

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA2023/0669

**Development:** Demolition work and the construction of 28 dwellings, infrastructure, roadworks, tree removal, landscaping, community title subdivision and the rehabilitation and dedication of the creek line corridor to Council.

**Site:** Lot 4 DP 553816, 16 Macpherson Street WARRIEWOOD NSW 2102

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

**Date of determination:** 28 November 2024

**Date from which consent takes effect:** Date of determination.

#### 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 4 DP 553816, 16 Macpherson Street WARRIEWOOD NSW 2102.

The conditions of consent are as follows:

## CONDITIONS OF APPROVAL

<b>Application Number:</b>	NSW LEC Proceedings No.2023/00250329 DA2023/0669
<b>Appeal Determination Date:</b>	[as per NSW LEC]

<b>Land to be developed (Address):</b>	Lot 4 DP 553816, 16 Macpherson Street WARRIEWOOD NSW 2102
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<b>Proposed Development:</b>	Demolition work and the construction of 28 dwellings, infrastructure, roadworks, tree removal, landscaping, community title subdivision and the rehabilitation and dedication of the creek line corridor to Council.
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### Terms and Reasons for Conditions

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

## DEFERRED COMMENCEMENT CONDITIONS

### 1. Planning Agreement

The developer shall enter into a “Planning Agreement” with Northern Beaches Council pursuant to section 7.4 of the *Environmental Planning and Assessment Act 1979* to deliver work identified in the Warriewood Valley Contributions Plan and generally consistent with the developer’s amended offer dated 15 November 2024 and associated documents and plans.

The Offer includes the following items of “Contribution Works” as referenced in the Contributions Plan and in accordance with Council’s Voluntary Planning Agreement Policy, dedication of 1091m<sup>2</sup> land to Council for nil consideration and at no cost to Council and free of all encumbrances:

- a) Item 23 (Pedestrian and Cycleway Schedule) Shared Path Brands Lane**
- b) Item 2.62B (Multi-functional Creek Line Strategy) Rehabilitation works of Narrabeen Creek at Sector 303**
- c) Clause 5.2.2 – Creek line corridor land dedication at Sector 303**

The Executed Planning Agreement is to be registered on the title of the land before this condition is satisfied. Upon execution, there is to be provision of a bank guarantee or bond to the satisfaction of Council for the total value of the contribution works.

Note: Please be advised that no decision as to whether Council will enter a Planning Agreement has been made and there is no representation that such a decision will be made until the draft Planning Agreement has been exhibited, assessed and determined by Council in accordance with the Environmental Planning and Assessment Act 1979.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 76 of the *Environmental Planning and Assessment Regulation 2021*. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

**Upon satisfaction of the deferred commencement condition/s, the following conditions apply:**

## GENERAL CONDITIONS

### 2. Approved Plans and Supporting Documentation

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

Approved Plans / Drawings (Stamped as per NSW LEC Proceedings)				
Plan Number	Rev	Plan Title	Drawn By	Date of Plan
<b>Architectural Plans</b>				
DA004	5	Lot Plan	PBD Architects	29.05.2024
DA005	7	Master Plan Ground Level	PBD Architects	29.05.2024
DA006	5	Master Plan First Floor	PBD Architects	29.05.2024
DA007	5	Master Plan Roof Level	PBD Architects	29.05.2024

DA100	5	Type A1 Ground Floor Level	PBD Architects	29.05.2024
DA101	5	Type A1 First Floor + Roof	PBD Architects	29.05.2024
DA102	5	Type A2 Ground Floor Level	PBD Architects	29.05.2024
DA103	5	Type A2 First Floor + Roof	PBD Architects	29.05.2024
DA104	6	Type A3 Ground Floor Level	PBD Architects	29.05.2024
DA105	5	Type A3 First Floor + Roof	PBD Architects	29.05.2024
DA106	5	Type B1 Ground Floor Level Pre + Post Adaptation	PBD Architects	29.05.2024
DA107	5	Type B1 First Floor + Roof	PBD Architects	29.05.2024
DA108	6	Type B2 Ground Floor Level	PBD Architects	29.05.2024
DA109	5	Type B2 First Floor + Roof	PBD Architects	29.05.2024
DA110	6	Type B3 Ground Floor Level	PBD Architects	29.05.2024
DA111	5	Type B3 First Floor + Roof	PBD Architects	29.05.2024
DA112	6	Type B4 Ground Floor Level Pre + Post Adaptation	PBD Architects	29.05.2024
DA113	5	Type B4 First Floor + Roof	PBD Architects	29.05.2024
DA114	6	Type B5 Ground Floor Level	PBD Architects	29.05.2024
DA115	5	Type B4 First Floor + Roof	PBD Architects	29.05.2024
DA116	6	Type C1 Ground Floor Level	PBD Architects	29.05.2024
DA117	5	Type C1 First Floor + Roof	PBD Architects	29.05.2024
DA118	6	Type C2 Ground Floor Level	PBD Architects	29.05.2024
DA119	5	Type C2 First Floor + Roof	PBD Architects	29.05.2024
DA120	6	Type C3 Ground Floor Level	PBD Architects	29.05.2024
DA121	5	Type C3 First Floor + Roof	PBD Architects	29.05.2024
DA200	5	Elevations Location Plan	PBD Architects	29.05.2024
DA201	5	Elevations 01+02 on Macpherson St + Accessway	PBD Architects	29.05.2024
DA202	5	Elevation 4 on Brands Lane	PBD Architects	29.05.2024
DA203	5	Elevation 4 on Brands Lane	PBD Architects	29.05.2024
DA204	5	Elevation 5 on Accessway	PBD Architects	29.05.2024

DA205	5	Elevation 5 on Accessway	PBD Architects	29.05.2024
DA206	5	Elevation 6 on Accessway	PBD Architects	29.05.2024
DA207	5	Elevation 6 on Accessway	PBD Architects	29.05.2024
DA208	5	Elevation 7 on Accessway	PBD Architects	29.05.2024
DA209	5	Elevation 7 on North West Boundary	PBD Architects	29.05.2024
DA300	5	Sections Location Plan	PBD Architects	29.05.2024
DA301	5	Section AA	PBD Architects	29.05.2024
DA302	5	Section BB	PBD Architects	29.05.2024
DA303	5	Section DD	PBD Architects	29.05.2024
DA400	1	Materials Schedule	PBD Architects	12.4.2023
DA510	5	Area Calculation Plan	PBD Architects	29.05.2024
DA511	5	Area Calculation Plan 2	PBD Architects	29.05.2024
DA512	5	Area Calculation Schedule	PBD Architects	29.05.2024
<b>Subdivision Plan</b>				
048-22P L01[14]	14	Concept Subdivision Plan	Craig & Rhodes	07.06.2024

<b>Engineering Plans / Drawings</b>				
048-22C-DA-0001	G	Cover Sheet, Locality Plan & Index	Craig & Rhodes	4.6.2024
048-22C-DA-0002	E	General Notes	Craig & Rhodes	10.11.2023
048-22C-DA-0003	E	General Legend	Craig & Rhodes	10.11.2023
048-22C-DA-0004	E	Key Plan	Craig & Rhodes	10.11.2023
048-22C-DA-0021	E	Demolition Plan	Craig & Rhodes	10.11.2023
048-22C-DA-0051	G	Bulk Earthworks Plan & Calculations	Craig & Rhodes	04.06.2024
048-22C-DA-0061	G	Bulk Earthworks Site Sections Sheet 1 of 2	Craig & Rhodes	04.06.2024
048-22C-DA-0062	G	Bulk Earthworks Site Sections Sheet 2 of 2	Craig & Rhodes	04.06.2024
048-22C-DA-0101	G	Road & Drainage Plan Sheet 1 of 2	Craig & Rhodes	04.06.2024

048-22C-DA-0102	G	Road & Drainage Plan Sheet 2 of 2	Craig & Rhodes	04.06.2024
048-22C-DA-0151	F	Typical Road Cross Sections	Craig & Rhodes	26.3.2024
048-22C-DA-0201	G	Road Longitudinal Sections Macpherson Street & Road No.01	Craig & Rhodes	04.06.2024
048-22C-DA-0202	G	Road Longitudinal Sections Brands Lane & Road No.02 & Road No.03	Craig & Rhodes	04.06.2024
048-22C-DA-0501	G	Pavement Plan	Craig & Rhodes	04.06.2024
048-22C-DA-0601	F	Signage & Line marking Plan	Craig & Rhodes	26.03.2024
048-22C-DA-0701	F	Catchment Plan	Craig & Rhodes	04.06.2024
048-22C-DA-0711	F	Stormwater Drainage Longitudinal Sections	Craig & Rhodes	26.03.2024
048-22C-DA-0712	F	Stormwater Drainage Longitudinal Sections	Craig & Rhodes	04.06.2024
048-22C-DA-0751	G	WSUD Basin & OSD Tank Plan and Calculations	Craig & Rhodes	04.06.2024
048-22C-DA-0752	E	WSUD Basin & OSD Tank Details	Craig & Rhodes	10.11.2023
048-22C-DA-0753	E	Drainage Details	Craig & Rhodes	10.11.2023
048-22C-DA-0801	F	Retaining Wall Plan (Indicative Details)	Craig & Rhodes	04.6.2024
048-22C-DA-0901	G	Sediment & Erosion Control Plan	Craig & Rhodes	04.6.2024
048-22C-DA-0902	E	Sediment & Erosion Control Details	Craig & Rhodes	10.11.2023
048-22C-CK- 0001	F	Cover Sheet Locality Plan & Index	Craig & Rhodes	22.11.2023
048-22C-CK-0003	F	General Legend	Craig & Rhodes	22.11.2023
048-22C-CK-0101	F	Narrabeen Creek Plan, Longitudinal Section & Typical Cross Section	Craig & Rhodes	22.11.2023
048-22C-CK-0741	F	Narrabeen Creek Cross Sections	Craig & Rhodes	22.11.2023
048-22C-CK-0771	F	Drainage Details	Craig & Rhodes	22.11.2023
048-22C-CK-0901	F	Sediment & Erosion Control Plan	Craig & Rhodes	22.11.2023

048-22C-CK-0902	F	Sediment & Erosion Control Details	Craig & Rhodes	22.11.2023
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<b>Landscape Plans</b>				
LA LP 101	6	Landscape Plan - Cover Sheet	Black Beetle	28.03.2024
LA LP 102	6	Landscape Plan - Site Plan South	Black Beetle	28.03.2024
LA LP 103	5	Landscape Plan - Site Plan North	Black Beetle	28.03.2024
LA LP 104	6	Landscape Plan - Terrace Type A1	Black Beetle	28.03.2024
LA LP 105	6	Landscape Plan - Terrace Type A2	Black Beetle	28.03.2024
LA LP 106	6	Landscape Plan - Terrace Type A3	Black Beetle	28.03.2024
LA LP 107	7	Landscape Plan - Terrace Type B1	Black Beetle	28.03.2024
LA LP 108	6	Landscape Plan - Terrace Type B2	Black Beetle	28.03.2024
LA LP 109	7	Landscape Plan - Terrace Type B3	Black Beetle	28.03.2024
LA LP 110	6	Landscape Plan - Terrace Type B4	Black Beetle	28.03.2024
LA LP 111	6	Landscape Plan - Terrace Type B5	Black Beetle	28.03.2024
LA LP 112	5	Landscape Plan - Terrace Type C1	Black Beetle	28.03.2024*
LA LP 113	6	Landscape Plan - Terrace Type C2	Black Beetle	28.03.2024
LA LP 114	5	Landscape Plan - Terrace Type C3	Black Beetle	28.03.2024
LA LP 115	2	Landscape Plan - Typical Fence Brands Lane	Black Beetle	17.06.2024

<b>Approved Reports and Supporting Documentation</b>			
<b>Document Title</b>	<b>Version Number</b>	<b>Prepared By</b>	<b>Date of Document</b>
Community Management Statement	3462-0574-7485 v3	Applicant	02.06.2023

BASIX Certificate	1357937M_02	.Greenview Consulting Pty Ltd	21.06.2024
Operational Waste Management Plan	4288 Rev.G	Elephants Foot Consulting	02.04.2024
Geotechnical Investigation	E25541.G03	EI Australia	25.11.2022
Additional Site Investigation	E25541.E03 Rev 2	EI Australia	25.05.2023
Acid Sulfate Soils Assessment and Management Plan	E25541.E14 Rev 2	E Australia	23.9.2024
Water Cycle Management Report	048-22-SWMR-DA-Rev.E	Craig & Rhodes	16.05.2023
Arborist Impact Assessment -	16 Macpherson Street, Warriewood	Tree Management Strategies	04.05.2023
Flood Impact Assessment including letter dated Pittwater Local Environmental Plan 2014 Supplementary Flooding (cl 6.1) Assessment Letter	P2309661JR03V01	Martens	02.07.2024
Access Report	P223_023-2 (Access AS4299) RT	Design Confidence	03.05.2023
Biodiversity Management Plan including Pittwater Local Environmental Plan 2014 Biodiversity (cl 6.1 & 7.6) Assessment Letter	2564.01 Rev.4	AEP	Oct2023
Ecological Assessment Report	2564.01 Rev.4	AEP	06.08.2023
Pittwater Local Environmental Plan 2014 Earthworks (cl. 7.2) Assessment Letter.			30 October 2024.

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

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

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

### 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	14.6.2023
Aboriginal Heritage Office (AHO)	AHO Referral Response	11.12.2023
Department of Planning & Environment - Water Licencing	DPE Referral Response General Terms of Approval (GTA's)	21.3.2024
Department of Primary Industries and Regional Development - NSW Fisheries	DPI Fisheries Referral Response	27.8.2024
WaterNSW	WaterNSW Referral Response	29.8.2024

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://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. No Approval for any Secondary Dwellings

No approval is granted or implied under this Development Consent for the use of any part of any of the approved dwelling houses for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen areas of each dwelling.

Reason: To ensure compliance with the terms of this consent.

#### 5. 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.

## 6. 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

### 7. 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](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

## 8. Warriewood Valley - Contribution Condition

Warriewood Valley Development Contributions Plan Amendment 16, Revision 4 2022

The applicant must pay a total development contribution to Council of **\$1,625,627** in accordance with the Warriewood Valley Development Contributions Plan (as amended). This contribution is based on 27 additional dwellings/allotments.

The final contributions payable comprises:

- Base Contributions payable = \$2,033,235
- Minus amounts that are reflected in any voluntary planning agreement entered into under Condition 1, for instance:
  - Contributions Item 23 (Shared Path) - \$73,012
  - Contributions Item 2.62B (Creek Rehab) – \$158,899
  - Contributions Item 5.2.2 (Dedication of creek line corridor) - \$175,696
- Final Contributions amount payable = \$1,625,627

a) Written evidence (receipt/s) from Council for the payment of the monetary contribution is to be provided to the Certifying Authority prior to issue of the construction certificate or subdivision certificate (whichever occurs first), or prior to the issue of the subdivision certificate where no construction certificate is required. If the cash contribution (total or in part) remains unpaid after the financial quarter in which the development consent is issued, the amount unpaid (whether it be the full monetary contribution amount or a part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index.

The planning agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

b) The Applicant shall dedicate to Northern Beaches Council a total of 1,091m<sup>2</sup> of land, for the provision of multi-functional creek line corridor in lieu of a monetary contribution amount calculated in accordance with Table 4 of the Contributions Plan attributed to the creek line corridor to the value of \$175,696. The area to be dedicated is to be subject to a final Plan of Subdivision. The required dedication is to take place by way of subdivision.

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

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

## 9. Construction, Excavation and Associated Works Security Bond(s)

The applicant is to lodge a bond with Council for the following:

i) Drainage Works

As security against any damage or failure to complete the construction of stormwater drainage works required as part of this consent a bond of \$990,000.

ii) Crossing / Kerb & Gutter / Footpath Works

As security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent a bond of \$50,000.

iii) Road Works

As security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works required as part of this consent a bond of \$100,000.

iv) Security Bond

As security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site a bond of \$20,000.

v) Maintenance for Civil Works

A maintenance bond of \$50,000 for the construction of Narrabeen Creek works. The maintenance bond will only be refunded upon completion of the six-month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council prior to issuing of practical completion.

vi) Maintenance for Riparian Biodiversity and Vegetation Management Works

A maintenance bond of \$40,000 for the completion of the Riparian Biodiversity and Vegetation Management Works. The maintenance bond will only be refunded upon completion of the five-year Riparian Biodiversity and Vegetation Management works in accordance with the approved plans and to the satisfaction of Council.

vii) Narrabeen Creek Protection Works

As security against any damage to Narrabeen Creek including sedimentation, caused by failure of sediment and erosion controls or other construction related work activities as a bond of \$100,000.

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

Reason: Protection of Council's infrastructure.

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **10. Detailed Landscape Plans**

a) Detailed Landscape Plans shall be issued to Council for approval prior to the issue of a Construction Certificate to include the following design details for construction:

- hard landscape layout and materials; including but not limited to features, walling, fences, pavements, garden edges, lawns, ground stabilisation, drainage, irrigation etc, existing and proposed ground levels, location of any underground services.
- planters on structure design indicating the proposed soil type, planting, automatic irrigation, and services connections; and planter depths and widths,

- planting layout and schedules; including species selection, location, quantities, mature heights and pot sizes,
- street trees within the development land shall be pre-ordered 200 litre container size at a minimum, each installed with a tree guard as per Warriewood Valley Landscape Masterplan and Design Guidelines S-1 to S-4, including tree pit dimensions, soil mix, mulch and tree guards as detailed,
- all other trees within the development shall be as nominated on the Landscape Plans,
- note: fencing forward of each building line is not permitted.

b) Detailed Landscape Plans for landscape works within the road reserve, for section 138 Roads Act application of works within the road reserve, shall document the following for Council approval, prior to the issue of a Construction Certificate:

- 2.1 metre wide share path to both Macpherson Street and Brands Lane, typically as per Warriewood Valley Landscape Masterplan and Design Guidelines S-1 and the Warriewood Valley Roads Masterplan, and connected to existing footpaths and the existing bridge and the end of Brands Lane,
- street tree planting to Macpherson Street shall be pre-ordered 400L container size *Waterhousia floribunda*, each installed with a tree guard as per Warriewood Valley Landscape Masterplan and Design Guidelines S-1 to S-4, including tree pit dimensions, soil mix, mulch and tree guards
- street tree planting to Brands Lane shall be pre-ordered 200L container size *Tristaniopsis laurina* 'Lusious', each installed with a tree guard as per Warriewood Valley Landscape Masterplan and Design Guidelines S-1 to S-4, including tree pit dimensions, soil mix, mulch and tree guards as detailed.

Reason: Landscape and streetscape amenity.

#### 11. **Flood effects caused by development**

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP, other than what has been approved as part of this consent.

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.

#### 12. **Building components and structural soundness**

B2 - All new development must be designed to ensure structural integrity up to the Flood Planning Level, taking into account the forces of floodwater, debris load, wave action, buoyancy and immersion.

B3 - All electrical equipment, power points, wiring and connections must be located above the Flood Planning Level, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

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.

**13. Fencing**

Any new fencing must be designed to allow for the unimpeded movement of flood waters, with a minimum of 50% open area along any straight length, from the natural ground level up to the 1% AEP flood level.

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.

**14. Compliance with Ecologist's Recommendations – Pre-construction**

All impact mitigation measures specified in the approved Ecological Assessment Report, including implementation of the Bushland Management Plan, General Recommendations and Clearing Protocols are to be implemented at the appropriate stage of development, namely, prior to, during and after construction works.

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.

**15. 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 Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

**16. Fencing for Wildlife Passage**

Any new permanent fencing between Community Land and the riparian corridor is to be made passable to native fauna through the provision of access gaps or raised fencing to provide appropriate ground clearance. Any access gaps are to be a minimum of 150mm wide x 100mm high at ground level and distance between gaps is not to exceed more than 6 metres.

Plans are to be certified as complying with this condition and provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To preserve wildlife corridors.

**17. Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for Development Policy, prepared by an appropriately qualified and practicing Civil or Hydraulic Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG), indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the street and on-site detention basin.

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



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

**18. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations identified in the Geotechnical Investigations by *El Australia*, referenced within the “**Approved Plans and Supporting Documentation**” condition of this consent, are to be incorporated with the construction work details.

Reason: To ensure geotechnical risk is mitigated appropriately.

**19. Off Street Parking Design**

The Applicant shall submit a design for the parking facility in accordance with the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

**20. Erosion and Sediment Control Plan**

A Soil and Water Management Plans (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).

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

Reason: To protect the receiving environment.

**21. Construction Environmental Management Plan**

A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the environmental risks and mitigation methods identified in the Aquatic Ecology Report/Waterway Impact Statement and must be kept in the site office. The CEMP must identify and appropriately manage invasive species (e.g. *Ludwigia peruviana*).

An induction plan for site personnel must be prepared and implemented that addresses the CEMP. Induction records must be maintained and available onsite at all times.

The CEMP and site induction plan must be submitted to the Principal Certifier for approval prior to the issue of the Construction Certificate.

Reason: To protect native vegetation, wildlife, habitats and receiving waterways.

**22. Stormwater Outlet Structure to Creek**

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

No mortar is to be used on the outlet. Rocks must be placed using an interlocking system with varying rock sizes. The surface should be a textured finish to break up and dissipate sheet flows.

This design is to be submitted to the Principal Certifier prior to the release of the Construction Certificate.

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

**23. Detailed Design of Creek Works**

A certificate from a suitably qualified engineer who has membership of Engineers Australia and the National Engineering Register (NER), stating that the creek works have been designed in accordance with the NARRABEEN CREEK REHABILITATION WORKS drawings as referenced in this consent condition “**Approved Plans and Supporting Documentation**” from *Craig & Rhodes*.

As the creek line corridor is to be dedicated to Council, the complete detailed design of all creek works is to be submitted and approved in writing by Council prior to the issue of any Construction Certificate.

The engineer certificate and Council approval shall be submitted to the Certifier prior to the release of the Construction Certificate.

**24. 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 Civil works plans as *Craig & Rhodes*, as referenced previously in this consent by condition “**Approved Plans and Supporting Documentation**” and Council’s Water Management for Development Policy.

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

Reason: Protection of the receiving environment.

**25. Car Parking Finishes**

All driveways, car parking areas and pedestrian paths are to be surfaced and sealed.

Details of treatment to these areas are to be submitted to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

**26. 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 a TfNSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Truck movements must be agreed with Council’s Traffic Engineer prior to submission of the CTMP.

The CTMP must address following:

The proposed phases of construction works on the site, and the expected duration of each construction phase.

- a. 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.
- b. Make provision for all construction materials to be stored on site, at all times.
- c. The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.

- d. 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.
- e. 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.
- f. Wherever possible mobile cranes should be located wholly within the site.
- g. Make provision for parking onsite.
- 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's street trees.
- l. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- m. The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- n. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- o. The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- p. 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 by lodging an application for a Permit to Implement Traffic Control.

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

## **27. 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.

## 28. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by *Craig & Rhodes*, as referenced previously in this consent by condition "**Approved Plans and Supporting Documentation**".

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.

## 29. Remedial Action Plan

Where a Remedial Action Plan is required, it is to be prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997

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

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

## 30. Contaminated Land Requirements

i) An assessment of potential Hazards materials in existing buildings to be demolished is to be carried out.

ii) The findings and recommendations in the "Additional Site Investigation by EI Australia dated 25 May 2023" shall be implemented.

iii). Prior to the issue of any Construction Certificate, a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of the Certifier. The plan shall detail:

A) How all the requirements and / or recommendations contained within the Contamination Report by EI Australia dated 25 May 2023 is to be implemented;

B) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (24

hours a day), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Northern Beaches Council and the Certifier.

C) A requirement where necessary to complete ongoing water and soils testing during excavation, demolition and development works as follows:

- (1) During construction in order to monitor water and soil quality the following is to be implemented:
  - i) Water testing is to be completed in accordance with Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring.
  - ii) Soil Testing in order to detect contaminants is occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.
- (2) The requirements of (i) and (ii) above are to be implemented from the commencement of works as follows:
  - i) Fortnightly during excavation works.
  - ii) Monthly during building works.

D) To ensure water quality is maintained runoff must be drained to an adequately bunded central collection sump and treated, to meet The NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) (formerly Environment Protection Authority) discharge criteria.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transported for treatment/disposal to an appropriate waste treatment/processing facility.

E) 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 officers on request.

The following Acts and Guidelines applied at the time of determination:

- i) Protection of the Environment Operations Act 1997; and
- ii) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

F) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.

The following standards applied at the time of determination:

- Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

G) Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:

- 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the site.
- Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall be suitable for the use on the land.
- Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Certifier (prepared in accordance with NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) guidelines).

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

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

### 31. **Riparian corridor Landscape Plan**

Amended and detailed landscape plans (at 1:200 scale minimum) are to be submitted to Council, including typical detailed sections. The amended detailed landscape plans shall include the following information: Creek line corridor landscape plan demonstrating the planting layout for the inner and outer creek line corridors. The plan shall detail planting layout, and plant schedules with selection, quantities and size. Typical sections shall be provided.

The creek line corridor landscape plan shall be co-ordinated with the approved Biodiversity Management Plan. *Casuarina glauca* and *Eucalyptus robusta* shall occupy a minimum of 75% of the tree canopy schedule within the creek line corridor.

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 creek line corridor landscape plan shall clearly indicate the extent of the inner 25m wide public creek line corridor that is solely comprised of native flora/fauna and adjoining the creek line, 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 creek line corridor shall be installed at 1 per 1m<sup>2</sup>.
- All grasses and groundcovers within the 50m creek line corridor shall be installed at 6 per 1m<sup>2</sup>.

Reason: protect and enhance the riparian corridor

### 32. **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 Ecological Assessment Report (AEP, 2023, Rev 04).

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

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/finda-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 Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

**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. External Finishes to Roof**

The external finish to the roof are to be delivered generally in accordance with the colour palette shown in the approved architectural plans

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

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

**35. External Materials, Street Fencing and Sandstone walls**

External materials for the buildings, street fencing and the sandstone block street-front retaining walls are not to be substituted for alternative (different) materials. The use of large-format solid sandstone blockwork for streetside retaining walls (as per the public street front retaining wall along No.18 Macpherson Street) is permitted if the product is available.

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

Reason: To ensure that urban design outcomes are achieved as approved.

**BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE****36. Revised Internal Road and Footpath Design**

Amended subdivision plans for the internal road network shall be prepared which make provision for the following:

- A continuous footpath connection of minimum 1.5m width at the northern end of Road No.01 to the shared path on the west side of Brands Lane.
- Road No.3 to be designed with a 7.5m kerb to kerb width and no footpath but constructed, sign posted and marked as a 10km/h shared zone with a contrasting paved surface to differentiate its shared zone use from the adjacent roads.

Reason: to adequately cater for the safety and amenity of pedestrians and prevent parking on footpaths

**37. Stormwater Drainage Application**

The applicant is to provide a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval.

The submission is to include Civil Engineering plans for the design of the Narrabeen Creek Rehabilitation Works and on-site detention and water quality basin which are to be generally in accordance with the civil design approved with the Development Application and Council's

specification for engineering works - AUS-SPEC #1. The form can be found on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au) > Council Forms > Stormwater Drainage Application Form.

The submitted plans shall comply with the following requirements:

- (i) Design shall be in accordance with the Narrabeen Creek Rehabilitation Works drawings by *Craig & Rhodes*, as referenced previously in this consent by condition "**Approved Plans and Supporting Documentation**".
- (ii) Stormwater outlets to the creek must be designed in accordance with DPE Water's Guidelines for Outlet Structures on Waterfront land. Guidelines can be found on the DPE website. No mortar is to be used on the outlet. Rocks must be placed using an interlocking system with varying rock sizes. The surface should be a textured finish to break up and dissipate sheet flows.
- (iii) 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: Creek line corridor landscape plan demonstrating the planting layout for the inner and outer creek line corridors. The plan shall detail planting layout, and plant schedules with selection, quantities and size. Typical sections shall be provided.
- (iv) The creek line corridor landscape plan shall be co-ordinated with the Approved Biodiversity Management Plan. *Casuarina glauca* and *Eucalyptus robusta* shall occupy a minimum of 40% of the tree canopy schedule within the creek line corridor. Selected native trees shall be in accordance with the Plant Species List contained within the Warriewood Valley Release Area Landscape Masterplan and Design Guidelines.
- (v) The creek line corridor landscape plan shall clearly indicate the extent of the inner 25m wide public creek line corridor that is solely comprised of native flora/fauna and adjoining the creek line, 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 creek line corridor shall be installed at 1 per 1m<sup>2</sup>.
  - All grasses and groundcovers within the 50m creek line corridor shall be installed at 6 per 1m<sup>2</sup>.
- (vi) The complete detailed design of all works for Narrabeen creek corridor are to be submitted to Council as part of this application. The detailed designs shall be generally in accordance with the creek plans by *Craig & Rhodes*, as referenced previously in this consent by condition "**Approved Plans and Supporting Documentation**".
- (vii) The detail design is to include:
  - design rational in a summary report with rock sizing graduation including nominal rock size (D10, D50, D90) and calculations.
  - A 2.5 metre wide servicing ramp connecting Brands Lane to inner corridor suitable for excavator access is required. Servicing ramp can be landscaped with grass/low-height shrubs but no trees. Provided the same capacity is maintained, the stormwater culvert under Brands Lane may be adjusted to avoid/minimise the need to relocated existing



Telstra assets in Brands Lane. Final alignment will be subject to Council approval under Section 68 of the Local Government Act 1993.

- Detailed On-site basin design generally in accordance with the *Warriewood Valley Urban Land Release Water Management Specification Revised Version February 2001*, as referenced previously in this consent by condition “**Approved Plans and Supporting Documentation**”.

The plans must address the following -requirements:

- (viii) Provision of at least four (4) additional basin cross-sections to accurately illustrate proposed basin capacity.
- (ix) Detailed longitudinal section from Pit 4/01 to Pit 4/02 and from Pit 4/01 to Pit 4/03. Show all pit levels and dimensions. Show proposed orifice.
- (x) It is noted that the plans appear to show discharge controlled by a 300mm diameter pipe, whilst the DRAINS model utilises a 150mm diameter pipe. Amend DRAINS model and/or plans as required to provide consistency and provide DRAINS model to Council as part of Stormwater Drainage Application.
- (xi) Provision of adequate maintenance access for the basin to maintain the water quality and detention function of the basin.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Works Certificate.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management and compliance with the BASIX requirements, arising from the development.

### 38. Utilities Services

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

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

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

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

### 39. 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*.

The application is to include Civil Engineering plans for the design of Macpherson Street and Brands Lane which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer.

The design must include the following information:

- i) The construction of MacPherson Street and the indented parking bay accommodating no less than 7 vehicles on the MacPherson Street property frontage including removal of the existing kerb nib at the common boundary alignment of No.16 & No.18 MacPherson Street
- ii) The construction of Brands Lane and the indented parking bay accommodating no less than 6 vehicles on the east side of Brands Lane.
- iii) The signposting of a 4P timed parking restriction applying 8am to 6pm everyday in the indented parking bays in MacPherson Street and Brands Lane.
- iv) The reconstruction of the roundabout in Brands Lane at its junction with Road No.02.
- v) The construction of a 2.1m shared path on the west side of Brands Lane along the full frontage of the site and its connection via a 3m wide shared path connection to the footbridge over Narrabeen Creek. 6. streetlighting of Brands Lane and all internal roads consistent with AS/NZS 1158 and Ausgrid requirements, to a subcategory of at least PR5. All streetlight poles to be located clear of any concrete paths and sufficient distance from any trees to allow for adequate light spill when the trees are mature.
- vi) All existing utility services, including power supply and communication cables on the property frontage of the site are to be placed underground.
- vii) All proposed utility services including power supply and communication cables on the property frontage of the site are to be placed underground.

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

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

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

#### **40. Pre-Construction Stormwater Assets Dilapidation Report**

The Applicant is to submit a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at: <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineeringspecifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The pre-construction / demolition Dilapidation Report must be submitted to Council for approval and the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

#### **41. Pre-Commencement Dilapidation Report**

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

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

Reason: Protection of Council's Infrastructure during construction.

**42. 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.

**43. 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 Certifier 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.

**44. Certification of Water Management Report**

The Applicant shall submit a certificate from a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) 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 Principal Certifier 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.

**45. 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 TfNSW 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.

**46. On-site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by *Craig & Rhodes*, as referenced previously in this consent by condition "**Approved Plans and Supporting Documentation**".

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.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT****47. Tree Removal Within the Property**

This consent approves the removal of existing prescribed trees on the subject site as identified in the Arboricultural Impact Assessment prepared by Tree Management Strategies. A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

**48. Work Zones and Permits**

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

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane

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

**49. Demolition Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by an suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

Due to heavy traffic congestion throughout the area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The DTMP must:-

1. Make provision for all construction materials to be stored on site, at all times.
2. The DTMP is to be adhered to at all times during the project.
3. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
4. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity

of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.

5. Include a Traffic Control Plan prepared by an TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
6. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
7. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
8. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP 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. These communications must be documented and submitted to Council prior to work commencing on site.
9. Specify spoil management process and facilities to be used on site.
10. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP 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 Demolition Traffic Management Plan is submitted.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

#### **50. 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, retaining walls, ceilings, roof, structural members and other similar items as determined by the Principal Certifier to be at risk of dilapidation.

##### Property / Properties:

- No.18A Macpherson Street, Warriewood (that shares a common boundary with the site)
- No.51 to No.79 Chambers Circuit, Warriewood (that shares a common boundary with the site)
- Any other adjacent private property assets or adjacent public infrastructure that the Principal Certifier may deem to be at risk due to demolition, excavation or site works.

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.

## DURING BUILDING WORK

### 51. Management of Acid Sulfate Soils

- a) During works where any excavation is being carried out the requirements of the review ref:E25541.E14\_Rev2 23 Sep 2024 Acid Sulfate Soils Assessment and Management Plan by EI Australia shall be complied with and the Council and the Principal Certifier being notified where any Acid Sulfate Soil is encountered.
- b) Additionally, the Management of any Acid Sulfate Soil is to be immediately undertaken in accordance with this Management Plan.
- c) Where Acid Sulfate Soil has been encountered the required documentation required by the Management Plan is to be supplied to the Council and the Principal Certifier confirming compliance with this Plan.

Reason: To protect the environment.

### 52. Tree and Vegetation Protection

- a) Unless otherwise approved under this development consent, existing trees and vegetation shall be retained and protected, including:
  - i) all trees and vegetation located on adjoining properties,
  - ii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
  - i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites,
  - ii) the following arboricultural requirements shall be adhered to unless authorised by an Arborist with minimum AQF level 5 qualifications: existing ground levels shall be maintained within the tree protection zone of trees to be retained; removal of existing tree roots at or >25mm (Ø) diameter is not permitted; 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; and structures are to bridge tree roots at or >25mm (Ø) diameter,
  - iii) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree identified in a) i) and ii), iv) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees.

The Principal Certifier must ensure that:

c) The arboricultural works listed in a) and b) are undertaken as complaint to AS4970-2009 Protection of trees on development sites, to protect all trees and vegetation identified in a) i) and ii).

Reason: Tree and vegetation protection

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

All impact mitigation measures specified in the approved Ecological Assessment Report are to be implemented at the appropriate stage of development.

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

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

**54. Wildlife Protection**

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

Reason: To protect native wildlife.

**55. Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

**56. Implementation of Biodiversity Management Plan**

All requirements in the Biodiversity Management Plan (AEP, October 2023, Rev 04) are to be implemented prior, during and post construction.

Details demonstrating pre-construction compliance 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.

**57. Riparian Corridors Vegetation Management**

The Biodiversity Management Plan annual report is to be delivered to Council on a yearly basis for a period of five years. Council access to the site must be allowed for inspection of the inner riparian corridor vegetation management.

The reports and Council visits are forming part of the Council approval process for the issue of the construction certificate for the inner constructed riparian corridor.

**58. 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.

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

Council proactively regulates construction sites for sediment management.

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

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

Reason: Protection of the receiving environment.

**60. Substitution of Stormwater Treatment Measures**

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must be submitted to the Principal Certifier for approval prior to installation.

The end of line biofiltration/bio-retention filter as shown on the Craig and Rhodes Civil engineering drawings 048-22C-DA-0751 rev G and 048-22C-DA-0752 rev E cannot be substituted by another water quality devices or mechanism.

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

**61. Implementation of Demolition Traffic Management Plan**

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

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

**62. Construction Work Vehicles and Contractor parking**

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to park on site once available. All necessary facilities are to be provided to accommodate this requirement and be detailed in a construction traffic management plan, etc.

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

**63. Implementation of Construction Traffic Management Plan**

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



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

**64. Ongoing Management**

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

Reason: To ensure public safety.

**65. 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.

**66. Survey Certificate for Inner Creek Corridor**

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided to Council, demonstrating that the earthworks in the inner creek corridor area have been completed in accordance with the levels shown on the approved plans.

Details demonstrating compliance and Council approval are to be submitted to the Principal Certifier prior to the commencement of planting works in the creek.

Reason: To ensure that the ground levels are in accordance with the approved plans, and consequently that the 1% AEP creek flow can be contained within the inner creek corridor.

**67. Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual

(<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>)

and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

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

Any new information revealed during excavation or 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 Certifier.

Reason: To protect human health and the environment.

**69. Imported Fill**

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Department of Planning and Environment 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 Certifier prior to the fill being imported to the site.

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

**70. Compliance with Contamination Management Plan**

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

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

**71. Off-site Disposal of any Contaminated Soil - Chain of Custody**

'Chain of Custody' documentation shall be kept and submitted for the transport of any validated fill material from the site.

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

Reason: For protection of environment.

**72. Waste/Recycling Requirements (Waste Plan Submitted)**

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

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

**73. 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****74. Landscape Completion**

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

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

Reason: Landscape and streetscape amenity.

**75. 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 are set at or above the required level
2. There has been no filling on the land other than what has been approved
3. Openings are provided in any fencing which is below the 1% AEP flood level, to allow for the free passage of flood waters

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.

**76. Building Components and Structural Soundness**

B3 - A suitably qualified electrician or contractor is to certify that all electrical equipment, power points, wiring and connections located below the Flood Planning Level, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

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.

**77. Compliance with Ecologist's Recommendations – Post Construction**

All impact mitigation measures specified in the approved Ecological Assessment Report are to be implemented at the appropriate stage of development.

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

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

**78. 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 Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

**79. No Weeds Imported On To The Site**

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

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

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

**80. Priority Weed Removal and Management**

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

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

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

**81. Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)**

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineeringspecifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

**82. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

**83. Certification for Creek Works**

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the creek works have been completed in accordance with the creek and riparian plans approved at Subdivision Works Certificate stage.

Council is to approve the construction stage creek and riparian plans prior to the issue of any Subdivision Works Certificate.

The engineer certificate and Council approval shall be submitted to the Certifier prior to the release of the Subdivision Certificate.

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

**84. 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 Certifier prior to the release of the Occupation Certificate.

Reason: Enabling effective asset management.

**85. 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 Certifier prior to issue of any Occupation Certificate.

Reason: To protect native vegetation and waterways.

**86. 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 construction certificate approved plans. 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 Certifier prior to the release of an Subdivision Certificate.

Reason: Protection of the receiving environment.

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

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

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

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

**88. Stormwater Treatment Measures Operation and Maintenance Plan**

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

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

- 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 Certifier prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

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

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

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

Reason: Protection of the receiving environment.

**90. Signage and Line marking – External**

A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and approved by the Local Traffic Committee prior to the issue of an Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the local Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process

Reason: To ensure consistent parking amenity.

**91. Signage and Line marking – Implementation**

The applicant is to install all signage and line marking, as per any Roads Act & Traffic Committee approval. These works are to be completed prior to the issue of an Occupation Certificate.

Reason: To ensure compliance with the Road Act.

**92. Signage and Line marking - Internal**

A plan demonstrating appropriate signposting and line marking for the community title road network managed by a mix of No Stopping and No Parking restrictions, a 10km/h Shared Zone on Road No. 03 and a 20km/h speed limit for Roads 01 & 02 is to be submitted to Council's Traffic Engineer with the engineer's approval provided to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: to ensure appropriate signposting of the internal road network.

**93. Shared Path Construction**

The shared paths of minimum clear width of 2.1m, in accordance to Council's standard specifications, shall be constructed along the Brands lane and MacPherson Street property frontages to Council's satisfaction in accordance with the approved designs.

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

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

**94. Indented parking bays**

The applicant is to construct the indented parking bays on Brands Lane and MacPherson Street, as per any Roads Act approval. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure adequate provision for visitor parking.

**95. Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

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

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

**96. Reinstatement of Kerb**

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

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

**97. Certification of Structures Located Adjacent to Council Pipeline or Council Easement**

The Applicant shall submit a suitably qualified Structural Engineer's certification that the completed footing works have been constructed in accordance with this consent, Northern Beaches Council's Water Management for Development Policy and the approved Construction Certificate plans.

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

Reason: Protection of Council's infrastructure

**98. Certification of Off-Street Parking Works**

The Applicant shall submit a certificate from a suitably qualified person certifying that the parking facility was constructed in accordance within this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

**99. Post-Construction Dilapidation Report (Major Development)**

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.



A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

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

**100. Certification of Water Management Report**

The Applicant shall submit a certificate from a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required by this consent.

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

Reason: To ensure Stormwater Management has been built in accordance with the plans and specifications required under this consent.

**101. Completion of Water Management Report**

The Applicant shall submit a Water Management Report certifying all works associated with the water management system required under these conditions of consent and the Warriewood Valley Water Management Specification (February 2001).

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

Reason: To ensure Stormwater Management has been built in accordance with the plans and specifications required under this consent.

**102. Positive Covenant for any proposed on-site encapsulated of contamination material**

A covenant must be registered on the title of the land, giving notice of the former use, level of site contamination and its former location on the land.

A covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from of any contaminants or for any works required by Northern Beaches Council or any State or Federal Department/Authority.

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

Reason: Environmental Protection if onsite encapsulation is carried out.

**103. Compliance with Contamination Management Plan**

Prior to the issue of an Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the Contamination Management Plan have been compliance with throughout excavation, demolition and development work stages.

The certification shall also include:

- a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the

Council within one month from completion of the remediation work.

b) A detailed survey of all sites used for any landfill disposal must be prepared within one month from completion of the remediation work and submitted to Council.

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

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

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

**104. Implementation of Biodiversity Management Plan**

All requirements in the Biodiversity Management Plan (AEP, October 2023, Rev 04) are to be implemented prior, during and post construction.

Details demonstrating compliance with pre-construction requirements are to be certified by the project ecologist and submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Appropriate photo records of works progress as determined by the project ecologist are to be periodically made to record "prior", during, and post construction requirements carried out on site as part of the BMP.

Reason: Biodiversity/Vegetation Conservation and Management.

**105. House / Building Number**

House/building number is to be affixed to the building or pedestrian gate entry or letter box to be readily visible to the street frontage.

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

Reason: Proper identification of buildings.

**106. Implementation of Street Lighting**

Streetlighting in accordance with plans approved by Council and Ausgrid shall be implemented by the applicant.

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

Reason: to ensure adequate lighting of the road and footpath areas

**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 Certifier prior to the issue of an 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 Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES****109. Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Detailed Landscape Plans and any 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: To maintain local environmental amenity.

**110. Flood Management****Flood Effects Caused by Development (A2)**

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP, other than what has been approved as part of this consent.

There is to be no new fencing, other than what has been approved as part of this consent.

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.

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

All ongoing impact mitigation measures specified in the approved Ecological Assessment report are to be implemented.

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

**112. 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.

**113. Control of Domestic Dogs/Cats**

Domestic dogs and cats are to be kept from entering wildlife habitat & riparian 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 and habitat.

**114. Maintenance of Stormwater Treatment Measures**

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

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome.

Evidence supporting the replacement must be retained on site and made available to Council as required.

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.

**115. Kerbside / Street Vehicle Parking**

The on-street car parking areas / bays shown on the approved drawings must be retained for vehicle parking only. Loading and unloading of vehicles and delivery of goods to the land must be carried out within the site.

Any loading or unloading of materials from these kerbside spaces, if used for potentially environmentally damaging materials / chemicals / liquids, must be appropriately bundled / contained with adequate spill response equipment in place to ensure potentially polluted runoff from the site is controlled / cannot reach Council's stormwater system.

Reason: To ensure the safety and amenity of the general public using public streets and vehicle access.

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

A positive covenant shall be created on the title of the land prior to the issue of a Subdivision Certificate requiring the proprietor of the land to provide access to the waste storage facilities.

The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

**117. Off-Street Carparking**

Approved garage facilities and driveway parking for each dwelling are to remain accessible for car parking and not obstructed, altered or used for storing miscellaneous items that will prevent use for vehicle parking as per the approved plans of this consent.

Reason: To minimise on-street parking to enable service vehicle access and ensure car parking facilities for each dwelling are retained for parking use as approved.

**118. Outbuildings and pool or spa structures**

No permanent outbuildings, swimming pool or permanent spa structures are to be placed within the approved soft landscape areas for any housing lots within the approved development.

Reason: To ensure that the minimum soft landscaped area is retained for each house lot.

**119. Community Management Statement**

The approved development and operational residential use is to remain consistent with the Community Management Statement (CMS) 3462-0574-7485v3. Any amendments to CMS that are inconsistent with this development consent or seek major (non-administrative) changes are to be submitted to Council for consideration and 'certificate of approval' (as per page 36 of the CMS) with 21 days' notice for Council to comment / respond if required.

(Note: minor administrative changes to the CMS would include inserting particulars or a 'note' to the existing by-laws, names, references, dates, signatures or corrections and the like)

Reason: To ensure that development remains consistent with the conditions of the Consent Authority.

**BEFORE ISSUE OF A SUBDIVISION CERTIFICATE****120. Certification of Council Drainage Works and Works as Executed Data in accordance with Local Government "Section 68" Approval**

The Applicant shall submit certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 68 approved plans.

Council is to approve the construction stage riparian and creek works plans prior to the issue of any Subdivision Works Certificate.

The engineer certificate and Council approval shall be submitted to the Certifier prior to the release of the Subdivision Certificate.

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 Certifier prior to the issue of the Subdivision Certificate.

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

**121. Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval**

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Subdivision Works 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 Certifier for approval prior to the issue of the Subdivision Certificate.

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

**122. 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.

**123. Warriewood Valley - Dedication of Creek line Land Proposed**

A Subdivision Certificate must be issued by Council.

Prior to the issue of a Subdivision Certificate, the following documents are to be submitted to Council:

- A draft Plan of Subdivision which clearly identifies the allotment containing the inner creek line land to be dedicated to Council.

The draft Plan must include a notation that the land is to be transferred to Council for a public reserve or drainage reserve.

- Works-As-Executed plans for all structures or facilities on the land to be dedicated to Council.

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

**124. Authorisation of Legal Documentation Required for Waste Services**

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

A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission.

A Compliance Certificate, issued by the Certifying Authority, shall also be provided in the submission to Council.

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

Reason: To create encumbrances on the land.

**125. 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.

**126. 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 bioretention and on-site detention basin and all ancillary works in accordance with the standard requirements of Council.

The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

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

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

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

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council.

The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

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

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

**128. Provision of Services for Subdivision**

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

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

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

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

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

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

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

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

**130. Restriction as to User (Number of Dwelling per Lot)**

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 that restricts a dwelling being accommodated on each lot being Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29.

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

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

Reason: To ensure the dwelling range for 16 Macpherson Street Warriewood is consistent with the dwelling range applicable to this land, otherwise known as Sector 303, under the Pittwater LEP.

**131. 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 Certifier prior to the issue of the Subdivision Certificate.

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

**132. Certification of On-site Detention System (New Subdivision)**

A Certificate is to be submitted by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifier that the on-site stormwater detention system has been constructed in accordance with the approved subdivision works certificate and relevant conditions of Development Consent.

The Subdivision Certificate will not be released until this certification has been submitted and the Principal Certifier has confirmed that this condition has been satisfied.

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

**133. 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) <<http://www.sydneywater.com.au>> then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application, a “Notice of Requirements” will advise of water and sewer infrastructure to be built and fees to be paid.

Please make early contact with the coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

**134. Subdivision Certificate Application**

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, the final plan of subdivision and all relevant documents including electronic copies.

This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate.

All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council’s fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

**135. Undergrounding of new Services**

All utility services on the property frontage, including new overhead power supply and new communication cables to service the new lots to be created are to be placed underground.

Details are to be provided to the satisfaction of the Certifying Authority prior to issue of the Subdivision Certificate.

Reason: Engineering urban design standards and safety.

**136. Existing Overhead Services**

The applicant is to ensure that all existing services on the property outer frontage, including any existing overhead power supply and communication cables have been undergrounded.

Details are to be provided to the satisfaction of the Certifying Authority prior to issue of the Subdivision Certificate.

Reason: Engineering urban design standards and safety.

**137. 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 Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure proper management of land.

END OF CONDITIONS