
CONSENT NO: N0611/16
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicants Name and Address:

J & G KNOWLES & ASSOCIATES PTY LTD
C/ URBIS PTY LTD
LEVEL 23, TOWER 2, DARLING PARK
201 SUSSEX STREET
SYDNEY NSW 2000

Being the Applicant in respect of Development Application **N0611/16**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of Development Application **N0611/16** for:

The construction of a residential aged care facility containing 130 sole occupancy high care rooms, subdivision and associated civil works and the extension of a public road

At: **23, 25 & 27 Warriewood Road, Warriewood**

Decision:

The Development Application has been determined by the granting of consent based on information provided by the Applicant in support of the application, and in accordance with:

- **Architectural Plans, prepared by V-Arc, dated 11 May 2017:**
 - **DA-020, revision L,**
 - **DA-100, revision M,**
 - **DA-101, revision N,**
 - **DA-102, revision M,**
 - **DA-103, revision L,**
 - **DA-104, revision L,**
 - **DA-200, revision M,**
 - **DA-201, revision L,**
- **Sketch Plans, Lower Ground, Ground and 1st Floor, prepared by [unknown], dated 19 June 2017 (by Council);**
- **Schedule of Materials and Finishes, DA-500, revision L, prepared by V-Arc, dated 11 May 2017;**
- **Landscape Plans, TP01_A, TP02, TP03 and TP04, prepared by CDA Design Group Pty Ltd, dated 11 May 2017;**
- **Draft Plan of Subdivision, Issue B, prepared by David Bromhead, dated 1 May 2017;**
- **Vegetation Management Plan, prepared by Ecological Australia, dated 22 September 2016;**
- **Water Management Report, issue 5, prepared by S&G Consultants, dated 12 May 2017;**
- **Preliminary Site Investigation, reference E23159AA_Rev0, prepared by EI Australia, dated 9 November 2016;**
- **Geotechnical Investigation Report, reference 13787/1, prepared by Geotechnique Pty Ltd, dated 3 August 2016;**

- **Arboricultural Impact Assessment Report, reference 1772, prepared by Redgum Horticultural, dates 31 March 2016;**
- **Access Review Report, prepared by Morris Goding Accessibility Consulting, dated 6 September 2016;**
- **Stormwater Management Plans Sheets 1-10, SW100, SW200, SW201, SW202, SW203, SW204, SW500, SW501, SW600 and SW700, all revision A, all prepared by S&G Consultants, dated 4 November 2016;**
- **Civil Engineering Plans Sheets 1-22, C100, C110, C201, C202, C203, C204, C301, C302, C303, C304, C401, C402, C403, C404, C405, C406, C407, C501, C601, C602, C603 and C604, all revision B, all prepared by S&G Consultants, dated 12 May 2017;**
- **General Terms of Approval, issued by DPI Water, File No. 9057130, dated 15 February 2017;**

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent: **13 July 2017**

Mark Ferguson
CHIEF EXECUTIVE OFFICER

CONDITIONS OF APPROVAL

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia and the National Construction Code.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. 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:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. 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
 - c. 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.

5. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
6. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

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

1. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
2. With the exception of any necessary infrastructure, this consent does not authorise any buildings on the proposed Lot 2.
3. Lot 2, any future lot within the land currently known as Lot 2, must be developed in a manner such that a minimum landscaped area (as defined by PLEP 2014) of 41% of the total site area of Lot 2 is retained in perpetuity.
4. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and the Office of Environment and Heritage are to be notified.
5. In accordance with Council's Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
6. No environmental weeds are to be planted on the site. Refer to Council's website for environmental weed lists.
7. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the *Noxious Weeds Act 1993*. Environmental weeds are to be removed and controlled. Refer to Council's website for noxious/environmental weed lists.
8. Any vegetation planted onsite outside the approved landscaping is to be consistent with:
 - a. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden guide available on Council's website.
 - b. Species listed in the flora and fauna assessment report referenced in this consent.

Any other plant species can only be used with written approval of Council.

9. The recommendations of the approved Geotechnical Investigation Report referenced in this consent are to be incorporated into the construction plans and implemented during construction.
10. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
11. Street address numbering can only be authorised by Council. Before proceeding to number each lot, approval of the numbers must be sought from Council's Planning and Assessment Business Unit.
12. No building materials or other materials are to be placed on riparian vegetation.

13. The adjustment and construction of all utilities, services and drainage systems, and the creation of appropriate easements are to be at the full cost of the developer, including:
- a. Electrical and telecommunications for the proposed lots, which are to be provided underground. The location of any trenching and if required, pad mounted substation(s), is to take into account future/proposed landscaping in the public domain.
 - b. Street lighting facilities are to be provided to streets proposed within the site and existing street frontages in accordance with the requirements of Ausgrid.
 - c. Existing overhead infrastructure within the Warriewood Road public road reserve is to be undergrounded for the full length of the site frontage.
14. The proposal is to be consistent with the General Terms of Approval, issued by the DPI Water. The General Terms of Approval (GTA) only apply to the controlled activities described in the plans and association documentation relating to N0611/16 and provided by Council (Site plan, map and/or survey). Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.
- a. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of the DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
 - b. The consent holder must prepare or commission the preparation of:
 - i. Vegetation Management Plan
 - ii. Erosion and Sediment Control Plan
 - iii. Soil and Water Management Plan
 - c. All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals.
 - i. Vegetation Management Plans
 - ii. Riparian Corridors
 - iii. Outlet Structures
 - d. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.
 - e. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by DPI Water.
 - f. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.
 - g. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.
 - h. The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to DPI Water as and when required.

- i. The consent holder must not locate ramps, stairs, access way, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.
 - j. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.
 - k. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.
 - l. The consent holder must stabilize drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.
 - m. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
 - n. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.
 - o. The consent holder must clearly mark (with stakes using GPS or peg out survey), protect and maintain a riparian corridor with a width of 20 metres measured horizontals landward from the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by DPI Water.
15. Landscaping is to be implemented in accordance with the approved Landscape Plans referenced in this consent, as modified by any conditions of consent. This landscaping is to then be maintained for the life of the development.
16. The development is to be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment Report, as referenced in this consent.
17. The Flood Planning Level is 5.38m AHD for the aged care facility development.
18. The Flood Planning Level for all residential development (not including Seniors Living) is 4.29m AHD.
19. The Probable Maximum Flood Level is 5.38m AHD
20. The minimum floor level for the aged care facility and residential dwellings is to be at or above the Flood Planning Level
21. The creekline corridor share path is to be located above the 20% AEP flood level.
22. All access and potential water entry points to a covered basement or bunded carpark facilities shall be at or above the Probable Maximum Flood level.
23. Storage of hazardous materials, electrical items, items of plant, equipment or stock and any other items which may be susceptible to water damage are to be located above the Flood Planning Level.
24. All new structural elements, new external finishes and new internal finishes located below the Flood Planning Level must be constructed using flood-compatible techniques and materials. Refer to *Reducing Vulnerability of Buildings to Flood Damage: Guidance on*

Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee, 2006.

25. Where there is a difference in height between the natural ground level and the height of the Flood Planning Level the aged care facility is to be built incorporating a suspended floor system on open pier/pile footings designed and constructed to allow the clear passage of floodwaters and flood storage. To allow for the clear passage of flood waters and flood storage, 50-75% of the external perimeter and internal walls of underfloor areas of building, decks and balconies between the piers/pile footings must be 'open' to a height of the Flood Planning Level. Only 25% of the external and internal walls below the Flood Planning Level may be 'solid'. For 'open' portions of the walls, more than 50% of the surface area must have minimum openings of 100mm.
26. All new fencing, which includes boundary fencing, balcony balustrades and accessway balustrades must be constructed to allow for the free flow of flood waters — 50-75% of fencing must be 'open' to a height of the Flood Planning Level. Only 25-50% of the fencing below the Flood Planning Level may be 'solid'. For 'open' portions of fencing, more than 50% of the surface area must have minimum openings of 100mm.
27. All new electrical services, fixtures and fittings must be located above the Flood Planning Level. No electrical equipment or electrical motors are to be located below Flood Planning Level.
28. Any existing electrical equipment, services, fixtures and fixtures as well as any data cabling that must remain below the level of the Flood Planning Level, must be waterproofed so as to remain functional if submerged up to a level of the Flood Planning Level for up to 6 hours. Conduits must be graded so they are free draining if covered by floodwaters. Waterproofing could comprise electrical cut-off switches to turn off electricity supply when floodwaters are detected.
29. A current (and regularly updated) version of the SES Business FloodSafe Tool Kit available from <http://floodsafe.ses.org.au/floodsafe/businessstoolkit/> is to be compiled and printed for the aged care facility and kept on the premises at all times. All employees are to be made aware of the Floodsafe Toolkit.
30. The approved Flood Risk Management Report, as referenced in this consent and as amended by any conditions of consent, shall apply for the life of the development.
31. Appropriate signage is to be displayed throughout the premises of the proposed development to alert staff and customers that the business premises is to be used as a shelter-in-place refuge during times of flood.
32. Shelter-in-place refuge is to provide:
 - a. Sufficient clean water for all occupants, and
 - b. Portable radio with spare batteries, and
 - c. Torch with spare batteries, and
 - d. first aid kit, and
 - e. emergency power, and
 - f. practical means of medical evacuation.
33. The garbage enclosures/refuse shall be provided and maintained in accordance with the following:

- a. A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
 - b. The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
 - c. The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
 - d. Stormwater shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
 - e. Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
 - f. The room used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete blocks, structural fibrous cement or similar homogeneous material) so as to prevent the formation of cavities which become possible harborage for insects and vermin. Framing in timber is not permitted.
 - g. The garbage and recycling room shall be made vermin proof.
 - h. Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Council's satisfaction.
34. Security lighting is to be provided in accordance with the relevant provisions of AS4282 - *The control of the obtrusive effects of outdoor lighting*.
35. Air-conditioning units, hot water systems, and other mechanical equipment shall not be located on any roof or in locations that are visible from a public place.
36. The recommendations of the approved Vegetation Management Plan, as referenced in this consent, are to be adhered to for the life of the development.
37. All parking spaces are to be maintained free of obstruction and used solely for the parking of vehicles.
38. The water management facilities described in the approved Water Management Report, as referenced in this consent, shall be implemented and maintained for the life of the development in accordance with the detailed design, the Water Management Report and the manufacturer's specifications.
39. A contribution, referred to as a Developer Contribution Charge, for odour mitigation works at the Warriewood Wastewater Treatment Plant is required for this development. The Developer Contribution Charge is determined by Sydney Water and must be paid prior to the issuance of a Section 73 Certificate.
40. The proposed residential aged care facility may only be occupied by:
- a. seniors or people who have a disability,
 - b. people who live within the same household with seniors or people who have a disability,
 - c. staff employed to assist in the administration of and provision of services to housing provided under this Policy.
41. The proposed residential aged care facility is to maintain 130 high care single occupancy rooms.

42. A minimum of 13 spaces are to be clearly marked and dedicated to visitors of the facility.
43. Certification is to be provided to the Certifying Authority that the Construction Certificate drawings are consistent with the recommendations of the Access Review Report referenced in this consent.
44. The residential aged care facility must include a fire sprinkler system.

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above, are to be submitted to the Principal Certifying Authority.
2. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

Note: Separate approval is required for access driveways, paths, connections to underground services (stormwater, gas, sewer, electricity, etc:), and landscaping works within Council's Road Reserve.

4. Construction works approved by this consent must not commence until:
 - a. Construction Certificate has been issued by a Principal Certifying Authority;
 - b. A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
 - c. At least 2 days' notice, in writing has been given to Council of the intention to commence work.
5. In accordance with section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payment Corporation or Council for any work costing \$25,000 or more.
6. The following is to be made for the provision of public infrastructure and services pursuant to Section 94 of the Environmental Planning and Assessment Act 1979:
 - A cash contribution of \$5,349,924.08 (subject to (a) below) is payable to Northern Beaches Council, and
 - Dedication of 4,281sqm of creekline corridor land in accordance with (b) below.
 - a. The monetary contribution will be adjusted at the time of payment in accordance with the latest Consumer Price Index as published quarterly by the Australian Bureau of Statistics as outlined in Council's Warriewood Valley Section 94 Contributions Plan (Amendment 16 Revision 2). The monetary contribution is to be paid prior to the issue of the first Occupation Certificate.
 - b. The proponent shall dedicate to Council a total of 4,281 square metres of land identified as Lot 3 on the subdivision plan titled 'Plan of Subdivision of Lots 27-29 Section C in DP 5464' (Issue B, prepared by David Bromhead, dated 1 May 2017)

for the provision of multi-functional creek line corridor facilities. The area of land to be dedicated is subject to a final Plan of Subdivision. The dedication is to take place by way of subdivision.

- c. The proponent may negotiate with Council for the direct provision of facilities and services in lieu of the monetary contribution above (or any portion of that contribution) through a Material Public Benefit offer to Council. Any Material Public Benefit agreement between the applicant and Council must be finalised, formally signed and in place prior to payment being made.

The Warriewood Valley Section 94 Contributions Plan (Amendment 16 Revision 2) may be inspected at Northern Beaches Council's Mona Vale office, 1 Park Street Mona Vale or Council's website www.pittwater.nsw.gov.au.

7. An amended schedule of colours and finishes is to be provided to demonstrate the replacement of the use of "light render" with a mid-dark tone render, equivalent to or darker than Dulux GR12 "Dieskau". The roof is to be of a tone equivalent to or darker than Colorbond "Woodland Grey" or "Monument".
8. An Erosion and Sediment Management Plan is to be submitted prior to the issue of a Construction Certificate. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction* (Landcom 2004). The plan is also to include specific details required to remove fine sediment and clay from vehicles leaving the site so as to maintain public roads in a clean condition.
9. A satisfactory Construction Traffic Management Plan (CTMP) prepared by a suitably qualified traffic consultant is to be submitted prior to the issue of a Construction Certificate. The CTMP is to detail:
 - a. Quantity of material to be transported;
 - b. Proposed truck movements per day;
 - c. Proposed hours of operation; and
 - d. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the local government area.
 - e. Location of on/off site parking for workers associated with construction for the whole period of construction.
10. A section 73 Compliance Certificate under the provisions of the Sydney Water Act, 1994 must be obtained from Sydney Water. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

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

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

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

11. A suitably qualified professional is to provide certification that the Construction Certificate detail is consistent with the relevant provisions of the General Terms of Approval, issued by the DPI Water, as referenced in this consent.
12. Structural Engineering details relating to the approved development are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer who is registered on the National Engineers Register (NER) maintained by Engineers Australia and has appropriate experience and competence in the related field.
13. Civil engineering detailed design for the proposed works are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who is registered on the National Engineers Register (NER) maintained by Engineers Australia and has appropriate experience and competence in the related field. The design shall take regard of all of the requirements of the Water Management Specification (2001) and the approved Water Management Report, as referenced in this consent.
14. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
15. Applicants will be required to obtain a Section 139 Consent for Works on a Public Road Reserve issued by Council under the provisions of Section 138 of the *Roads Act 1993* for the design and construction of any works located on the road reserve including Access Driveways.
16. The approved Flood Risk Management Report, as referenced in this consent, is to be amended to accurately reflect to correct Probable Maximum Flood Level of 5.38m AHD.
17. An application is to be made to and approved by Council's Traffic Committee as the consent authority for:
 - a. All parking restrictions proposed on public roads and any traffic control facilities (to be certified by a Traffic Engineer).
18. Engineering plans and specifications for all roads, drainage and other civil engineering works required by this consent within the existing Warriewood Road public road reserve must be submitted and approved in writing by the Council prior to the issue of the relevant Construction Certificate. Payment of the Engineering Plan Assessment fee (in accordance with Council's adopted Fees and Charges) is required prior to Council releasing the approved engineering plans.
 - a. The works in relation to the full length of the Warriewood Road frontage of the development site and including the works in relation to the vehicular access to the Development are to be provided.
 - b. Kerb and gutter (vertical faced kerb only will be permitted) and associated stormwater drainage to drain the road pavement for the full length of the roadway of that part of Warriewood Road for the full frontage of the site subject to this consent. The face of kerb is to be located 10.9m from face of existing kerb on eastern side of Warriewood Road.

- c. The intersection of Warriewood Road, with Lorikeet Grove and Hill Street, is to be designed as a roundabout to cater for safe movements by a waste collection vehicle minimum 9.7m in length, to accommodate the existing vehicle type (or greater Australian Standard vehicle class) for all turning movements. The roundabout design must also cater for safe movement of an articulated bus along Warriewood Road, and certified by a suitably qualified Traffic Engineer.
- d. A pedestrian crossing point, comprised of kerbed ramps and a refuge, is to be accommodated in Warriewood Road at the southern side of the Hill Street/Warriewood Road/Lorikeet Grove roundabout. The pedestrian crossing point is to be incorporated to form part of the splitter island for the roundabout.
- e. A footpath is to be provided between the pedestrian crossing point and the existing bus stop on the eastern side of Warriewood Road. The footpath is to be designed to safely retain existing street trees.
- f. All traffic facilities in Warriewood Road are to be designed to cater for semi-trailers and articulated buses with no vehicle overhang of nature strips and a minimum 300mm as a clearance of all kerb and traffic islands, for all wheel paths.
- g. Road shoulder and road pavement construction including pavement design and treatments in Warriewood Road for the full frontage of the site:
 - i. Half-road reconstruction between Macpherson Street and Lorikeet Grove,
 - ii. Construction of roundabout, traffic islands and associated works, including road pavement construction to enable safe operation of the facility,
 - iii. Half-road reconstruction between Lorikeet Grove and the northern boundary of the site

That the condition requiring half-road reconstruction of the existing road pavement of Warriewood Road for the full width of the site will be deemed to have been satisfied if a suitably qualified geotechnical engineer provides certification to Council that the existing road pavement satisfies the requirement of the WVRMP for the pavement to meet the ESA pavement design criteria of 2×10^6 .

- h. Indented bus bay in Warriewood Road in location specified by Sydney Buses. Turning path diagrams showing an articulated bus can stop wholly within the bus bay are to be provided.
- i. Footpath/cycleway (a minimum 2.1m wide) for the full length of the frontage in Warriewood Road at a level to match the kerb and gutter, is to be provided. The footpath/cycleway is to be wholly located on land dedicated as Public Road.
- j. Driveways to be constructed perpendicular to the road at all vehicle access points.
- k. Landscaping of the road reserve.
- l. That no OSD structure is to be located on any public road.
- m. Street lighting using Ausgrid standard lights/poles is to be provided in Warriewood Road with lighting of the pedestrian refuge and intersection to meet the relevant RMS and Australian Standards.
- n. Street name signs (complying to Council's requirements) to be provided in Warriewood Road at the intersection with Lorikeet Grove.
- o. The road design plans for Warriewood Road are to extend for a minimum distance of 30 metres along Warriewood Road beyond the side boundaries of both sides of the site to ensure the works will match into future roadworks in Warriewood Road in front of adjacent properties.

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

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

19. Engineering plans and specifications for all roads, drainage and other civil engineering works required by this consent within the Lorikeet Grove public road reserve must be submitted and approved in writing by the Council prior to the issue of the relevant Construction Certificate. Payment of the Engineering Plan Assessment fee (in accordance with Council's adopted Fees and Charges) is required prior to Council releasing the approved engineering plans.
 - a. The works in relation to the full length of the Lorikeet Grove frontage of the development site and including the works in relation to the vehicular access to the Development are to be provided.
 - b. Kerb and gutter and associated stormwater drainage to drain the road pavement for the full length of the roadway of that part of Lorikeet Grove for the full frontage of the site subject to this consent (vertical faced kerb only will be permitted).
 - c. Road shoulder and road pavement construction including pavement design and treatments in Lorikeet Grove (ESA pavement design criteria of 6×10^5) for the full frontage of the site.
 - d. Pavement design and treatments.
 - e. Lorikeet Grove is to be designed to a sector entry road cross section.
 - f. All intersections with Lorikeet Grove are to be designed to cater for safe movements by to cater for safe movements by a waste collection vehicle minimum 9.7m in length, to accommodate the existing vehicle type (or greater Australian Standard vehicle class), and certified by a suitably qualified Traffic Engineer.
 - g. All traffic facilities in Lorikeet Grove to be designed to cater for safe movements by a waste collection vehicle minimum 9.7m in length, to accommodate the existing vehicle type (or greater Australian Standard vehicle class), with no vehicle overhang of nature strips and a minimum 300mm as a clearance of all kerb and traffic islands, for all wheel paths.
 - h. Turning path diagrams showing access to garage bin collection areas are to be provided.
 - i. Footpath 1.5 metres wide for the full length of the northern/eastern side of Lorikeet Grove at a level to match the kerb and gutter, is to be provided.
 - j. The public footpath in Lorikeet Grove is to be wholly located on land dedicated as Public Road.
 - k. Share path 2.5 metres wide for the full length of the western/southern side of Lorikeet Grove, connecting to the share path approved at the adjoining site to the north and Warriewood Road.
 - l. Driveways to be constructed perpendicular to the road at all vehicle access points.
 - m. Landscaping of the road reserve.
 - n. That no OSD structure is to be located on any public road.
 - o. Street lighting using Ausgrid standard lights/poles is to be provided in Lorikeet Grove with lighting of the pedestrian refuge and intersection to meet the relevant RMS and Australian Standards.
 - p. Street name signs (complying to Council's requirements) to be provided in Lorikeet Grove at the intersection with the Community Title road.
 - q. The road design plans for Lorikeet Grove are to extend for a minimum distance of 30 metres along Lorikeet Grove beyond the northern side boundary of the site to ensure the works will match into roadworks currently underway along Lorikeet Grove to the north.

The plans required under this condition must meet the objectives and requirements of The

Warriewood Valley Roads Masterplan; Austroads; AusSPEC and Pittwater 21 DCP, as relevant and achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan (Public Domain), dated October 2007.

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

20. The engineering plans are to facilitate all utility services including overhead power supply and communication cables located in the adjacent road verge are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.
21. All plans are to be amended to delete the portion of the share path that extends between Lorikeet Grove and Macpherson Street. The share path is to follow the alignment of Lorikeet Grove to connect with Warriewood Road.
22. The approved Architectural Plans, and if necessary the approved Landscape Plans, are to be amended to demonstrate the following:
 - a. A 2m reduction to the depth of the three larger terraces along the southern façade of the development, as shown on the lower ground plan (DA-100, revision M, dated 11 May 2017) so that no terrace is situated within 4.2m from the Macpherson Street boundary;
 - b. An increased setback between the balustrade on the southern façade of the first floor communal roof deck and the Macpherson Street boundary, so that no part of the balustrade surrounding the first floor communal roof deck is located within 12m of the Macpherson Street boundary. The area currently shown as lawn/deck within the 12m setback area is to become a non-trafficable roof;
 - c. The maximum height of the 3 pergolas on the first floor communal roof deck shall not exceed 10.5m above existing ground level;
 - d. The fencing along Warriewood Road shall be set back 0.5m from the boundary and shall be a maximum height of 1m above the street footpath. There shall be no fencing between the two driveway areas on Warriewood Road. The fencing along Macpherson Street shall be set back 0.5m from the boundary and shall be a maximum height of 1.0m above the footpath, with the exception of the southwest corner of the site where the fence shall be a maximum of 1.5m in height. All boundary fencing shall be screen by landscaping between the fence and the street;
 - e. The external walls of the storage area in the south-east corner of the lower ground floor shall be set in 1m from the leading edge of the terrace above; and
 - f. Consistency with the increased setbacks shown on the Sketch Plans dated 19 June 2017, which demonstrate an increased setback to the northern façade on all three levels of the development, the relocation of the substation easement and the incorporation of 7 small canopy trees between the northern façade of the aged care facility and the Lorikeet Grove boundary.
23. The approved Landscape Plans, as referenced in this consent, are to be amended, as follows:
 - a. Increase the number of large canopy trees between the aged care facility and the Macpherson Street boundary from 4 to 7;
 - b. Increase the number of large canopy trees between the aged care facility and the Warriewood Road boundary from 4 to 7;

- c. 7 small-medium sized canopy trees are to be provided between the aged care facility and the Lorikeet Grove boundary, selected from the *Warriewood Valley Landscape Masterplan and Design Guidelines* plant list;
- d. Replace the 8 x large deciduous trees within the front setbacks of Warriewood Road and Macpherson Street with a mix of medium sized evergreen canopy trees, selected from the *Warriewood Valley Landscape Masterplan and Design Guidelines* plant list;
- e. With the exception of street trees, all trees are to have a minimum pot size of 45L at the time of planting. All shrubs and groundcovers are to have a minimum pot size of 200mm at the time of planting.
- f. Street trees are to be provided along the full Macpherson Street frontage, consisting of *Tristaniopsis laurina* with 200 litre pot sizes, planted at 7m centres;
- g. 3 street trees are to be provided within the Warriewood Road street frontage, between the proposed footpath and site boundary, consisting of *Lophostemon confertus* with 400 litre pot sizes;
- h. 9 street trees are to be provided along the southern side of Lorikeet Grove, consisting of 2 x *Waterhousia Floribunda* and 7 x *Tristaniopsis laurina* with 200 litre pot sizes, planted at 7m centres; and
- i. 10 street trees are to be provided along the western side of Lorikeet Grove, consisting of 3 x *Waterhousia Floribunda* and 7 x *Tristaniopsis laurina*, with 200 litre pot sizes, planted at 7m centres.

24. The Outer Creekline Corridor plans shall comprise the following activities and uses:

- a. creekline rehabilitation;
- b. bioretention systems and stormwater conveyance systems as identified in the Water Management Report (Martens & Associates, 2017, Version 4 or as updated)
- c. buffer vegetation planting;
- d. recreational amenity;
- e. maintained grassland with tree planting;
- f. viewing areas;
- g. protection of existing vegetation; and
- h. expansion of vegetation communities.

Structures that are permitted within the Outer creekline corridor must provide public benefits, including viewing platforms over water bodies, connecting footpaths, seating, lighting and refuse bins.

25. A Landscape Maintenance Plan is to be prepared and submitted to Council that outlines the technique and frequency of maintenance tasks during the establishment of the landscaping on the subject site. The Landscape Maintenance Plan is to be implemented for a period 24 months immediately following the completion of landscape and hardscape works on site. The Landscape Maintenance Plan is to incorporate maintenance and care of hardscape elements (e.g. paving, retaining walls, secured pedestrian access paths), weeding, watering, mowing, consideration of other endemic species where plantings do not respond to the conditions as expected and a procedure for the replacement of failed plantings.

26. The approved Vegetation Management Plan, as referenced in this consent, is to be amended to provide quantifiable goals and strategies, identifying tree planting requirements for stands of *Casuarina glauca* and groves of *Eucalytus robusta*, with other native feature trees and indigenous understorey and ground covers comprising a minimum of 40 % of the total creekline corridor area. In areas of low use, native groundcovers should be used as an alternative to lawn.

27. A detailed site investigation (including sampling, testing and remediation if necessary) is to be prepared by a suitably qualified independent consultant in accordance with the recommendations in the Preliminary Site Investigation Report, as referenced in this consent, and is to be carried out as per EPA guidelines and the requirements of SEPP 55 - Remediation of Land. This report is to be provided to the Certifying Authority prior to the release of the Construction Certificate. The findings of the detailed site investigation should be reported in accordance with EPA (2001) to provide the data to confirm that the site is suitable for the proposed land uses, or (should contamination be identified) to inform a remedial action plan to make the site suitable for the proposed development.
28. A Hazardous Materials Survey of current structures present at the site is to be undertaken prior to the issuance of a Construction Certificate.
29. The Water Management Report is to be amended to clearly separate the ownership and maintenance responsibilities of the water management infrastructure between Lots 1 and 2. Both lots must be responsible for the water management infrastructure associated with their separate catchments. Separate s88B instruments are then to be prepared to highlight the maintenance requirements and responsibilities for the separate lots.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - a. The builder's name, builder's telephone contact number both during work hours and after hours.
 - b. That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - c. That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - d. That no skip bins or materials are to be stored on Council's Road Reserve.
 - e. That the contact number for Northern Beaches Council for permits is 9970 1111.
2. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
3. The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
4. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
5. Where site fill material is necessary, fill materials must:

- a. be Excavated Natural Material (ENM) only, as approved under the NSW Environment Protection Authority Resource Recovery Exemption (2014);
 - b. be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.
 - c. Be the subject of testing and monitoring throughout the course of the works, and is to consist of clean fill inert material only, that is, non-contaminated excavated material and soil, and suitable material. Putrescible and non-putrescible solid waste (including demolition material) is not permitted. All imported fill must be sourced locally where practicable to reduce traffic movements.
 - d. Be deposited and works carried out in strict compliance with *Managing Urban Stormwater: Soils and Construction* (Landcom 2004).
6. Prior to commencement of any works, temporary sedimentation and erosion controls in accordance with the Erosion and Sediment Management Plan required by this consent are to be installed to eliminate the discharge of sediment from the site and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction including:
- a. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
 - b. Sediment is not to leave the site or enter areas of riparian vegetation, and the appropriate sediment fencing is to be installed.
 - c. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to conform to the specifications and standards quoted and to any conditions of approval of those measures.
 - d. Measures shall be applied, to the satisfaction of council, to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development.
 - e. Measures required in permits issued under the Water Management Act shall be implemented. This Act requires that people obtain approval for any proposed works within 40 metres of a watercourse. Permits should be sought from the NSW Office of Water.
 - f. Approved runoff and erosion controls shall be installed before site vegetation is cleared (other than that associated with the construction of the controls). These shall be as shown on an ESCP approved by council.
 - g. Topsoil shall be stripped only from approved areas and stockpiled for re-use during site rehabilitation and landscaping.
 - h. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, waters, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned. All stockpiled materials are to be retained within the property boundaries.
 - i. Uncontaminated runoff shall be intercepted up-site and diverted around all disturbed areas and other areas likely to be disturbed. Diversion works shall be adequately stabilised.
 - j. Runoff detention and sediment interception measures shall be applied to the land. These measures will reduce flow velocities and prevent topsoil, sand, aggregate, or other sediment escaping from the site or entering any downstream drainage easements or waters.
7. Personnel with appropriate training, or demonstrated knowledge and experience in erosion and sediment control shall be responsible for supervising the installation and maintenance

of approved erosion and sediment control measures – during and after construction and until the site has been restored to the satisfaction of council.

8. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.
9. All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.
10. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
11. All construction in the public road reserve must be undertaken by a Council authorised contractor. Alternatively, prior to the commencement of works, Council must be notified of each contractor undertaking works within the public road reserve. Each contractor must be able to provide/demonstrate each of the following;
 - Incorporated company/ business name and ABN;
 - Public Liability Insurance;
 - Professional Indemnity Insurance;
 - Workers Compensation Insurance;
 - Accident/ Injury Insurance Cover;
 - Other Insurances;
 - Company Licences, Registrations, Permits, Certificates etc.;
 - WorkCover Construction Industry General Induction Card;
 - WHS Documents;
 - Employee qualifications – Certificates, Licences etc.;
 - Contractor Services;
 - Client Services; and
 - WHSMS Self Evaluation.
12. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
13. No skip bins or materials are to be stored on Council's Road Reserve.
14. The Construction Traffic Management Plan (CTMP) is to be implemented, throughout the construction phase of the development on site, including site preparation or demolition.
15. No native canopy trees are to be removed from Council's Road Reserve without prior approval from Council.
16. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
17. The public footways and roadways adjacent to the site are to be maintained in a safe condition at all times during the construction phase. Pedestrian access is to be maintained at all times during the construction phase.

18. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
19. Prior to commencement of works, at least three photographs of the road reserve and footpath area adjoining the site, one front-on and one from each side of the property, are to be submitted to Northern Beaches Council with the notification of commencement of works, showing the condition of the street trees and road reserve. The photographs must be dated, and accompanied by a statement that they are a true and accurate representation of the scene depicted.
20. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the Arboricultural Impact Assessment Report referenced in this consent are to be complied with, particularly with regard to the following:
 - a. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
 - b. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
 - c. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.
 - d. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
 - e. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

Note: Prior to the issue of an Occupation Certificate the accredited certifier is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to affect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to affect such works.

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a

Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.

2. A copy of any Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*, is to be forwarded to Council or the Private Certifying Authority with the Occupation Certificate.
3. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
4. A qualified landscape architect/designer is to certify that all landscaping works have been undertaken prior to the issuing of any Occupation Certificate. The landscape architect/designer is to confirm that all plants are arranged and spaced in a manner that is consistent with the approved Landscape Plan, as amended by any conditions of consent.
5. The stormwater drainage system must be constructed and completed in accordance with the approved design and relevant Australian Standards, and certification from an experienced Water/Environmental/Civil Engineer who is NPER accredited by the Institution of Engineers, Australia is to be provided in this regard.
6. A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards must be provided.
7. Prior to the issue of an Occupation Certificate, a certificate prepared by a Registered Surveyor shall be provided to the Private Certifying Authority stating that the finished floor and surface levels have been constructed to be at or above the Flood Planning Level:
8. Prior to issuing an occupation certificate the structural stability of the structure of the aged care facility must be verified by a suitably qualified structural engineer up to the level of the Probable Maximum Flood (PMF). This structural assessment must consider impacts of flood depths and flow velocities from lateral flood flow, buoyancy, suction effects, and debris load impact for all floods up the PMF.
9. The structural assessment must also confirm that the shelter-in-place refuge complies with the Building Code of Australia.
10. A suitably qualified professional is to provide certification that the drainage/water management system has been constructed/installed in accordance with the relevant plans, documentation and the National Construction Code, and that:
 - a. The construction of the water management system has been supervised and certified by person(s) with appropriate experience and expertise in Civil/Environmental Engineering/Environmental Science, Hydrology and Hydraulics, and must be NER registered members of the Institution of Engineers (Australia), and
 - b. Works associated with the water management system have been completed in accordance with the approved Water Management Report and all associated plans and detailed design and have been installed to the manufacturers' specification (where applicable). Certification is to be provided in accordance with the *Warriewood Valley Water Management Specification (February 2001)*.

11. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the accredited certifier that the works in the public road reserve comply with Council requirements is to be provided to Council. The applicant is required to obtain written confirmation that all works in the road reserve have been completed in accordance with the conditions of the Roadworks Permit from Council, and a copy of such confirmation is to accompany the Occupation Certificate Application.
12. Prior to issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the accredited certifier showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard, Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.
13. Evidence is to be provided to confirm the engagement of a suitably qualified landscape architect who will be responsible for the implementation of the Landscape Maintenance Plan for a minimum period of 24 months. The landscape architect is to confirm that they will undertake to:
 - a. visit the site immediately following completion of the landscaping and hardscape works on site (those other than in the creekline corridor); and
 - b. visit the site on a three (3) monthly basis for a period of 24 months to ensure implementation of the Landscape Maintenance Plan.

E. Matters to be satisfied prior to the issue of Subdivision Certificate:

1. Prior to the issue of a Subdivision Certificate, all infrastructure works including roads, water management facilities, landscaping and services are to be completed and other relevant conditions in this consent are to be satisfied.
2. The following documents and payments are to be submitted to Council in a single package to ensure the efficient release of the relevant Subdivision Certificate:
 - a. A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*;
 - b. Copies of the Subdivision Plans (original plus 6 copies);
 - c. The Certifying Authority's Compliance Certificates. Each component of the works as outlined above are to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. Certification is to include:
 - i. Certification to Council, by an experienced civil engineer who is listed on the National Engineers Register (NER) maintained by Engineers Australia, that all roads, drainage and other civil engineering works have been carried out and completed in accordance with the engineering plans and specifications required under the Conditions of this Consent.
 - ii. All appropriate infrastructure as outlined in the Conditions of Consent and approved Construction Certificate plans and specifications has been provided to service the proposed residential lots including roads, drainage facilities, landscaping, water management facilities, civil engineering works and services.
 - iii. the construction of the water management system has been supervised and certified by person(s) with appropriate experience and expertise in

Civil/Environmental Engineering / Environmental Science, Hydrology and Hydraulics, and must be NER registered members of the Institution of Engineers (Australia).

- iv. Works associated with the water management system have been completed in accordance with the approved Water Management Report referenced in this consent and have been installed to the manufacturers' specification (where applicable). Certification is to be provided in accordance with the *Warriewood Valley Water Management Specification (February 2001)*;
- d. Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) and a report from a suitably qualified geotechnical engineer certifying that the lots are geotechnically stable and will provide an appropriate platform for any subsequent building on the development site;
- e. Security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.
- f. Creation of appropriate easements where public and/or private (interallotment) drainage lines pass through private property.
- g. Creation of appropriate easements where service lines or drainage lines pass through private property other than the lot which they benefit.
- h. Creation of an appropriate easement on Lot 1 in relation to the water management system associated with Lot 2, to allow the owners of Lot 2 to undertake any necessary maintenance.
- i. Notification to Council, certified by an appropriately qualified Water Engineer, of properties to be notated under Section 149(2) Planning Certificates and specifying the applicable flood categories as set out in the *Flood Risk Management Policy for Development in Pittwater* (Pittwater 21 DCP Appendix 8).
- j. A Certificate by a qualified Engineer or Architect confirming that all driveways have been constructed in accordance with the approved plans and Council's Pittwater 21 DCP.
- k. Works-As-Executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements or which will require ongoing maintenance by Council. The plans are to be in paper and electronic format (dwg or dxf file) and comprise at least the following:
 - i. Boundary layout;
 - ii. Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
 - iii. Signage (including type and wording), line marking;
 - iv. Easements, survey numbers and marks, reduced levels and co-ordinates;
 - v. Stormwater drainage locations, pipe sizes and types, pit sizes and types, subsoil drains;
 - vi. Water quality devices, creek line corridors (where relevant);
 - vii. Significant landscaping.
- l. Evidence of a restriction pursuant to Section 88E of the Conveyancing Act 1919 on Lot 1, limiting the occupants of the residential care facility to seniors or people who have a disability, as defined by SEPP HSPD.
- m. Creation of a s88B instrument on the title of Lot 1, specifying the maintenance requirements and responsibilities of the owners of the development for all water management facilities related to the development site including the rainwater tanks, stormwater quality improvement devices (bioretention basins), stormwater filters/pit baskets, the onsite detention basins, and private stormwater drainage, in accordance with manufacturer's specifications and the amended Water Management Report required as a condition of this consent;
- n. Creation of a s88B instrument on the title of Lot 2, specifying the maintenance requirements and responsibilities of the owners of the development for all water management facilities related to the development site including the rainwater tanks, stormwater quality improvement devices (bioretention basins), stormwater filters/pit

- baskets, the onsite detention basins, and private stormwater drainage, in accordance with manufacturer's specifications and the amended Water Management Report required as a condition of this consent;
- o. Creation of a s88B instrument to restrict the development of Lot 2 so that a minimum landscaped area (as defined by PLEP 2014) of 41% of the total site area of Lot 2 is maintained in perpetuity and that the development of Lot 2 is strictly in accordance with the recommendations of the approved Water Management Report, referenced in this consent and as amended by conditions.
 - p. Evidence of payment of the required s94 contribution.
 - q. Evidence of the intent to dedicate 4,281m² (identified as Lot 3 on the draft plan of subdivision referenced in this consent) of creekline corridor to Council.
3. A suitably qualified professional is to provide certification that the as-built development is consistent with the relevant provisions of the General Terms of Approval, issued by the DPI Water, as referenced in this consent.
 4. A qualified landscape architect/designer is to certify that all landscaping works have been undertaken prior to the issuing of any Subdivision Certificate. The landscape architect/designer is to confirm that all plants are arranged and spaced in a manner that is consistent with the approved Landscape Plan, as amended by any conditions of consent.
 5. Damage to Council's assets adjacent or near to the site that has occurred as a result of this development, including road, kerb and gutter and drainage facilities, are to be repaired to Council's written satisfaction prior to the issue of a Subdivision Certificate. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction is to occur at the full cost to the developer. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the accredited certifier with the Subdivision Certificate application.
 6. A maintenance period is to apply to all civil engineering works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Subdivision Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or would reasonably be expected under the design conditions.
 7. Evidence is to be provided to confirm the engagement of a suitably qualified ecologist who will be responsible for the implementation of the approved Vegetation Management Plan, as referenced in this consent, for a minimum period of 5 years. The ecologist is to confirm that they comply with the recommendations of the approved Vegetation Management Plan and will undertake to:
 - a. visit the site immediately following completion of the works in the creekline corridor on site; and
 - b. visit the site on a three (3) monthly basis for a period of 5 years to ensure implementation of the Vegetation Management Plan.

F. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.

2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
7. Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its fixtures and contents.