



**Land and Environment
Court**
of New South Wales

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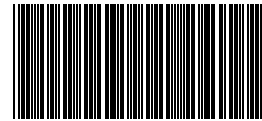
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Your Ref:



D00024WTT0

15 April 2025

NOTICE OF ORDERS MADE

Case number 2023/00450443
Case title BMN PROPERTIES PTY LTD v NORTHERN BEACHES COUNCIL

On 15 April 2025 the following orders (and/or directions) were made:

The Court orders:

- (1) The appeal is upheld.
- (2) Pursuant to s 8.15(3) of the EPA Act, the applicant is to pay the respondent's costs thrown away as a result of the amendment of the application for development consent, as agreed or assessed.
- (3) Development Application DA2023/0129 for the subdivision of one lot into thirteen (13) lots and associated works at 4 Forest Road and 8 Forest Road, Warriewood, is determined by the grant of consent.
- (4) Exhibits 2 and MFI 1 are returned. All other exhibits are retained.

For the Registrar

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA2023/0129

Development: Community Title Subdivision of one lot into 13 residential community development lots, 1 community association lot, 1 public road and associated works

Site: Lot B DP 370222, 4 Forest Road, Warriewood
Lot 1 DP 5055, 8 Forest Road, Warriewood

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

Date of determination: 15 April 2025

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 4 Forest Road Warriewood (Lot B DP 370222) and 8 Forest Road (Lot 1 DP 5055)

The conditions of consent are as follows:

Deferred Commencement Condition

This consent does not operate until:

- A1. The Applicant has obtained a drainage easement over 10 Bert Close, Warriewood and 2 Forest Road, Warriewood to accommodate an overland flow path from the OSD/WSUD on the community association land to Narrabeen Creek. The overland flow path shall convey the higher of five hundred litres per second (500 l/s) or the 1% AEP flows from the development site channelled to the Community Lot on-site detention basin. Modelling is to be undertaken in accordance with ARR2019 methodology. A minimum of three hundred (300) millimetre freeboard is to be provided to all adjacent habitable floor levels. A report and DRAINS and/ or HEC-RAS model is to be provided to Council for approval.

Period within which evidence must be produced

The applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within 24 months of the date of determination.

Clause 95(4) of the Regulation:

"The applicant may produce evidence to the consent authority sufficient to enable it to be satisfied as to those matters and, if the consent authority has specified a period for the purpose, the evidence must be produced within that period."

No development can lawfully occur under this consent unless it operates.

Note: Nothing in the Act prevents a person from doing such things as may be necessary to comply with this condition. (See section 80(3) of the Act)

Note: Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No Construction Certificate can be issued until all conditions including this condition required to be satisfied prior to the issue of any Construction Certificate have been satisfied.

Evidence required to satisfy these conditions must be submitted to Council within **24 months** of the date of this consent.

The consent will not operate until such time that Council notifies the Applicant in writing that deferred commencement conditions, as indicated above, have been satisfied.

Subject to compliance with the deferred commencement conditions, to the satisfaction of the Council, development consent is granted under Section 4.16 & 4.17 of the Environmental Planning and Assessment Act 1979 subject to the following conditions:

GENERAL CONDITIONS**1. Approved Plans and Supporting Documentation**

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

Approved Plans				
Plan No.	Rev No.	Plan Title	Drawn By	Date of Plan

C1.401	G	Subdivision Plan	ACOR Consultants Pty Ltd	04/03/2025
SKC11.01	H	Lot Layout	ACOR Consultants	04/03/2025
L/01	I	Proposed Public Domain Plan	A Total Concept	05/03/2025
L/02	I	Proposed Public Domain Plan Landscape Details	A Total Concept	05/03/2025
L/03	I	Planting Schedule & Landscape Details	A Total Concept	05/03/2025
C2.001	H	Bulk Earthworks Plan	ACOR Consultants Pty Ltd	05/03/2025
C2.101	H	Bulk Earthworks Site Section - Sheet 1	ACOR Consultants Pty Ltd	05/03/2025
C2.102	H	Bulk Earthworks Site Section - Sheet 2	ACOR Consultants Pty Ltd	05/03/2025
C2.103	H	Bulk Earthworks Site Section - Sheet 3	ACOR Consultants Pty Ltd	05/03/2025
C2.104	H	Bulk Earthworks Site Section - Sheet 4	ACOR Consultants Pty Ltd	05/03/2025
C2.105	H	Bulk Earthworks Site Section - Sheet 5	ACOR Consultants Pty Ltd	05/03/2025
C3.001	H	General Arrangement Siteworks & Grading Plan	ACOR Consultants Pty Ltd	05/03/2025
C4.101	H	Retaining Wall - Notes & Details	ACOR Consultants Pty Ltd	05/03/2025
C5.101	H	Road Design - Typical Road Cross Section	ACOR Consultants Pty Ltd	05/03/2025
C5.201	H	Road Design - Longitudinal Sections - Sheet 1	ACOR Consultants Pty Ltd	05/03/2025
C5.202	H	Road Design - Longitudinal Sections - Sheet 2	ACOR Consultants Pty Ltd	05/03/2025
C7.001	H	Stormwater Management Plan	ACOR Consultants Pty Ltd	05/03/2025
C7.101	H	Stormwater Management - Catchment Plan	ACOR Consultants Pty Ltd	05/03/2025

C7.201	H	Stormwater Management Details - Sheet 1	ACOR Consultants Pty Ltd	05/03/2025
C7.202	H	Stormwater Management Details - Sheet 2	ACOR Consultants Pty Ltd	05/03/2025
C7.203	H	Stormwater Management Details - Sheet 3	ACOR Consultants Pty Ltd	05/03/2025
C7.401	H	Stormwater Management Drainage Longitudinal Sections - Sheet 1	ACOR Consultants Pty Ltd	05/03/2025
C7.402	H	Stormwater Management Drainage Longitudinal Sections - Sheet 2	ACOR Consultants Pty Ltd	05/03/2025

Approved Reports and Documentation	
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Document Title	Version Number	Prepared By	Date of Document
Streamlined Biodiversity Development Assessment Report		Travers Bushfire & Ecology	13 February 2025
Vegetation Management Plan		Travers Bushfire & Ecology	13 February 2025
Geotechnical Investigation Report	1	Alliance Geotechnical & Environmental Solutions	6 December 2024
Addendum to Geotechnical Investigation Report	Rev A	Alliance Geotechnical & Environmental Solutions	28 February 2025
Arboricultural Impact Appraisal & Method Statement	D	Naturally Trees	12 December 2024
Arboricultural Addendum (Sic)		Naturally Trees	28 February 2025
Waste Management Plan	-	-	-
Transport Impact Assessment		JMT Consulting	3 December 2024
Stormwater Management Plan	C	ACOR Consultants Pty Ltd	05/03/2025

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

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	30/04/2023

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

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

3. **Prescribed Conditions**

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

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

that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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 Subdivision Works Certificate is to remain onsite at all times until the issue of an Subdivision 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 Subdivision Works 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 \$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.
- (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.) 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.
- (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

5. 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 Subdivision Works Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Subdivision Works 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. Warriewood Valley - Contribution Condition

The applicant must pay a total development contribution to Council of \$903,660.00 in accordance with the Warriewood Valley Development Contributions Plan (as amended).

This contribution is based on 13 additional dwellings/allotments, and is comprised of a monetary contribution of \$903,660.00

The timing of the contribution is as follows:

- a) before the issue of a Subdivision Works Certificate, the monetary contribution is paid to Council. The monetary contribution will be adjusted at the time of payment in accordance with the provisions of the Warriewood Valley Development Contributions

Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Principal Certifier prior to issue of any Subdivision Works Certificate.

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

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

Reason: To provide for contributions in accordance with the 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.

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

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

Maintenance for Civil Works

A maintenance bond of \$150,000 for the construction of road and stormwater drainage works on road MC01 (Forest Road). 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 to Council prior to issuing of practical completion.

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

Reason: Protection of Council's infrastructure.

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 \$200,000.00.

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.

BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

8. 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 a Subdivision Works Certificate.

Due to heavy traffic congestion around access to the adjoining school, truck movements will be

restricted during the peak times being 8.30-9.30am and 3.00 -4.00pm. 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
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Due to the proximity of the site adjacent to Mater Maria School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school hours (8:30am-9:30am and 3:00pm-4:00pm weekdays)
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

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

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

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

9. **Detailed Design of Stormwater Treatment Measures**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the approved civil engineering and stormwater drawings referred to in condition 1 (prepared by ACOR Consultants), and Council’s Water Management for Development Policy shall be submitted to the Certifier prior to the release of the Subdivision Works Certificate.

Reason: Protection of the receiving environment.

10. **Bushfire – General**

All the boundary footpaths along the outer edge of the Road MC01 are to be concrete.

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

Reason: Bushfire protection.

11. **Safety Barrier**

A safety barrier/fence is required along the top of the rock wall in the location identified on the plan titled Lot Layout prepared by ACOR Consultants Pty Ltd Drawing No. SKC11.01 Revision H dated 04.03.25 as “SAFETY FENCE ON TOP OF ROCK WALL TO AUSTRALIAN STANDARDS”. The barrier/fence shall extend for the length of the rock cut wall where the height of the wall is 1 metre or more above the height of the concrete footpath below. The detailed design of the safety barrier/fence shall be submitted to Council for assessment and approval by the Executive Manager, Development Assessments, prior to the appointment of the Principal Certifier and the approved safety barrier/ fence must be incorporated in Subdivision Works Certificate plans.

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

Reason: Public safety.

12. **Bushfire - Public Road Access**

i. All Roads shall comply with the following General requirements detailed in table 5.3b of Planning for Bush Fire Protection 2019;

- Traffic management devices are not constructed so as to prohibit access by emergency services vehicles.
- Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.
- Where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road.
- The capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes);

bridges/causeways are to clearly indicate load rating.

- Hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression.
- Hydrants are provided in accordance with the relevant clauses of AS 2419.1:2021 - Fire hydrant installations System design, installation and commissioning.

ii. The perimeter road (MC01) must comply with the general requirements outlined above and the following:

- Are two-way sealed roads.
- Have a minimum 8 metres carriageway width kerb to kerb.
- No Parking Signs are to be provided on either side of the road carriageway.
- Hydrants are located clear of parking areas.
- Are through roads, and these are linked to the internal road system at an interval of no greater than 500 metres.
- Curves of roads have a minimum inner radius of 6 metres.
- The maximum grade road is 15 degrees and average grade of not more than 10 degrees.
- The road crossfall does not exceed 3 degrees.
- A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.

iii. The non-perimeter road (MC02) must comply with the general requirements outlined above and the following:

- Have a minimum 5.5 metres carriageway width kerb to kerb.
- Parking is provided outside of the carriageway width.
- Hydrants are located clear of parking areas.
- Roads are through roads, and these are linked to the internal road system at an interval of no greater than 500 metres.
- Curves of roads have a minimum inner radius of 6 metres.
- The road cross fall does not exceed 3 degrees.
- A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches, is provided.

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

Reason: Bushfire protection.

13. **Bushfire - Services**

The provision of water and electricity services is to comply with section 5.3.3 of Planning for Bush Fire Protection 2019, including but not limited to a hydrant system meeting AS2419.1:2021. No reticulated or bottled gas is to be supplied to any building.

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

Reason: Bushfire protection.

14. **On-Site Stormwater Detention**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, the Warriewood Valley Urban Land Release Water Management Specification February 2001 and generally in accordance with the approved concept drainage plans prepared by Acor Consultants, job number NSW210416, revision H, dated 05.03.25.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. Provision of a minimum of fifty-nine (59) cubic metres of on-site detention storage in the Community Property Lot on-site detention basin.
- ii. Flows from the site shall be limited to one hundred and fifty-six (156) litres per second in the 1% AEP storm event without increasing future on-lot detention in excess of two hundred and forty-five (245) cubic metres of storage. Any required increase in site detention volume shall be achieved by increasing the minimum fifty-nine (59) cubic metres storage volume in the Community Property Lot on-site detention volume.
- iii. Provision of a minimum 3.5 metre wide (clear of any obstructions) access way from Community Road (MC02) to the Community Lot on-site detention basin.

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

15. Subdivision Works Certificate

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

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

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

1. Road design in accordance with Councils Standard Drawings: Drawing No. TCI-Standard_Drawing-01-Final8 Revision 5. Drawings 0200, 0300, 0400, 0-500, 0600, 0700, 0800, 0900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1601, 1602, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400.
2. Stormwater Design in accordance with Stormwater Standard Drawings revision A dated 27.04.2021, drawings: S1001, S1002, S1003, S1004, S1005, S1006, S1007, S1008, S1009, S1010, S1011, S1012, S1013, S1014, S1015, S1016, S1017, S1018, S1019, S1020.

The Subdivision Works Certificate must be supported by engineering plans, calculations, specification or any certification relied upon. The plans and accompanying information submitted with the Subdivision Works Certificate must comply with the conditions included with this consent.

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

16. On-Street Work Zone

The applicant shall lodge an application for a work zone for the frontage of the site to Council for consideration and approval. The provision of a work zone will require approval from Northern Beaches Local Traffic Committee. Application forms for work zones are available on Council's website. Applications shall be lodged at least 4 weeks prior to work commencing. An application must be lodged with Council for consideration and approval for a work zone for the frontage of the site.

The provision of a work zone will require approval from Northern Beaches Local Traffic Committee. Applications must be lodged at least four (4) weeks prior to work commencing.

Reason: To ensure works vehicles do not impact on parking, traffic flows and pedestrian thoroughfares.

17. Submission of Engineering Plans (standard from development engineers)

The submission is to include four (4) copies of Civil Engineering plans for the design of:

Public and private road carriageways - including traffic calming, associated signage and parking restriction signage (Road MC01).

These 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 and or Council's Minor Works Policy. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval.

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

18. 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 Council's roadway (MC01 – Forest Road). 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 four (4) copies of Civil Engineering plans for the design of road and stormwater drainage works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

- A. Road design in accordance with Councils Standard Drawings: Drawing No. TCI-Standard_Drawing-01-Final8 Revision 5. Drawings 0200, 0300, 0400, 0-500, 0600, 0700, 0800, 0900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1601, 1602, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400.
- B. Stormwater Design in accordance with Stormwater Standard Drawings revision A dated 27.04.2021, drawings: S1001, S1002, S1003, S1004, S1005, S1006, S1007, S1008, S1009, S1010, S1011, S1012, S1013, S1014, S1015, S1016, S1017, S1018, S1019, S1020.
- C. Other information as required by Council.

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.

19. Compliance with Standards

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

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website www.hreoc.gov.au/disability_rights/buildings/good.htm.
<www.hreoc.gov.au/disability_rights/buildings/good.htm>

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifier to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

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

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

20. Pre-Commencement Dilapidation Report

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

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

21. Pre-Construction Road Reserve Dilapidation Report

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of Subdivision Works Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit as per the current rates in Council's Fees and Charges. The Deposit is required as security against damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the

provisions of the Building Code of Australia.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as a possible.

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

22. Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified Civil Engineer, who has membership to the Engineers Australia, National Engineers Register 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) and Council's Water Management for Development Policy.

The SWMP must include the following as a minimum:-

- Site boundaries and contours;
- Vehicle access points, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Location of all drains, pits, downpipes and waterways on and nearby the site;
- Planned stages of excavation, site disturbance and building;
- Stormwater management and discharge points;
- Integration with onsite detention/infiltration;
- Sediment control basin locations and volume (if proposed);
- Proposed erosion and sediment controls and their locations;
- Location of washdown and stockpile areas including covering materials and methods;
- Vegetation management including removal and revegetation;
- A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- Inspection and maintenance program;
- North point and scale.

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

Reason: To promote the long-term sustainability of ecosystem functions.

23. Geotechnical Report Recommendations have been correctly incorporated into designs and structural plans

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

Reason: To ensure geotechnical risk is managed appropriately.

24. 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).

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.

25. 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 RMS standards by an appropriately certified person.

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

26. Structural Adequacy and Excavation Work

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

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

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

Reason: To provide public and private safety.

27. Like for like credit retirement conditions - Ecosystem credit retirement conditions

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

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

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

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

Impacted Plant Community Type	TEC	Number of ecosystem credits	Containing HBT	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
3595-Sydney Coastal Sandstone Gully Forest	Not a TEC	Seven (7)	NO	Pittwater, Cumberland, Sydney, Cataract,	1681, 3578, 3579, 3580, 3581, 3582, 3583,

				Wyong and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598
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Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

28. Like for like credit retirement conditions - Species credit retirement conditions

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

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

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table B requirements must be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and the Certifier prior to release of Subdivision Works certification.

Table B Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Lathamus discolor</i> / Swift Parrot	Two (2)	Any in NSW
<i>Vespadelus troughtoni</i> / Eastern Cave Bat	Thirteen (13)	Any in NSW

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

29. Compliance with approved BDAR impact mitigation table to minimise impacts – Prior to Construction

The approved BDAR includes a Table 6.5 mitigation measures, which must to be implemented before, during and after construction to avoid and minimise the impacts of the proposal, including action, outcome, timing and responsibility.

All biodiversity-related measures are to be implemented prior to construction, as specified in the approved BDAR and these conditions of consent.

The Project Ecologist is required to provide details of compliance, including written and

photographic evidence, and provide to the Certifier and Council prior to issue of Subdivision Works Certificate.

Reason: To ensure compliance with the approved BDAR.

30. **Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works.

The Project Ecologist must be an accredited assessor under the NSW Biodiversity Conservation Act 2016.

Employment of a Project Ecologist is to provide an engagement letter, which is to be submitted to and certified by the Certifier prior to issue of Subdivision Works Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

31. **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 Streamlined Biodiversity Development Assessment Report (Travers bushfire & ecology 13 February 2025) and Vegetation Management Plan (Travers bushfire & ecology 13 February 2025).

The Project Ecologist must be an appropriately qualified and experienced Ecologist and have one of the following memberships / accreditation:

- Bachelor Degree in Environmental Science or equivalent and Certificate Level II Bush Regeneration or Natural Areas Management OR
- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

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

Reason: To protect native vegetation and wildlife.

32. **Compliance with Ecologist's Recommendations – Prior to Subdivision Works Certificate**

All biodiversity-related measures are to be implemented prior to issue of a subdivision works certificate in accordance with Table 6.5 of the Streamlined Biodiversity Development Assessment Report (Travers bushfire & ecology 13 February 2025) and Vegetation Management Plan (Travers bushfire & ecology 13 February 2025).

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier.

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

33. **No Clearing of Vegetation**

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

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

Reason: To protect native vegetation.

34. Notification of determination to which the Biodiversity Offset Scheme applies

The applicant or Project Ecologist, on behalf of the applicant, must download and complete the "Biodiversity Offsets Scheme – Notification of Determination" form.

The completed form and attachments, including a copy of the determination and any conditions of approval, must be emailed to the LMBC Service Centre bam.support@environment.nsw.gov.au. The LMBC Service Centre arranges for determination outcomes to be recorded in the Biodiversity Offset and Agreement Management System (BOAMS).

Council's Manager Bushland and Biodiversity and the Certifier must be copied into the notification email to confirm compliance.

Reason: To ensure the NSW Department of Planning and Environment are notified of determinations where the Biodiversity Offsets Scheme applies and Council are notified for compliance.

35. Waste and Recycling Requirements

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

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

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

36. Erosion and Sediment Control Plan

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

Site Boundaries and contours

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

Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)

Existing and proposed drainage patterns with stormwater discharge points

- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: Protection of the receiving environment.

37. 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 a

Subdivision Works Certificate.

Due to heavy traffic congestion around access to the adjoining school, truck movements will be restricted during the peak times being 8.30-9.30am and 3.00 -4.00pm. 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
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Due to the proximity of the site adjacent to Mater Maria School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school hours (8:30am-9:30am and 3:00pm-4:00pm weekdays)

Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety

The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees

Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site

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

- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

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

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

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

38. Detailed Design of Stormwater Treatment Measures

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the civil engineering and stormwater drawings from ACOR (C7.001 rev H dated 05.03.25, C7101 rev H dated 05.03.25, C7201 rev H dated 05.03.25, C7202 rev H dated 05.03.25, C7203 rev H dated 05.03.25, C7401 rev H dated 05.03.25, C7402 rev H dated 05.03.25, and Council’s Water Management for Development Policy.

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

Reason: Protection of the receiving environment.

39. Utilities Services

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

- a) A letter from the utility provider confirming that satisfactory arrangements have been made for the approved development;
- b) Evidence that notification has been received from all utility authorities that all requirements for the development can be met.

40. Undergrounding of Services

All existing and proposed services, including electricity, water, sewer, telecommunications are to be undergrounded.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

41. Project Arborist

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

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

- a) section 3, and 4,
- b) appendix 4, 5, , 7 and 8.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifier that all tree protection measures

under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

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

Reason: Tree protection.

42. Tree Removal Within the Property

This consent approves the removal of existing trees on the subject site as identified in the Arboricultural Impact Assessment. 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.

43. 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 access to the adjoining school, truck movements will be restricted during the major commuter peak times being 8.30-9.30am and 3.00 -4.00pm.

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- 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.
- Specify that, due to the proximity of the site adjacent to Mater Maria School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:30am-9:30am and 3:00pm-4:00pm weekdays).
- Include a Traffic Control Plan prepared by an TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- 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.
- 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.
- Specify spoil management process and facilities to be used on site.

- 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.

44. 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 the retaining walls in proximity to the subject site.

Properties:

- 2 Forest Road, Warriewood (SP38285)
- 10 Bert Close, Warriewood (Lot 14 in DP 285567)
- Bert Close / Hill View Crescent (Lot 1 in DP285567)

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.

45. Compliance with Ecologist's Recommendations - Prior to Commencement

All biodiversity-related measures are to be implemented prior to any commencement in accordance with Table 6.5 of the Streamlined Biodiversity Development Assessment Report (Travers bushfire & ecology 13 February 2025) and Vegetation Management Plan (Travers bushfire & ecology 13 February 2025).

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier.

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

DURING SUBDIVISION WORK

46. Tree and Vegetation Protection

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

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

b) Tree protection shall be undertaken as follows:

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

The Principal Certifier must ensure that:

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

Reason: Tree and vegetation protection.

47. Compliance with Ecologist's Recommendations – During Construction

All biodiversity-related measures are to be implemented during construction in accordance with Table 6.5 of the Streamlined Biodiversity Development Assessment Report (Travers bushfire & ecology 13 February 2025) and Vegetation Management Plan (Travers bushfire & ecology 13 February 2025).

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier.

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

48. **Dead or Injured Wildlife**

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

Reason: To protect native wildlife.

49. **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.

50. **Compliance with approved BDAR impact mitigation table to minimise impacts – During Construction**

The approved BDAR includes a Table 6.5 of mitigation measures, which must to be implemented before, during and after construction to avoid and minimise the impacts of the proposal, including action, outcome, timing and responsibility.

All biodiversity-related measures are to be implemented during construction, as specified in the approved BDAR and these conditions of consent.

The Project Ecologist is required to keep details of compliance, including written and photographic evidence.

Reason: To ensure compliance with the approved BDAR.

51. **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.

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

Council proactively regulates construction sites for sediment management.

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

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

Reason: Protection of the receiving environment.

53. **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 above tank bio-filtration as shown on the approved Subdivision Works Certificate drawings cannot be replaced/substitute by other water filtration mechanism.

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

54. 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.

55. 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.

56. 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.

57. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

58. Footpath Construction

The applicant shall ensure the works shall be in accordance with the following:

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

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

59. Staff and Contractor Parking

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the onsite parking when available. All necessary facilities are to be provided to accommodate this requirement including lighting, security cameras, etc.

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

60. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled dated [INSERT].

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

61. 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.

62. Geotechnical inspections

Regular geotechnical inspections are to be carried out during excavation and construction to provide specific recommendations appropriate for the depth of excavation, strata to be retained or battered and construction of the access roads so that the Bushfire Asset Protection Zone (APZ) is safely maintained.

Reason: To ensure the Bushfire Asset Protection Zone (APZ) is safely maintained in accordance with the addendum to geotechnical report (18120-GR-1-1 Rev 1 dated 5 December 2024) prepared by Alliance and dated 21 February 2025.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**63. Landscape Maintenance**

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

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.

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

All ongoing biodiversity-related measures are to be implemented in accordance with Table 6.5 of the Streamlined Biodiversity Development Assessment Report (Travers bushfire & ecology 13 February 2025) and Vegetation Management Plan (Travers bushfire & ecology 13 February 2025) and these conditions of consent.

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

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

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

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

Reason: To protect native wildlife in accordance.

66. **Compliance with approved BDAR impact mitigation table to minimise impacts – Post Construction/Ongoing**

The approved BDAR includes a Table 6.5 of mitigation measures, which must to be implemented before, during and after construction to avoid and minimise the impacts of the proposal, including action, outcome, timing and responsibility.

All biodiversity-related measures are to be implemented prior to construction, as specified in the approved BDAR and these conditions of consent.

The Project Ecologist is required to provide details of compliance, including written and photographic evidence, and provide to Council's Manger of Bushland as per the mitigation table.

Reason: To ensure measures required to avoid and minimise residual biodiversity impacts are undertaken in accordance with the approved BDAR.

67. **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.

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.

68. **Impervious surfaces restriction**

Connected impervious surfaces (hard surfaces that allow runoff to drain to the stormwater system rather than to deep soil landscaped areas) on the lot must not exceed 65 percent of the total lot area for the life of the development.

Reason: To ensure water management facilities do not exceed capacity.

69. Bushfire - Asset Protection Zones

All residential lots and the land above MC01 within the subject site shall be maintained as an Asset Protection Zone (Inner Protection Area) for the life of the development and shall comply with Section 5 and Appendix 4 of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

Asset Protection Zone (IPA) for the life of the development shall comply with section 5 and Appendix 4 of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service's document 'Standards for asset protection zones', as follows:

Trees

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m; and
- preference should be given to smooth barked and evergreen trees.

Shrubs

- create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

Grass

- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Reason: Bushfire protection.

70. Bushfire - Landscaping

Any future landscaping on the residential lots shall be designed and maintained in accordance with the following practices:

- Maintaining a clear area of low cut lawn or pavement adjacent to the house.
- keeping areas under fences, fence posts and gates and trees raked and cleared of fuel.
- Utilising non-combustible fencing and retaining walls.
- Breaking up the canopy of trees and shrubs with defined garden beds.
- Organic mulch should not be used in bushfire prone areas and non-flammable.
- Material should be used as ground cover, e.g. Scoria, pebbles, recycled crushed bricks.
- Planting trees and shrubs such that:
 - the branches will not overhang the roof; and
 - the tree canopy is not continuous.

Reason: Bushfire protection.

71. Community Management Statement

In circumstances where the development proposes the creation of a community scheme, a Community Management Statement shall be prepared which includes details regarding the ongoing maintenance of the stormwater management facilities and any other infrastructure located on community association land. The Community Management Statement is to include the following information:

1. Detailed maintenance plan and schedule for the ongoing maintenance of the Community Property Lot on-site detention basin and bio-basin.
2. Detailed maintenance plan and schedule for the ongoing maintenance of the lot based on-site detention.

Reason: To ensure ongoing maintenance of the stormwater management treatment system facilities and any other infrastructure such as roads.

72. Compliance with Ecologist's Recommendations – Post Construction

All biodiversity-related measures are to be implemented at the appropriate stage of development in accordance with Table 6.5 of the Streamlined Biodiversity Development Assessment Report (Travers bushfire & ecology 13 February 2025) and Vegetation Management Plan (Travers bushfire & ecology 13 February 2025)

Satisfactory establishment/initiation of post-construction measures is to be certified by the Project Ecologist and provided to the Principal Certifier prior to issue of any Subdivision Certificate.

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

73. Protection of Habitat Features – Certified by Ecologist

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.

Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifier prior to issue of any Subdivision Certificate.

Reason: To protect wildlife habitat.

74. No Weeds Imported On To The Site

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

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

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

75. Priority Weed Removal and Management

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

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

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

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

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. 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.

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

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.

78. 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.

79. Restriction on Dwelling Numbers

A Restriction is to be placed on the title of each lot limiting the density of each lot to one (1) dwelling. No secondary dwellings are permitted.

The restrictions are to be registered on the title of each lot under S88B of the Conveyancing Act prior to release of the Subdivision Certificate. Council as the consent authority has the power to vary the terms of the restriction.

Reason: To ensure that future development is consistent with the maximum yield of the site.

80. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating that the height and position of all structures and the finished ground levels of the site are in accordance with the approved plans.

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

Reason: To demonstrate the proposal complies with the approved plans.

81. Bushfire - Restrictions on Titles

- (a) A restriction is to be placed on proposed Lots 1, 10, 11, 12 and 13 identifying the building envelope as depicted on the approved Lot Layout Plan, Drawing No. SKC11.01, Rev. H dated 04/03/2025. The restriction must limit the habitable portions of any dwelling on proposed Lots 1, 10, 11, 12 and 13 to that nominated building envelope. The restriction shall also note:
 - (i) Any future dwelling must be designed and constructed to comply with sections 3 and 7 (BAL 29) of Australian Standard 3959 'Construction of buildings in bushfire-prone areas' or equivalent requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas. Construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.
 - (ii) Any new fencing must be constructed entirely from non-combustible materials.
- (b) A restriction is to be placed on proposed Lots 1 - 13 and the land above MC01 within the subject site requiring these lots to be managed as an inner protection area in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.
- (c) A restriction is to be placed on proposed Lots 1 – 13 requiring future dwellings to incorporate architecturally integrated gutter guards and advising that future dwellings shall not be connected to either reticulated or bottled gas (note 5-9kg cylinders are permitted for BBQs).

The restrictions are to be registered on the title of each lot under S88B of the Conveyancing Act prior to release of the Subdivision Certificate. Council as the consent authority has the power to vary the terms of the restriction.

Reason: Bushfire protection.

82. 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 stormwater drainage system on all roads, including the on-site detention system 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

83. 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 Community Lot on-site stormwater detention structure and all individual lot on-site detention structures (Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13) 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.

84. Provision of Services for Subdivision

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

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

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

85. 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.

86. On Site Stormwater Detention (future housing lots)

A positive covenant is to be included on the final plan of subdivision requiring future residential development on each of Lots 1 to 13 (inclusive):

- (a) to provide on-site stormwater detention in accordance with Northern Beaches Council's –Warriewood Valley Urban Release -Water Management specification and generally in accordance with the concept drainage plans prepared by Acor Consultants Pty Ltd, job number NSW210416, dated 05.03.25.
- (b) to be the subject of detailed drainage plans prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NER) or RPENG (Civil); and
- (c) to ensure individual lot site stormwater storage and permissible site discharges are in accordance with the values specified on the concept drainage plan and that on-site detention tanks are to gravity fed and situated at the low point of each lot.
- (d) is burdened with and required to provide the following minimum on-site detention volumes:

Lot	Minimum OSD storage (litres)	Maximum 1% AEP site discharge (l/s)
1	13,000	7
2	12,000	7

3	12,000	7
4	12,000	7
5	18,000	7
6	30,000	10
7	35,000	12
8	18,000	6
9	12,000	7
10	15,000	6
11	20,000	12
12	18,000	12
13	30,000	8

The terms of the positive covenant are to be submitted to Council for approval prior to the issue of any subdivision certificate and the approved terms must be registered on the title of each of the said Lots with Northern Beaches Council nominated as the sole authority empowered to release, vary or modify such covenant.

Reason: To ensure stormwater discharges are managed to prevent downstream impacts.

87. 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.

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

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

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

89. Sydney Water Compliance Certification

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

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and fees to be paid. Please make early contact with the coordinator, since building

of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

90. **Easement for Drainage**

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

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

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

91. **Easement for Services**

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

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

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

92. **Release of Subdivision Certificate**

A Subdivision Certificate must not be issued for the subdivision that is the subject of this development consent unless all the conditions of this development consent that are required to be complied with before a subdivision certificate may be issued in relation to the plan of subdivision have been complied with.

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

93. **Subdivision Certificate Application**

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

Reason: Statutory requirement of the Conveyancing Act 1919.

94. **Geotechnical Certification Prior to Subdivision Certificate**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Subdivision Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

95. **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 Subdivision 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.

96. **Signage and Linemarking – External**

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

97. **Signage and Linemarking – Implementation**

The applicant is to install all signage and linemarking, as per any Roads Act approval. These works are to be completed prior to release of the Subdivision Certificate.

Reason: To ensure compliance with the Road Act.

98. **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.

99. **Landscape Completion**

Landscape works under the subdivision: footpath, street tree planting, and road verge turf within the road reserve; and planting to OSD is to be implemented in accordance with the approved Landscape Plans prepared by ATC A Total Concept.

All street tree planting and all other planting shall be established and maintained for the life of the development.

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

Reason: Environmental amenity.

100. **Condition of Retained Vegetation**

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

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

Reason: Tree and vegetation protection.

101. **Restriction on Building Footprints**

A Restriction is to be placed on the title of each lot limiting the future building footprint to that illustrated on the approved Lot Layout Plan, Drawing No. SKC11.01, Rev. H dated 04/03/2025.

The restrictions are to be registered on the title of each lot under S88B of the Conveyancing Act prior to release of the Subdivision Certificate. Council as the consent authority has the power to vary the terms of the restriction.

Reason: To ensure that future development is consistent with the intent of this approval.

102. **Restriction on Future Earthworks**

i) A Restriction is to be placed on the title of lots 1-7 prohibiting the undertaking of future earthworks within 4 metres of the eastern boundary of the site.

ii) A Restriction is to be placed on the title of lots 7-10 prohibiting the undertaking of future earthworks within 4 metres of the northern boundary of the site.

The restrictions are to be registered on the title of each lot under S88B of the Conveyancing Act prior to release of the Subdivision Certificate. Council as the consent authority has the power to vary the terms of the restriction.

Reason: To ensure that future development is consistent with the intent of this approval.

103. **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 plans Subdivision Works Certificate approved plans and documentation. 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 any Subdivision Certificate.

Reason: Protection of the receiving environment.

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

A positive covenant shall be created on the titles of the community lots requiring the community association 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.

105. Stormwater Treatment Measures Operation and Maintenance Plan

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

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

1. Detail on the stormwater treatment measures:
 - a) Work as executed drawings
 - b) Intent of the stormwater treatment measures including modelled pollutant removal rates
 - c) Site detail showing catchment for each device
 - d) Vegetation species list associated with each type of vegetated stormwater treatment measure
 - e) Impervious area restrictions to maintain the water balance for the site
 - f) Funding arrangements for the maintenance of all stormwater treatment measures
 - g) Identification of maintenance and management responsibilities
 - h) Maintenance and emergency contact information
2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:
 - a) Activity description, and duration and frequency of visitsAdditionally for vegetated devices:
 - b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
3. Maintenance schedule and procedure - ongoing
 - a) Activity description, and duration and frequency of visits
 - b) Routine maintenance requirements
 - c) Work Health and Safety requirements
 - d) Waste management and disposal
 - e) Traffic control (if required)
 - f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
 - g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

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

Reason: Protection of the receiving environment.

106. 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.

107. Footpath Construction

The footpath, in accordance to Council's standard specifications, shall be constructed along the road network in line with the direction of the Warriewood Valley Roads Masterplan to Council's satisfaction. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Subdivision Certificate.

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

108. 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 a Subdivision Certificate.

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

109. Stormwater water quality devices maintenance contract

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.

Evidence of a maintenance contract and maintenance schedule between the owner and a suitable maintenance contractor for a minimum duration of 5 years is to be submitted to the Certifier for approval prior to the issue of the Subdivision Certificate.

Reason: Protection of the receiving environment.

110. 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 Subdivision 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.