boundary of Lots 3 and 4 to drain water from the residential flat building (Block C) and Lots 9, 10 and 11.

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 statutory requirements of the Conveyancing Act 1919.

128. Landfill

Where it is intended to place filling on the allotments to a depth greater than 0.5m, the fill shall be compacted in accordance with AS 3798-2007. Certification from a Geotechnical Engineer for the fill and compaction shall be submitted to Council for approval prior to the issue of the Subdivision Certificate.

Reason: To ensure landfill is managed appropriately.

129. Warriewood Valley - Amended Plan of Subdivision

Prior to the issue of any Construction Certificate, an amended Plan of Subdivision is to be submitted to, and approved, by Council. The amended Plan of Subdivision must:

- a) Identify the allotment that contains the inner 25m creek corridor to be dedicated to Council.
- b) Include a notation that the inner creek land is to be dedicated to Council.
- c) Identify the quantum of land to be dedicated to Council.
- d) Include an easement across the part of Lot 12 that contains the section of cycleway. This easement is to be in favour of Council for access and maintenance.
- e) Impose a restrictive covenant on Lots 1-11 inclusive to ensure that the allotments contain no more than 1 dwelling in perpetuity.
- f) Impose a restrictive covenant on Lots 1 – 11 inclusive that require the allotments to have a 5kL rainwater tank to be plumbed into the house for toilet flushing and laundry use and have an outlet for landscape irrigation.
- g) Impose a restrictive covenant on Lots 1 – 11 inclusive that require the maximum impervious area on the lot of 60%.
- h) Impose a restrictive covenant on Lot 12 to ensure that the allotment contains no more than 34 dwellings in perpetuity.
- i) Impose a restrictive covenant on Lot 12 that it will maintain the gross pollutant traps (2), and two bioretention/OSD tanks in perpetuity in accordance with the maintenance and management required. A copy of the design and maintenance arrangements are to form an attachment to the covenant.
- j) Impose a restrictive covenant on Lot 12 that it will install and maintain a 50 kL rainwater tank. Roof water is to be directed tank and water captured should be re-used for toilet flushing within all dwellings and landscaping of the common areas of the Lot for the life of the development.

Reason: To ensure that the inner creek corridor land is dedicated to Council and that future development on the residential land does not exceed the yield stipulated within the Pittwater LEP 2014.

130. Warriewood Valley - Subdivision Certificate covenant

A Subdivision Certificate must be issued by Council. Prior to the issue of the Subdivision Certificate, an amended Plan of Subdivision is to be submitted to Council. The amended plan is to show:

- a) The extent of the inner 25m creek corridor, including a notation that this lot is to be dedicated to Council.
- b) The quantum of land to be dedicated to Council.
- c) For that part of Lot 12 containing the section of cycleway, an easement is to be created in favour of Council for access and maintenance.
- d) A restrictive covenant on:
 - i. Lots 1-11 inclusive, to ensure that each allotment contains no more than 1 dwelling in perpetuity.
 - ii. Impose a restrictive covenant on Lots 1 – 11 inclusive that require the allotments to have a 5kL rainwater tank to be plumbed into the house for toilet flushing and laundry use and have an outlet for landscape irrigation.
 - iii. Impose a restrictive covenant on Lots 1 – 11 inclusive that require the maximum impervious area on the lot of 60%.
 - iv. That portion of Lot 12 north of Lorikeet Grove to ensure that the allotment contains no more than 34 dwellings in perpetuity.
 - v. That portion of Lot 12 south of Lorikeet Grove to ensure no dwellings are sited on this portion in perpetuity.
 - vi. Impose a restrictive covenant on Lot 12 that it will maintain the gross pollutant traps (2), and two bioretention/OSD tanks in perpetuity in accordance with the maintenance and management required. A copy of the design and maintenance arrangements are to form an attachment to the covenant.
 - vii. Impose a restrictive covenant on Lot 12 that it will install and maintain a 50 kL rainwater tank. Roof water is to be directed tank and water captured should be re-used for toilet flushing within all dwellings and landscaping of the common areas of the Lot for the life of the development.

The terms of the positive covenants and restrictions are to be prepared to Council's standard requirements at the applicant's expense. *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 is to be submitted to Council.

Reason: To ensure that the inner creek corridor land is dedicated to Council, access to the cycleway is made available and that future development on the land does not exceed the yield stipulated within the Pittwater LEP 2014.

131. Positive Covenant for Drainage Structures

The Applicant shall submit a positive covenant (under the provisions of Section 88B of the Conveyancing Act) to be created on the final plan of subdivision and accompanying 88B instrument. The covenant will require the proprietor of the land to maintain the nominated / new structures in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available

from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

132. 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 Certifying Authority prior to the issue of the Subdivision Certificate.

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

133. 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 Certifying Authority prior to the issue of the Subdivision Certificate.

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

134. 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 Certifying Authority prior to the issue of the Subdivision Certificate.

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

135. Services

The Applicant shall ensure all utilities/services and street lighting is installed. The Applicant is to submit a Certification stating the above requirement has been complied with by the relevant authority(s) and/or authorised contractor.

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

Reason: To ensure services have been provided in accordance with the relevant authorities requirements.

136. Certification of On-site Detention/Bioretenion System (New Subdivision)

A Certificate is to be submitted by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifying Authority that the on-site stormwater detention/bioretenion has been constructed in accordance with the plans nominated on the Development Consent and relevant conditions of Development Consent. The Subdivision Certificate will not be released until this certification has been submitted and the Principal Certifying Authority has confirmed that this condition has been satisfied.

Reason: To ensure the On-site Detention/Bioretenion System has been built to the appropriate standard

137. 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 Certifying Authority prior to the issue of the Subdivision Certificate.

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

138. Easement for Drainage

The Applicant shall create an easement for drainage (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s).

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

Reason: Council’s Subdivision standards and statutory requirements of the Conveyancing Act 1919.

139. Easement to Drain Water - Channel/Floodways

The Applicant shall create a 3.5m easement to drain water in favour of Council along the eastern boundary. The easements are to be detailed on the final plan of subdivision.

The terms of such restriction are to be prepared by a registered surveyor with terms acceptable to Council at the applicant’s expense. Council shall be nominated as a party to release, vary or modify such restriction.

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

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

140. Easement for Services

The Applicant shall create an easement for services (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all utility services are located within the appropriate easement(s).

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

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

141. Electrical Substations

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

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

Reason: To comply with statutory requirements of the energy authority.

142. Release of Subdivision Certificate

The final plan of subdivision will not be issued by Council until the development, excluding the construction of the residential flat building, has been completed in accordance with terms and conditions of the development consent.

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

143. 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, four copies of 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.

144. Title Encumbrances

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

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

Reason: To ensure proper management of land.

145. Matters to be satisfied prior to the issue of Subdivision Certificate

A strata management statement is to be submitted to Council's Manager, Development Engineering and Certification and is to incorporate the following:

- i. A determination of the proposed lots share of the responsibility and costs associated with the ongoing operation and maintenance of water management facilities, including all water management infrastructure, landscaping and adherence with the VMP.
- ii. Specific details of all ongoing operating and maintenance requirements associated with water management infrastructure, as identified in the approved Operations and Maintenance Manual
- iii. Specific details of the ongoing requirements associated with the approved VMP.

Reason: Ongoing stormwater management and vegetation management.

ONGOING CONDITIONS

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

- 1) The adjustment and construction of all utilities, services and drainage systems, and the creation of appropriate easements are to be at the full cost of the developer, including:
 - a. Electrical and telecommunications for the proposed lots, which are to be provided underground. The location of any trenching and if required, pad mounted substation(s), is to take into account future/proposed landscaping in the public domain.
 - b. Street lighting facilities are to be provided to streets proposed within the site and existing street frontages in accordance with the requirements of Ausgrid.
 - c. Existing overhead infrastructure within the Warriewood Road public road reserve is to be undergrounded for the full length of the site frontage and to the nearest existing poles, such that the full extent of any existing spans within the adjacent road reserve are undergrounded (only with respect to the sites side of Warriewood Road).

Reason : The provision of suitable road infrastructure.

- 2) All water management facilities proposed for the development, including rainwater tanks, stormwater quality improvement devices, all elements of the irrigation system associated with the rainwater tank, on-site detention facilities, and private stormwater drainage are to remain in private ownership, be located within private property (except where the private stormwater crosses public land or the outlet enters the public creek corridor) and maintained in accordance with the manufacturer's specifications. The maintenance is to be carried out by the owners corporation over the life of the development.

Reason: Ongoing stormwater management