

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0496
Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 2 DP 219815, 34 Nullaburra Road NEWPORT NSW 2106
Proposed Development:	Demolition of existing structures and subdivision of one (1) lot into two (2) lots
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Dragan Kalajdzic Vesna Kalajdzic
Applicant:	Dragan Kalajdzic
Application lodged:	29/03/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Subdivision only
Notified:	09/04/2018 to 23/04/2018
Advertised:	Not Advertised
Submissions Received:	2
Recommendation:	Approval
Estimated Cost of Works:	\$ 30,000.00

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest

- groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - B2.2 Subdivision - Low Density Residential Areas

Pittwater 21 Development Control Plan - C4.7 Subdivision - Amenity and Design

Pittwater 21 Development Control Plan - D10.13 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 2 DP 219815 , 34 Nullaburra Road NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site consists of one (1) battleaxe allotment located on the eastern side of Nullaburra Road, Newport.</p> <p>The site is regular in shape with an access handle of 4.26m along Nullaburra Road and a depth of 50.3m (excluding the access handle). The site has a surveyed area of 2,238m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates a single storey detached dwelling, a shed, and an open concrete drainage channel.</p> <p>The site gently slopes approximately 3m from east to west across the majority of the site, and steeply slopes and additional approximately 4m in the southwestern corner of the site. The site contains numerous mature trees.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by one-, two-, and three-storey detached dwellings.</p>

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks consent for the following works:

- Demolition of existing structures; and
- Torrens title subdivision of one lot into two.

On 24 July 2018, Council requested withdrawal due to concerns relating to lot size and configuration, driveway and vehicular access, and insufficient subdivision plan information.

On 14 August 2018, the Applicant provided an amended and satisfactory proposed plan of subdivision demonstrating adequate lot size and configuration, a traffic assessment, and greater detail in relation to the building footprints, with information regarding with driveway and vehicular access still outstanding. The Applicant provided satisfactory information regarding the driveway and vehicular access on 10 September 2018.

On 10 September 2018, Council's Team Leader Floodplain Planning & Response raised concerns with the proposal, as insufficient information had been provided in relation to flood risk.

On 10 October 2018, a meeting was held with the Applicant, the second Landowner, the Applicant's architect, planner and flood engineer, and Council's Executive Manager Development Assessment, Manager Development Assessment, Executive Manager Natural Environment & Climate Change, Manager Stormwater & Floodplain Engineering, Team Leader Floodplain Planning & Response, Manager Development Engineering & Certification, and the Assessing Officer. The meeting was held to

discuss concerns raised by the Stormwater & Floodplain Engineering and Development Engineering teams in relation to flood risk. The Applicant and his representatives and Council staff discussed the technical matters to a point of reasonable resolution, being that the Applicant would prepare additional flooding and engineering information for the consideration of Council staff.

On 30 November 2018, after further correspondence via email and phone, the Applicant provided acceptable information to the satisfaction of Council's Stormwater & Floodplain Engineering and Development Engineering teams, including a Flood Impact Assessment and associated plan. The amended plan demonstrated lot reconfiguration and altered building footprints, though included greater compliance and lesser environmental impact. As such, re-notification of the application was not considered necessary, in accordance with Clause A5.1 Exhibition, Advertisement and Notification of Applications of the P21 DCP.

On 16 January 2019, the Applicant provided amended hydraulic drawings and a further plan of subdivision, indicating the final lot configuration and size.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p>

Section 4.15 Matters for Consideration'	Comments
	<p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Peter Alan Moore	34 A Nullaburra Road NEWPORT NSW 2106
Mrs Georgina Marcia Wilcox	32 Nullaburra Road NEWPORT NSW 2106

It is noted that Council's electronic system has registered that three submissions have been received in response to the notification of the application. However, this includes a duplicate submission from the property owner of No. 34A Nullaburra Road. In accordance with Clause A5.1 Exhibition, Advertisement and Notification of Applications, all submissions received by or on behalf of the same dwelling will be considered as a single submission. As such, a total of two submissions were received in response to the proposed development. The following issues were raised in the submissions and each have been addressed below:

No. 32 Nullaburra Road, Newport:

- Seeks confirmation is sought that any future/new development would be a minimum of 1m off the southern property boundary (common boundary with No. 34 Nullaburra Road).

No. 34A Nullaburra Road, Newport:

- Discrepancies within the Statement of Environmental Effects and the Arborist Report in relation to tree removal.
- Impact upon the natural environment and tree removal, including the removal of Cabbage Tree Palms.
- Visual bulk and privacy impacts from future development due to being flood prone and future development being elevated above ground level.
- Inconsistency with subdivision pattern and layout.
- Concern regarding existing stormwater drainage pipes.

The matters raised within the submissions are addressed as follows:

- Development Adjoining No. 32 Nullaburra Road
Comment:
The submitted indicative building footprints demonstrate that construction on the proposed new lots would be a minimum of 1.5m from the southern boundary of No. 34 Nullaburra Road, adjoining No. 32 Nullaburra Road. A condition of consent has been applied requiring the indicative building footprints to be adhered to for any future development on site.
- Tree Removal and Documentation Discrepancies
Comment:
In this case, the Arborist report is relied upon in relation to tree removal. The proposal has been reviewed by Council's Landscape Officer and Bushland & Biodiversity team, who raise no objections to the proposal, subject to conditions of consent.
- Visual Bulk and Visual Privacy Impacts of Future Development
Comment:
The proposed application includes indicative building footprints only, and not the full built form of future development on site. Any building on site will be subject to assessment under a future application. However, a condition of consent has been applied requiring the indicative building footprints to be adhered to for any future development on site.
- Subdivision Pattern

Comment:

The proposed subdivision results in two north-south oriented lots, where adjoining lots have an east-west orientation. However, the existing concrete drainage channel to the north of the site prevents the existing lot being subdivided in an east-west manner, as the northern-most lot would be unreasonably constrained in its developable area. No unreasonable amenity impacts on the subject site or adjacent sites arise from the proposed north-south orientation, as demonstrated by the submitted indicative building footprints. The proposed subdivision is also comparable to the existing subdivision pattern to the north, and is therefore adequately consistent with the existing subdivision pattern in the locality.

- Stormwater and Drainage

Comment:

The proposal has been subject to extensive assessment by Council's Stormwater & Floodplain Engineering and Development Engineering teams, who raise no objections in relation to stormwater and drainage, subject to conditions of consent.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>Following from amended building footprints and subdivision configuration, the proposal is acceptable subject to the completion of subdivision landscaping and the protection of vegetation required to be retained.</p> <p>Council's landscape section has assessed the development application against the following Pittwater 21 DCP 2014 Controls:</p> <p>C4.7 Subdivision - Amenity and Design C1.1 Landscaping B4.22 Preservation of Trees and Bushland Vegetation</p>
NECC (Bushland and Biodiversity)	<p>Updated Referral following issue of updated plans The updated plans provide for a greater setback to existing trees on site than the initial plans. Council's Bushland and Biodiversity section raise no objection to the development application, subject to conditions.</p> <p>Previous Referral Council's Bushland and Biodiversity section raise no objection to the development application, subject to conditions.</p> <p>Council's Bushland and Biodiversity section has assessed the development application against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor</p>

Internal Referral Body	Comments
	<p>Outcomes: Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats.</p> <p>The development application complies with this control.</p> <p>B4.22 Preservation of Trees and Bushland Vegetation Outcomes: To protect and enhance the urban forest of the Northern Beaches. To effectively manage the risks that come with an established urban forest through professional management of trees. To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction. To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities. To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term. To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.</p> <p>The development application complies with this control.</p>
NECC (Development Engineering)	<p>Additional information submitted (17 Jan 19) by applicant (TRIM: 2019/04214, 2019/042008, 2019/042007, 2019/042006, 2019/042004, 2019/042000) in regards to the stormwater management related to the subject property is satisfactory. These plans are to form part of the subdivision approved plans.</p> <p>No objections subject to conditions</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	Please refer to Development Engineering referral response for relevant conditions.
Parks, reserves, beaches, foreshore	No objections, subject to conditions.
Parks, reserves, beaches, foreshore	
Property Management and Commercial	The proposal is for the demolition of existing structures and the subdivision of the site into two (2) lots. Property has no objection to the proposal as submitted.
Property Management and Commercial	

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

Nil

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	840sqm (700sqm plus 20% as per Clause C4.7)	Lot 1: 1,176.7sqm (1,024sqm incl. access handle)	N/A	Yes
		Lot 2: 1061.4sqm (909sqm incl. access handle)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.6 Subdivision - consent requirements	Yes
2.7 Demolition requires development consent	Yes
4.1 Minimum subdivision lot size	Yes
4.6 Exceptions to development standards	N/A
5.9 Preservation of trees or vegetation	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes

Clause	Compliance with Requirements
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B2.2 Subdivision - Low Density Residential Areas	No	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
C4.1 Subdivision - Protection from Hazards	Yes	Yes
C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities	Yes	Yes
C4.5 Subdivision - Utility Services	Yes	Yes
C4.6 Service and delivery vehicle access in subdivisions	Yes	Yes
C4.7 Subdivision - Amenity and Design	Yes	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.3 Scenic protection - General	Yes	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	Yes	Yes

Detailed Assessment

B2.2 Subdivision - Low Density Residential Areas

The proposed subdivision results in two north-south oriented lots, where adjoining lots have an east-west orientation. However, the existing concrete drainage channel to the north of the site prevents the existing lot being subdivided in an east-west manner, as the northern-most lot would be unreasonably

constrained in its developable area. No unreasonable amenity impacts on the subject site or adjacent sites arise from the proposed north-south orientation, as demonstrated by the submitted indicative building footprints. The proposed subdivision is also comparable to the existing subdivision pattern to the north, and is therefore adequately consistent with the existing subdivision pattern in the locality.

In relation to the requirements of Clause B2.2 Subdivision - Low Density Residential Areas:
The lots have depths of 40.234m (Lot 1) and 38.102m (Lot 2), where the requirement is 27m.
The lots have with widths of 24m (Lot 1) and 26.292m (Lot 2), where the requirement is 16m (Landscaped Area 1)

The lots are not located on the water frontage.

The proposal demonstrates the lots are capable of providing for the construction of a building which is safe from hazards, does not unreasonably impact on the natural environment, and can be provided with adequate and safe access and services. The site is not heritage listed, nor within a heritage conservation area, or in the vicinity of a heritage item or heritage conservation area.

The proposed lots have a slope less than 16.7 degrees (30%).

The lots have minimum areas for building of 218.6m (Lot 1) and 163.5m (Lot 2).

C4.7 Subdivision - Amenity and Design

The proposed rights of way are each 2.133m wide, being less than 20% of the minimum width of the lot over which it is located, as required. Each proposed lot has a boundary dimension of less than 6.5m to Nullaburra Road. As such, the minimum site area the allotment (being 700sqm) shall be increased by 20% to 840sqm. The proposed lots have areas of 1024sqm (Lot 1) and 909sqm (Lot 2), excluding the access handles.

The proposed subdivision is acceptable in relation to:

- the slope, topography and any natural features;
- trees and vegetation;
- viewlines from within the proposed lots and from adjoining properties;
- solar access to the subdivision site;
- the applicable setbacks;
- the visual impact of future built development;
- vehicular access to, and on-site car parking for, the future buildings on the proposed lots;
- landscaping and/or recreation space for each proposed lot;
- provision of services to each lot; and
- provision of emergency services to each lot.

The matters are addressed by the nomination of building footprints on each proposed lot. The submitted building footprints demonstrate that all properties, both existing and proposed, achieve a level of amenity commensurate with the locality and the desired character of the area. The proposal demonstrates that the impact on the environment of the completed development (including buildings to be constructed on the proposed lots) is acceptable.

D10.13 Landscaped Area - Environmentally Sensitive Land

it is considered that the future development of the resultant allotments would be able to technically comply with the minimum landscaped area.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or

their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/0496 for Demolition of existing structures and subdivision of one (1) lot into two (2) lots on land at Lot 2 DP 219815, 34 Nullaburra Road, NEWPORT, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
18/S01 Proposed Subdivision, Boundaries, Easements, Rights of Way - Amendment C	12/18	ArtyCAD
Plan of Proposed Subdivision of Lot 2 in DP219815	8 January 2019	Dragomir Milutin Catic
C-3307-05 - Flood Study Long Sections	16 January 2019	Kozarovski & Partners
C-3307-01 - Flood Study Proposed Subdivision	16 January 2019	Kozarovski & Partners
18222 - Rev B - Access Driveway Details (pit detail and soil and stormwater management) - Sheet 1 of 3	January 2019	Siteplus
18222 - Rev B - Access Driveway Details (General Layout Plan) - Sheet 1 of 3	January 2019	Siteplus
18222 - Rev B - Driveway Access Details (section and details) - Sheet 2 of 3	January 2019	Siteplus

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report (Ref. SRE/312/NP/19)	8 January 2019	Soilsrock Engineering
Flood Impact Assessment (Rev 1)	November 2018	Catchment Simulation Solutions

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

d) The development is to be undertaken generally in accordance with the following:

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)

3. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected

- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) 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 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (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. (DACPLB10)

4. **Building Footprint**

Any future building on site is to be wholly contained within the indicative building footprints indicated in diagonal hatching on the plan titled Flood Study for Proposed Subdivision at No. 34 Nullaburra Road, Newport prepared by Kozarovski & Partners dated 16 January 2019.

Reason: To ensure future development is suitably located.

FEES / CHARGES / CONTRIBUTIONS

5. **Security Bond**

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

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

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

A Bond of \$30000.00 as security against any damage or failure to complete the construction of Stormwater drainage works as part of this consent.

Reason: Protection of Council's Infrastructure

7. **Construction, Excavation and Associated Works Bond (Failure to Remove Waste)**

A bond of \$5000.00 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

Reason: Protection of Council's Infrastructure

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

8. **Submission of Engineering Plans**

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of and construction of right of carriageway, inter-allotment drainage, retaining wall, land filling of building envelope, filling and leveling for the 100 year overland flow path 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 to the following requirements:-

1. Construction of a common paved driveway 3.5 meters wide with drainage over the right of carriageway The driveway shall be minimum of 150 mm thick with 100mm compacted road base.
2. Construction for right of way 3.0 wide of 100mm thick compacted road base for maintenance access to Council's drainage system.
3. Provision of all public utility services for both lots.
4. Construction of inter-allotment drainage to service the development.
5. The proposed building platform for both lots land and Council drainage channel must be cut, filled and compacted with VENM (clean soil) to levels in accordance with plans

prepared by Pavel Kozarovski & Partners drawing no C-3307-01 and C-3307-05 dated 18/01/19.

6. The areas adjacent to the open channel and affected by the stormwater overland flow path shall be turfed.
7. Structural details of the retaining wall designed by a structural engineer.
8. Detail sediment and erosion control for the above works.

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

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

9. **Vehicle Crossings Application**

An application for Driveway levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid. Approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To facilitate suitable vehicular access to private property

10. **Engineering Details**

Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

Reason: To ensure excavation and landfill are completed to an appropriate standard and conducted in a safe manner.

11. **Installation and Maintenance of Sediment and Erosion Control**

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

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

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site. (DACHPCPCC1)

12. **Pre-Construction Stormwater Assets Dilapidation Report**

Survey a pre-construction / demolition 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, 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/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure

13. Compliance with Standards

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

14. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. Tree protection

A) The following vegetation shall be retained and protected:

- i) all trees and vegetation, excluding trees approved for removal and exempt trees under the relevant planning instruments or legislation,
- ii) trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

B) the following trees (including exempt trees) are approved for removal due to impact of development, as reported in the Arboricultural Impact Assessment dated 9 March 2018, and prepared by Hugh The Arborist: Trees T1, T2, T4, T5, T8, T9, T15, T24, T25, T26 and T27.

- i) removal of these trees is subject to replacement tree planting as conditioned.

C) Tree protection for the following trees (T3, T6, T7, T10, T11, T12, T13, T14, T16, T17, T18, T19, T20, T21, T22, T23), to be retained shall be undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4,
- ii) any tree roots exposed during excavation within the TPZ must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- iii) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- iv) no tree roots are to be cut from protected trees unless authorised by an Arborist on site,
- v) all structures are to bridge tree roots unless directed by an Arborist on site,
- vi) should either or both iv) and v) occur during site establishment and construction works, the Arborist shall provide recommendations for tree protection measures provided. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

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

16. **Tree Protection Measures**

- A) A Project Arborist with minimum qualification equivalent to AQF Level 5 is to be appointed prior to the commencement of works to provide certification of tree protection measures are recommended in the Arboricultural Impact Assessment.
- B) The Project Arborist is to oversee all tree protection fencing for the existing trees identified in the Arboricultural Impact Assessment to be retained and protected, including T3, T6, T7, T10, T11, T12, T13, T14, T16, T17, T18, T19, T20, T21, T22, and T23,
 - i) Certification is to be provided to the Certifying Authority that the tree protection measures satisfy the Arboricultural Impact Assessment recommendations.
- C) The Certifying Authority or Project Arborist must ensure and certify that;
 - i) the activities listed in section 4.2 of AS4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
 - ii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard, and
 - iii) tree protection measures satisfy the recommendations of the Arboricultural Impact Assessment.
- D) The tree protection measures specified in this clause must:
 - i) be in place before work commences on the site, and

- ii) be maintained in good condition during the construction period, and
- iii) remain in place for the duration of the construction works.

Note. A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: To ensure tree protection is provided and maintained.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

17. Civil Works Supervision

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority

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

18. Road Reserve

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

Reason: Public Safety.

19. Vehicle Crossings

The provision of a vehicle crossing metres 3.5 wide in accordance with Northern Beaches Council Drawing No A4-3330/1 and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property

20. Temporary Sediment

Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.

Reason: To reduce erosion and prevent sediment runoff into public assets

21. Maintenance of Sediment

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

22. Erosion and Sedimentation Responsibilities

Personnel with appropriate training, or demonstrated knowledge and experience in erosion and sediment control shall be responsible for supervising the installation and maintenance of approved erosion and sediment control measures – during and after construction and until the site has been restored to the satisfaction of council.

Reason: To ensure sediment and erosion controls comply with standards

23. **Site Entry Access way**

An all-weather access way at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.

Reason: To reduce sediment being taken offsite

24. **Cleaning of Vehicles Leaving Site**

Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

Reason: To reduce sediment being taken offsite

25. **Noise and Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations

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

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

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

Reason: To ensure private and public safety

27. **Site Fencing**

The site must be fenced throughout construction and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

Reason: To ensure public safety.

28. **Site Management Sign**

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

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

displayed at the site.

- That no skip bins or materials are to be stored on Council's Road Reserve.
- That the contact number for Northern Beaches Council for permits is 9970 1111.

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

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

Where site fill material is necessary, fill materials must:

1. be Virgin Excavated Natural Material (VENM) only, as defined in: The Protection of the Environment Operations Act 1997
2. be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.
3. Certification is to be provided to the Principal Certifying Authority by a N.A.T.A. approved laboratory.

Reason: To ensure protection of the natural environment

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE
OCCUPATION CERTIFICATE**

30. Required Replacement Tree Planting

At least four (4) locally native canopy trees, to achieve a mature height of 13 metres, are to be provided on site.

These shall be planted at minimum 45 litre size. Each tree planted is to have a minimum area of 3 metres x 3 metres.

Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.

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

A ongoing Maintenance Program for the life of the development shall be provided including regular fertilising and watering.

Reason: As replacement tree planting for the proposed tree removal and to enable the long term retention of local native tree canopy

31. Condition of protected trees

Prior to the issue of an Occupation Certificate, a report prepared by an AQF Level 5 Arborist (or equivalent), shall be submitted to the Certifying Authority, assessing the health and impact on trees and bushland vegetation required to be retained (T3, T6, T7, T10, T11, T12, T13, T14,

T16, T17, T18, T19, T20, T21, T22, T23), as a result of the proposed development, including the following information:

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

Reason: To ensure the long term survival of vegetation to be retained.

32. **Undergrounding of Telecommunications Services**

Arrangements are to be made for the provision of underground telecommunications services to the building.

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

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACPLF06)

33. **Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLF08)

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

34. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

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

SUBDIVISION OR SUBDIVISION CERTIFICATE

35. **Provision of Services for Subdivision**

The applicant is to ensure all services including, water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

36. **Right of Carriageway**

A right of carriageway (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument to include all vehicular access and manoeuvring areas for both lots and access to Council drainage infrastructure. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

37. **Restriction as to User (stormwater overland flow)**

A restriction as to user shall be created on the title over the area affected by the 100 year ARI stormwater overland flow in order to :

1. Prohibit the alteration of the final stormwater overland flow path.
2. Prohibit the erection of any structure (including fencing) within the overland flowpath without the written permission of Northern Beaches Council.
3. The future floor level of any dwelling and structures is not to be less than the building platform levels indicated in plans prepared by Pavel Kozarovski & Partners drawing no C-3307-01 and C-3307-05 dated 18/01/19. Such levels are to be detailed in Australian Height Datum on the Section 88B instrument and related to Australian Height Datum and submitted Council for approval.

Northern Beaches Council shall be nominated as a party to release, vary or modify such restriction.

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

Reason: To ensure no modification of the stormwater overland flow path and the building platform without Council's approval

38. **Survey Plan - Construction Identification**

A declaration by a registered surveyor shall be provided to Council as evidence that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. This shall be in the form of a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure accurate location of buildings, access and services

39. **Sydney Water Compliance Certification**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

40. **Creation of Drainage Easement Benefiting Council**

Under Section 88B of the Conveyancing Act 1919 an easement to drain water that is a minimum three (3) meters wide located centrally over Council's open channel is to be created on the final plan of subdivision title of the land in favour of the Council. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

41. **Subdivision Certificate Application**

Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council. Six copies of the final plan of subdivision are to be submitted. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges

Reason: Statutory requirement of the Conveyancing Act 1919

42. **Release of Subdivision Certificate**

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

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

43. **Land fill**

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

Reason: To ensure land fill is managed appropriately

44. **Certification of Drainage and stormwater overland flow works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed driveway, fill and stormwater overland flow path works have been constructed in accordance with this consent and the approved Construction Certificate plans. Works as Executed work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved construction

certificate plan are to be provided to Council for approval. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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

45. **Post-Construction Dilapidation Survey**

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://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/stormwater-and-development/2014-119050-guidelines-preparing-dilapidation-survey-council-stormwater-assets-april-2014.pdf>

The post construction dilapidation report must be submitted to the Council for review. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure

46. **Title Encumbrances**

All easements, rights of carriageway, positive covenants and restrictions as to user as indicated on the plans and required by this consent are to be created on the title naming Northern Beaches Council as the sole authority empowered to release or modify. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate

Reason: To ensure proper management of land

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Claire Ryan, Planner

The application is determined on 05/02/2019, under the delegated authority of:



Anna Williams, Manager Development Assessments