

Business Hours:  
8.00am to 6.00pm, Monday to Thursday  
8.00am to 5.00pm, Friday

**S96 No: N0330/14/S96/3**

5 September 2016

PPD PLANNING CONSULTANTS  
407/5 WARAYAMA PLACE  
ROZELLE NSW 2039

Dear Sir/Madam

**N0330/14/S96/3 Modification of Development Consent N0330/14 for Community plan of subdivision to create 10 residential lots and 1 access way lot, civil works and associated landscaping at 53C WARRIEWOOD ROAD WARRIEWOOD NSW 2102.**

Your request for modification has been considered by Council and it has been agreed to modify the Consent.

Please find attached the consent as modified.

If there are any matters that require further clarification, please do not hesitate to contact me.

Yours faithfully

**Cheryl Williamson**  
**SENIOR PLANNER**

**MODIFICATION OF DEVELOPMENT CONSENT NO: N0330/14**

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**NOTICE TO APPLICANT OF DETERMINATION**

**OF A DEVELOPMENT APPLICATION**

**Applicant's Name and Address:**

PPD PLANNING CONSULTANTS  
407/5 WARAYAMA PLACE  
ROZELLE NSW 2039

Being the applicant in respect of S96 Modification Application No N0330/14/S96/3

Pursuant to section 81 of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of this Development Application for: -

**N0330/14/S96/3 Modification of Development Consent N0330/14 for Community plan of subdivision to create 10 residential lots and 1 access way lot, civil works and associated landscaping.**

**At:-**

**Lot 4 DP 1115877  
53C WARRIEWOOD ROAD  
WARRIEWOOD NSW 2102**

**Decision:**

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with:

- DA-04/A: Community Plan of Subdivision showing staging – dated August 2015
- DA-04/B: Stage 1 of Subdivision – dated August 2015
- DA-04/C: Stage 2 of Subdivision – dated August 2015
- Plan of Subdivision, Drawing No DA-04 Revision C dated 21 April 2015, as amended in red by Council
- Architectural drawings prepared by Stephen Bowers Architects as follows:
  - DA-05 revision C: Plan of building footprint and road layout option 01 – dated 21 April 2015;
  - DA-06 revision A: Tree protection plan – dated 26 February 2015;
  - DA-07 revision A: Long section – dated 26 February 2015;
  - DA-20 revision C: Road layout option 02 – dated 21 April 2015;
  - DA-30 revision A: Road sections AA & BB – dated 26 February 2015;
  - DA-31 revision A: Road sections CC – dated 26 February 2015;
  - DA-32 revision A: Road sections DD – dated 26 February 2015;
  - DA33- revision A: Road sections EE – dated 26 February 2015;
- Civil Design drawings prepared by Jones Nicholson Pty Ltd as follows:
  - C02P4: Site plan – dated 25 February 2015;
  - C03P4: Stormwater drainage plan – dated 24 February 2015;
  - C04P5: Longitudinal & chainage sections sheet 1 of 2 – dated 25 February 2015;
  - C06P4: Warriewood Road street frontage works plan – dated 24 February 2015;
  - C20P1 – Civil Design Site Plan – dated 26 November 2015
- Landscape drawings prepared by Sym Studio as follows:
  - SBA01-DA-101 issue D: Landscape plan (subdivision) – dated 26 February 2015;

- SBA01-DA-102 issue A: Landscape plan (subdivision) – Stage 1 – dated 26 February 2015;
  - SBA01-DA-103 issue D: Landscape plan (subdivision) - Stage 2 – dated 26 February 2015;
  - SBA01-DA-104 issue A: Cut & fill diagram – dated 26 February 2015
  - SBA01-DA-901 issue B: Creek corridor sections & details – dated 26 February 2015
  - SBA01-DA-101-A issue A: Landscape Staging Plan – dated 30 November 2015
- Water Management Plan by Jones Nicholson entitled “53C Warriewood Rd, Warriewood NSW, Residential Development” (Reference 20140438 Rev2) dated 20 February 2015;
  - Flood Assessment – 53C Warriewood Road, Warriewood NSW ref. 20140438 Rev2 by Jones Nicholson Pty Ltd, dated 19 February 2015;
  - Proposed residential subdivision: 53C Warriewood Road, Warriewood: Assessment of Traffic and Parking Implications reference 14142 (A) revision C prepared by Transport and Traffic Planning Associates dated September 2014;
  - Traffic and parking implications letter from Transport and Traffic Planning Associates dated 13 November 2015;
  - Geotechnical Investigation Report ref 13262/1-AA prepared by Geotechnique Pty Ltd and dated 5 September 2014;
  - Phase 2 Contamination Report, prepared by Geotechnique Pty Ltd, numbered 13234/3-AA, dated 1 October 2014;
  - Groundwater Contamination Assessment ref. 13234/4-AA prepared by Geotechnique Pty Ltd and dated 19 October 2015;
  - Groundwater Management Plan ref. 13234/4/L1 prepared by Geotechnique Pty and dated 10 November 2015;
  - Waste Minimisation Plan – Subdivision Stage Only ref. 20140438 Rev1 prepared by Jones Nicholson Pty Ltd and dated 12 September 2014;
  - Arboricultural Assessment Report reference 3469 prepared by Tree & Landscape Consultants and dated 18 September 2014;
  - Flora and Fauna Assessment ref. 14SYDECO-0069 prepared by Ecological Australia and dated 5 September 2014;

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

The reason for the imposition of these 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, 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.

**Note: For ease of reference, all of the previous conditions have been re-listed. Those conditions amended or deleted have been highlighted.**

Endorsement of date of consent 30/07/2015, Modified 25/1/2016, **Modified 5 September 2016**

Mark Ferguson  
**INTERIM GENERAL MANAGER**

Per:

**CONDITIONS OF APPROVAL**

**PART A – DEFERRED COMMENCEMENT CONDITIONS**

1. DELETED

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.
2. A sign must be erected in a prominent position onsite only showing:
  - (a) the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (b) the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (c) that unauthorised entry to the work site is prohibited.

The sign must 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.

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.

Any building work in relation to the development consent is to be carried out in accordance with the requirements of the Building Code of Australia.

#### **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. All existing trees as indicated on the Survey Plan and/or approved Landscape Plan shall be retained for the life of the development, except where Council's prior written consent has been obtained. For all other tree issues not related to this development application, applications to remove trees must be made to Council's Tree Management Officers in accordance with Clause 5.9 of Pittwater LEP 2014 and Control B4.22 of Pittwater 21 DCP.
3. Although shown on the indicative building layout drawings, the removal of significant trees within the nominated building envelopes is not approved as part of this consent and their removal should be applied for within the required future development application(s) for the buildings.
4. All street trees required in accordance with the Landscape Plan shall be of a 200 litre pot size.

5. Any vegetation planted onsite outside the approved landscaping is to be consistent with:

- 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 the Pittwater Council website, and [http://www.pittwater.nsw.gov.au/environment/species\\_lists](http://www.pittwater.nsw.gov.au/environment/species_lists).
- The Warriewood Valley Landscape Masterplan.

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

6. No environmental weeds are to be planted on the site. Refer to Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for the environmental weed lists.

7. Certification is required at 12 months and 24 months post completion that works are in accordance with the Maintenance and Weed Control works outlined in the Vegetation Management Plan.

8. No building materials or other materials are to be placed/stored on riparian vegetation.

9. Sediment is not to leave the site or enter areas of riparian vegetation, and appropriate sediment fencing is to be installed.

10. The riparian corridor is to be maintained clear of physical obstructions including fencing which may cause the blockage of flow paths and restrict wildlife migration.

11. All water management facilities related to the development site including rainwater tanks, stormwater quality improvement devices, stormwater filters, the onsite detention basin, flood storage area, and private stormwater drainage are to remain in private ownership, be located within private property (except where the private stormwater crosses public land or the outlet enters the public creek corridor) and maintained in accordance with the manufacturer's specifications and the maintenance requirements outlined in the Water Management Plan by Jones Nicholson entitled "53C Warriewood Rd, Warriewood NSW, Residential Development" (Reference 20140438 Rev2) or as updated for the life of the development. The maintenance is to be carried out by the owners of the development or its Neighbourhood Association over the life of the development.

12. The private stormwater drainage system including the pipe outlet to Narrabeen Creek and the compensatory flood storage area is to be maintained in good condition and free from obstructions by the owners of the development or its Neighbourhood Association over the life of the development.

13. The minimum floor level for all buildings shall be at or above the Flood Planning level plus Climate Change (4.7m AHD).

14. All building structures are to be ensured structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the Probable Maximum Flood (PMF) with the 2100 Climate Change scenario.

15. All structural elements below the PMF level with the 2100 Climate Change Scenario are to be flood compatible in terms of materials used and in the design.

16. Storage of hazardous materials, electrical items, items of plant, equipment or stock and other items which may be susceptible to water damage are to be located above the Flood Planning Level plus Climate change (4.7m AHD).
17. A Flood Emergency Response Plan or its subsequent update is to be implemented by the occupants for the life of the development.
18. A reliable pedestrian access route is to be maintained to allow safe evacuation from each of the dwellings to the evacuation area above the Probable Maximum Flood plus Climate Change (5.3m AHD).
19. Appropriate signage is to be displayed throughout the development to alert people to the flood risk, flood evacuation routes and the evacuation plan.
20. The commitments reported in the Water Management Report '53C Warriewood Road, Warriewood, dated 27 April 2015 by Jones Nicholson Pty Ltd' that forms part of this consent or its subsequent update required by this consent, are to be maintained for the life of the development.
21. The 'Flood Assessment – 53C Warriewood Road, Warriewood NSW by Jones Nicholson Pty Ltd, dated 19 February 2015' or its subsequent update required by this consent, shall apply for the life of the development.
22. The adjustment and construction of all public utilities, services and drainage systems, and the creation of appropriate easements are to be at the full cost of the developer, including:
  - 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 and future/proposed landscaping in the public domain.
  - Street lighting facilities on Lorikeet Grove, the existing public road reserve frontage on Warriewood Road and internally which are to be provided in accordance with the requirements of Ausgrid.
  - All utility services including overhead power supply and communication cables located in the adjacent Public Road reserve verge of Warriewood Road which are to be placed and/or relocated underground for the full length of the public road reserve frontages of the development site at the full cost to the developer.
23. The waste collection area is to be relocated such that it is wholly on privately owned land. The maintenance of the waste collection area is to be carried out by the owners of the development or its Neighbourhood Association over the life of the development.
24. The temporary access road connection to Warriewood Road is to be maintained and made available to Lots 2, 3, 4, 5, 6, 7, 8, 9, and 10 until such time as the Lorikeet Grove connection is completed providing access to the wider road network.

The temporary access road connection to Warriewood Road is to be removed when the Lorikeet Grove connection that provides access to the wider road network is completed and open for public access.
25. A 1.2m wide footpath is to be constructed along the south eastern side of the "shareway" for its full length. This footpath is to be removed and the area is to be reinstated with turf when the internal road and footpath on the adjoining property (53A, 53B and 53 Warriewood Road) has been completed.

26. Any new fencing (with the exception of swimming pool fencing) must be:
- flood compatible, and
  - made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.
27. 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, 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.
28. The development must be carried out in accordance with the below General Terms of Approval specified by New South Wales Rural Fire Service – Planning for Bushfire Protection:
- (a) At the issue of subdivision certificate and in perpetuity, the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- (b) Any future residential building or dwelling on proposed Lot 10 must be:
- (i) Located a minimum of 7 metres from the eastern boundary;
  - (ii) Constructed in accordance with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'; and
  - (iii) Provided with a 2.8 metre Radiant Heat Shield located along the eastern boundary that extends the length of the lot. The Radiant Heat Shield is to comprise of a 1.8 metre high non-combustible panel fence and a 1 metre high earth wall. Any associated retaining wall is to be constructed of non-combustible material.
- In accordance with Section 88B of the 'Conveyancing Act 1919 a restriction to the land shall be placed on proposed Lot 10 requiring any future building to be constructed according to points (i) to (iii) above.
- (c) The submitted section 88B instrument under the 'Conveyancing Act 1919' shall be registered prior to the commencement of building works.
- (d) Water & utilities shall be provided in accordance with the requirements of Section 4.1.3 of 'Planning for Bush Fire Protection 2006.'
- (e) The Lorikeet Grove extension shall comply with the requirements of Section 4.1.3 (1) in 'Planning for Bush Fire Protection 2006'.
29. The nominated name of 'Tyree Place' for the private roadway is not approved. The street name for the "shareway" must be in accordance with the Warriewood Valley Street Name Register.
30. 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.



31. The future residential flat building on Lot 10 of the approved subdivision shall contain no less than two (2) dwellings and no more than six (6) dwellings, in accordance with clause 6.1(3) of Pittwater LEP 2014.
32. Prior to the issue of the Occupation Certificate, a Suitably Qualified Professional is to certify to the satisfaction of the Principal Certifying Authority that the attached requirements of the NSW Rural Fire Service have been satisfied
33. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified
34. All utility services including overhead power supply and communication cables located in the adjacent road verge and those servicing the development 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.
35. New electrical connections are to be carried out using underground cabling.
36. The staging of the subdivision and associated civil works is to be undertaken in accordance with the approved staging plans and the following detail:

#### Stage 1

- Subdivision of the Site to create four (4) lots as follows:
  - Approved Lot 11
  - Approved Lot 2
  - Residual Lot 3
  - Approved Lot 12
- Registration of the following easements:
  - A 5m wide sewerage easement through the rear of Lot 11;
  - Easement to drain sewage and stormwater burdening Lot 10 and benefitting Lot 12 and future Lot 1;
  - A 7.2m wide right of way easement burdening Lots 11 and 2 in favour of Lot 3 and Lot 11 in favour of Lot 2;
  - A 1.2m wide drainage easement, burdening Lot 3 in favour of Lots 11 and 2 and burdening Lot 2 in favour of Lot 11;
  - A 1.5m wide public access ROW burdening Lot 3 and benefitting Lot 12;
  - A 1.2m wide easement for services burdening Lot 11 in favour of Lot 2 & 3 and burdening Lot 2 in favour of Lot 3.
- Civil works as follows:
  - Warriewood Road upgrade involving the full construction of all works for the full width of the Site road frontage;
  - Construction of the interim driveway within the boundaries of the Site and not within the road reservation;
  - Lorikeet Grove construction and dedication;
  - Creekline corridor works, including all flood mitigation works and excavation for flood storage compensation within the inner and outer creekline corridors; and
  - OSD for Lots 11 and 2 and associated infrastructure down to water quality system at bottom of site.
- Landscaping works as follows:

- Street tree plantings and lawn reinstatement in the Warriewood Road Council verge;
- Creekline corridor works;
- Cycleway; and
- Public access ROW over Lot 10.

### Stage 2

- Subdivision of residual Lot 3 into nine (9) lots in accordance with approved subdivision plans;
- Registration of easements as follows:
  - Reciprocal ROW for Lot 3 (adjoining land owner);
  - ROW over Lot 1 in favour of Lot 2.
- Civil works as follows:
  - Construction of balance of water management facilities;
  - Construction of Lot 1 access way;
  - Connection of water, sewer and other services; and
  - Completion of temporary works if required.
- Landscaping works as follows:
  - All remaining landscaping works in accordance with the approved landscape plans.
- Dedication of the inner creekline corridor and Lorrieket Grove to Council (Lot 12)

37. Adequate provision is to be made to ensure that the temporary water quality treatment and temporary OSD facilities in Stage 1 are able to be accessed for maintenance and that this maintenance is carried out until these facilities are replaced.

### **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 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. 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, 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 the N.S.W. Department of Land and Water Conservations *Urban Erosion and Sediment Control* manual.

The plan is also to include specific details required to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

3. Prior to the issue of a Construction Certificate, written approval under Section 139 of the Roads Act is to be obtained from Council for works within the Warriewood Road road reserve.

Engineering plans and specifications for construction of the Public Road reserve along the Warriewood Road frontage must be submitted to Council as part of the Roads Act application for approval prior to the issue of a construction certificate.

The engineering plans and specifications for works to the full length of Warriewood Road frontage of the development site are to include the following:

Road shoulder and road pavement construction, including pavement design and treatments up to the road centre line ( $2 \times 10^6$  ESA pavement design criteria);

- Kerb and Guttering (vertical faced kerb only will be permitted);
- Indented parking bays in accordance with the requirements of the Warriewood Valley Roads Masterplan;
- Associated road and drainage for Warriewood Road;
- Footpath/cycleways 2.5m wide on Warriewood Road;
- Street lighting and sign posting;
- Landscaping; and
- Driveways

The plans required above are to meet the objectives and requirements of the Warriewood Valley Roads Master Plan; Austroads; AusSpec; and Pittwater 21 DCP and achieve a road design and landscaped effect consistent with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain).

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 the Institution of Engineers (Australia) prior to submission to Council.

The reconstruction of the existing road pavement of Warriewood Road for the full width of the site (out to the centerline of the road) 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  $2 \times 10^6$ .

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 to be submitted to the PCA prior to the issue of a Construction Certificate.

4. Prior to the issue of a construction certificate, at least three photographs of the Warriewood Road road reserve (not to be constructed), one front-on and one from each side of the property, are to be submitted to Pittwater Council 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.
5. Engineering plans and specifications for construction of Lorikeet Grove must be submitted to Council as part of the Roads Act application for approval prior to the issue of a construction certificate.

The engineering plans and specifications for works to the full length of Lorikeet Grove within the development site are to include the following:

- Road shoulder and road pavement construction, including pavement design and treatments up to the road centre line ( $6 \times 10^5$  ESA pavement design criteria);
- Kerb and Guttering (vertical faced kerb only will be permitted);

- Lorikeet Grove drainage system (public system) which will require to be piped to Narrabeen Creek with an associated outlet headwall. Appropriate drainage easements are to be created.
- Pedestrian facilities (1.5m wide footpath in accordance with the location on drawing SBA01-DA-101 Issue D, dated 26 February 2015 prepared by Sym Studio);
- Street lighting and sign posting;
- Landscaping; and
- Driveways

The plans required above are to meet the objectives and requirements of the Warriewood Valley Roads Master Plan; Austroads; AusSpec; and Pittwater 21 DCP and achieve a road design and landscaped effect consistent with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain).

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 the Institution of Engineers (Australia) prior to submission to Council.

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 to be submitted to the PCA prior to the issue of a Construction Certificate.

6. Engineering plans and specifications for construction of the "shareway" must be submitted to Council **or an appropriately qualified accredited certifier** as part of the Roads Act application for approval prior to the issue of a construction certificate **for Stage 2 works**.

The engineering plans and specifications for works to the full length of the "shareway" are to include the following:

- Road shoulder and road pavement construction, including pavement design and treatments up to the road centre line (1 x 10<sup>5</sup> ESA pavement design criteria);
- Kerb and Guttering (vertical faced kerb only will be permitted). Where Kerb and Guttering does not form the edge of a road pavement in a street, a means of preventing vehicles from parking off the road pavement shall be provided;
- Drainage facilities and associated water treatment facilities;
- Pedestrian facilities (1.2m wide footpath is to be provided on the South Eastern side of the shareway);
- Street lighting and sign posting;
- Landscaping; and
- Driveways

The plans required above are to meet the objectives and requirements of the Warriewood Valley Roads Master Plan; Austroads; AusSpec; and Pittwater 21 DCP and achieve a road design and landscaped effect consistent with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain).

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 the Institution of Engineers (Australia) prior to submission to Council.

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 to be submitted to the PCA prior to the issue of a Construction Certificate.

7. Complete detailed plans and specifications of all works within the Narrabeen Creek corridor are to be submitted to Council and approved in writing by Council prior to:

(i) the issue of any Construction Certificate;

If necessary, resubmission of plans to the NSW Office of Water may occur.

The detailed plans and specifications are to include:

- The construction of Narrabeen Creek corridor and associated transitions to upstream and downstream boundaries. The proposed future cross section of Narrabeen Creek is to generally comply with the requirements of the Warriewood Valley Water Management Specification (WMS), i.e. low flow batter 1v:3h up to the 50% AEP, then 1v:6h batter to 20% AEP and 1v:8h batter over 20% AEP.
- Full design documentation for the construction of Lorikeet Grove drainage system (public system) which is required to be piped to Narrabeen Creek with an associated outlet headwall. Appropriate drainage easements are to be created.

8. The development must be carried out in accordance with the below General Terms of Approval specified by NSW Office of Water:

#### **Plans, standards and guidelines**

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2014/NO330 and provided by Council:

(i) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

2. 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 the NSW Office of Water. Waterfront land for the purposes of this DA is land or material in or within 40 metres of the top of the bank or shore of the river identified.

3. 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

4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)

- (i) Vegetation Management Plans
- (ii) Riparian Corridors
- (iii) In-stream works
- (iv) Outlet structures

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 the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion of the NSW Office of Water.

### **Rehabilitation and maintenance**

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 the NSW Office of Water.

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 NSW Office of Water.

### **Reporting requirements**

The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

### **Security deposits**

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 the NSW Office of Water as and when required.

### **Access-ways**

The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.

The consent holder must not located ramps, stairs, access ways, 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 the NSW Office of Water.

### **Bridge, causeway, culverts and crossing**

The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.

The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the NSW Office of Water.

### **Disposal**

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 the NSW Office of Water.

### **Drainage and stormwater**

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 the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.

The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

### **Erosion control**

The consent holder must establish all erosion and sediment works and water diversion structures in accordance with a plan approved by the NSW Office of 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.

### **Excavation**

The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.

### **Maintaining river**

The consent holder must ensure that (i) river diversion, realignment or alterations does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.

The consent holder must ensure that the surfaces or river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.

### **River bed and bank protection**

The consent holder must clearly mark (with stakes using GPS or peg-out survey) protect and maintain a riparia corridor width of 25 metres measured horizontally 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 the NSW Office of Water.

### **Plans, standards and guidelines**

24-27 N/A

9. The development must be carried out in accordance with the below General Terms of Approval specified by The Office of Environment and Heritage:
- (i) The proponent must ascertain if Aboriginal objects are present within the subject area prior to the commencement of development works;
  - (ii) If Aboriginal objects are present, OEH's preference is that harm to these objects is avoided as a result of the proposed development;
  - (iii) If harm to the objects cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) must be sought prior to the commencement of works;
  - (iv) The AHIP application must be accompanied by appropriate documentation and mapping as outlined on Page 6 of Applying for an *Aboriginal Heritage Impact Permit, Guide for Applicants*; and
  - (v) Consultation with the Aboriginal heritage community undertaken as part of an AHIP application must be in accordance with the *Aboriginal Cultural Heritage Community Consultation Requirements for Proponents 2010*.
10. A revised Water Management Report prepared by a qualified practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in urban stormwater and flood management, is to be submitted prior to the issue of a Construction Certificate. The revised report is to provide detailed designs, plans and the required information for all works needed to achieve full compliance with the *Warriewood Valley Water Management Specification February 2001 (WMS (2001))* and *Pittwater 21 Development Control Plan* based on the Water Management Plan by Jones Nicholson entitled "53C Warriewood Rd, Warriewood NSW, Residential Development", (Reference 20140438 Rev3), prepared for ARH Warriewood Pty Ltd dated 27 April 2015. The WMS (2001) document Checklist – Construction Certificate is to be certified and submitted prior to the issue of a Construction Certificate.

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):

- (i) The System is to be in accordance with the revised Water Management Report referred to above.
- (ii) The System is to be designed to meet the objectives and requirements of the Warriewood Valley Integrated Water Management Strategy and Warriewood Valley Water Management Specification and is to include and provide for:-
  - a) Staging of works to ensure that the objectives of the Warriewood Valley Water Management Specification and sufficient water quality and water quantity facilities are provided to service each stage prior to the release of any Subdivision Certificate.
  - b) The Stormwater Management System achieving compliance with the relevant Australian Standards and contemporary engineering best practice.
  - c) The stormwater drainage design incorporating pipe capacities that allow for an additional 30% increase in rainfall intensity for the climate change scenario.
  - d) Earthworks and retaining wall associated with the flood storage area on lot 10.

The Water Management Report and all associated plans and detailed design must be certified by an appropriately qualified accredited certifier in accordance with the Warriewood Valley Water Management Specification (February 2001) and as meeting the requirements of this condition.



11. 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 plan is to detail:

- Quantity of material to be transported;
- Proposed truck movements per day;
- Proposed hours of operation; and
- Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater

12. An amended landscape plan is to be submitted prior to the issue of a Construction Certificate detailing the following staged works:

**Stage 1:**

- A decomposed granite share path with a width of 1.5m constructed within Lot 10 to provide access from Lorikeet Grove to the pedestrian/cycleway path;
- A 1.5m footpath on Lorikeet Grove in accordance with the location detailed in the submitted Landscape Plan, drawing number SBA01-DA-101 Issue D, dated 26 February 2015, prepared by Sym Studio;
- Pedestrian/cycleway 2.5m wide located above the 20 year ARI flood level;
- DELETED
- DELETED,
- Tree planting within the creekline corridor shall be increased to include the following species and quantities:
  - 25 x Casuarina glauca (tubestock),
  - 15 x Eucalyptus robusta (tubestock).

**Stage 2**

- Location of bin storage areas on private land; and
- Amended plant densities for areas outside the Inner 25m Creekline Corridor

All other listed trees and plant species as documented on the Sym Studio drawing, number SBA01-DA-101, Issue D dated 26 February 2015, including pot sizes and the planting densities for the Inner 25m Creekline Corridor, shall remain.

Planting densities in accordance with the following:

- shrubs shall be planted at a minimum of 2 per square metre,
- accent plants shall be planted at a minimum of 2 per square metre,
- grasses shall be planted at a minimum of 6 per square metre,
- groundcovers shall be planted at a minimum of 6 per square metre.

13. The recommendations of the Phase 2 Contamination Report, prepared by Geotechnique Pty Ltd, numbered 13234/3-AA, dated 1 October 2014 are to be implemented prior to the issue of a Construction Certificate.

14. DELETED

15. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field
16. 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 Accredited Certifier
17. The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties 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
18. Where site fill material is necessary, fill materials must:
  - be Virgin Excavated Natural Material (VENM) only, as approved under the Department of Climate Change "General Resource Recovery Exemption
  - 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.
19. The following measures shall be implemented in the sequence given below, to minimise soil erosion:
  - (a) 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.
  - (b) Topsoil shall be stripped only from approved areas and stockpiled for re-use during site rehabilitation and landscaping.
  - (c) 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.
  - (d) 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.
  - (e) 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.
  - (f) 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.
  - (g) 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.
  - (h) Measures required in permits issued under the Rivers and Foreshores Improvement Act shall be implemented. This Act requires that people obtain approval for any proposed excavation or fill in or within 40 metres of a watercourse. Permits should be sought from the Department of Natural Resources.

20. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

21. 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.

**22. Prior to the issue of the Construction Certificate or the Subdivision Certificate for Stage 1 (whichever occurs first), a monetary contribution of \$63,055.74 (subject to (a) below) is to be made for Stage 1 of the development for the provision of public infrastructure and services pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.**

**(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 (Plan No. 15). The monetary contribution is to be paid prior to issue of the first Construction Certificate for Stage 1 of the development.**

**(b) The Applicant may negotiate with Council for the direct provision of other facilities and services in lieu of the monetary contribution above (or any portion of that contribution) through a Material Public Benefit offer to Council and the proponent in accordance with the Warriewood Valley Section 94 Contributions Plan (Plan No. 15). Any Material Public Benefit agreement between the Applicant and Pittwater Council must be finalised, formally signed and in place prior to payment being made.**

**The Warriewood Valley Section 94 Contributions Plan (Plan No.15) may be inspected at Pittwater Council, 1 Park Street Mona Vale or Council's website [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)**

23. Prior to the issue of the Construction Certificate or the Subdivision Certificate for Stage 2 (whichever occurs first), a monetary contribution of \$399,478.49 (subject to (a) below) is to be made for Stage 2 of the development for the provision of public infrastructure and services pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

(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 (Plan No. 15). The monetary contribution is to be paid prior to issue of the first Construction Certificate for Stage 2 of the development.

(b) The Applicant may negotiate with Council for the direct provision of other facilities and services in lieu of the monetary contribution above (or any portion of that contribution) through a Material Public Benefit offer to Council in accordance with the Warriewood Valley Section 94 Contributions Plan (Plan No. 15). Any Material Public Benefit agreement between the Applicant and Pittwater Council must be finalised, formally signed and in place prior to payment being made.

The Warriewood Valley Section 94 Contributions Plan (Plan No.15) may be inspected at Pittwater Council, 1 Park Street Mona Vale or Council's website [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)

**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. No building materials or other materials are to be placed on vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
2. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by TALC, dated 18 September 2014 are required to be complied with before and throughout the development period, particularly with regard to the following:
  - 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;
  - 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;
  - 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;
  - 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. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
  - 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.
  - 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
3. In the event that any tree required to be retained is damaged during works on the site, the person acting upon this consent shall advise Council in writing within 48 hours of the damage being identified.
4. The recommendations of the Phase 2 Contamination Report, prepared by Geotechnique Pty Ltd, numbered 13234/3-AA, dated 1 October 2014 are to be implemented during construction.
5. 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.
6. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
7. 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.

8. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised and landscaped in accordance with this consent.
9. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
10. A clearly legible Site Management Sign is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
  - The builder's name, builder's telephone contact number both during work hours and after hours.
  - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
  - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Councils Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
  - That no skip bins or materials are to be stored on Councils Road Reserve.
  - That the contact number for Pittwater Council for permits is 9970 1111.
11. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
12. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Councils 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. All construction in the public road reserve must be undertaken by a Council authorised contractor and must be in accordance with Council's Section 139 approval under the Roads Act.
15. The submitted Construction Traffic Management plan is to be implemented, where required, throughout the construction phase of the development on site.
16. Any fill material imported to the site is to 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.

The fill shall be deposited and works carried out in strict compliance with the N.S.W. Department of Land and Water Conservation's Urban Erosion and Sediment Control manual.

The batters of the fill area are to be graded to a slope of no more than 4(H):1(V) in accordance with the N.S.W. Department of Land and Water Conservation's Urban Erosion and Sediment Control manual.

A report certifying that fill complies with the requirements of this condition prepared by a suitably qualified person is to be provided to the Private Certifying Authority on completion of the filling works.

17. 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.
18. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
19. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
20. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
21. 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
22. 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.
23. 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.
24. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
25. 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.

26. 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.
27. 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.

28. Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council.
29. All construction in the public road reserve must be undertaken by a Council authorised contractor.
30. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Subdivision Certificate application.
31. Construction access to the property is to be via the approved driveway only.
32. Demolition works must be carried out in compliance with WorkCovers Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days notice in writing of the intention to disturb and remove asbestos from the development site

#### **F. Matters to be satisfied prior to the issue of a Subdivision Certificate:**

1. The following documents and payments are to be submitted to Pittwater Council in a single package to ensure the efficient release of the relevant Subdivision Certificate:
  - (i) A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994;
  - (ii) Copies of the amended Plan of Subdivision incorporating the changes shown in red on the stamped approved plan and identification of the flood storage area in the outer creekline corridor as Pt Lot 1 (original plus 6 copies);
  - (iii) The Neighbourhood Association Statement incorporating the following:
    - maintenance requirements and responsibilities of the owners of the development or its Neighbourhood Association for all water management facilities related to the development site including the rainwater tanks, stormwater quality improvement devices, stormwater filters, the onsite detention basin, flood storage area, and private stormwater drainage, including the pipe outlet to Narrabeen Creek and the compensatory flood storage area, in accordance with manufacturer's specifications and the maintenance requirements outlined in the Water Management Plan by Jones

Nicholson entitled "53C Warriewood Rd, Warriewood NSW, Residential Development" (Reference 20140438 Rev2) or as updated;

- maintenance requirements and responsibilities of the owners of the development or its Neighbourhood Association for the private temporary road and the "shareway", including the collection area for garbage bins.
  - The removal of the private temporary road at the appropriate time and in accordance with condition B24.
- (iv) The private certifier'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:
- the construction of the Water Management System has been supervised and certified by person(s) with appropriate experience and expertise in Environmental Science, Hydrology and Hydraulics, and must be NPER registered members of the Institution of Engineers (Australia).
  - Works associated with the water management system have been completed in accordance with the Water Management Report required under conditions of this consent. Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001); and
  - All roads, drainage and other civil engineering works have been carried out and completed in accordance with the engineering plans and specifications required under conditions of this consent.
- (v) Creation of appropriate easements where public and/or private (interallotment) drainage lines pass through private property.
- (vi) Creation of appropriate easements where service lines or drainage lines pass through private property other than the lot which they benefit.
- (vii) Easement for access and services burdening proposed lots 2 and 11, benefiting lots 2 to 10 inclusive. This easement can be extinguished when the temporary access road is no longer required in accordance with condition B24 (Temporary Vehicle and Pedestrian Access).
- (viii) Restriction on the use of land burdening all lots and benefiting Pittwater Council to provide public access along the 1.5m wide footpath adjacent to the south western (side) boundary of lot 10.
- (ix) Where Material Public Benefits are involved, a Bank Guarantee for the difference between the value of the Material Public Benefit (MPB) and the value of the MPB works constructed for that stage.
- (x) A copy of the updated Water Management Report and detailed design required under conditions of this consent. The Water Management Report must contain all reports, assessments and plans as required by the Warriewood Valley Water Management Specification (February 2001).
- (xi) 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:
- Boundary layout;
  - Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
  - Signage (including type and wording), line marking;
  - Easements, survey numbers and marks, reduced levels and co-ordinates;
  - Stormwater drainage locations, pipe sizes and types, pit sizes and types, subsoil drains;



- Water quality devices, ponds, creek line corridors, parkland, play equipment;
  - Significant landscaping.
- (xii) Security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.
- (xiii) Creation of a restriction on the use of land, at the applicants expense, and a Section 88B instrument burdening all lots and benefiting Pittwater Council which provides for:
- i. prohibition on the keeping of domestic cats on properties adjacent to the creekline corridor;
  - ii. restriction of dogs to within the building at night and otherwise to be either within a fenced compound on the lot or on a lead; and
  - iii. restriction of cats to within the building at night.
2. Prior to the issue of a Subdivision Certificate, all infrastructure works relevant to each stage of the subdivision are to be completed and other relevant conditions in this consent relating to the following matters are to be satisfied. The works include the following:
- (i) construction and servicing of the residential lots including:
    - roads, drainage and civil engineering works;
    - landscaping works;
    - all driveways; and
    - All works associated with the water management system of this consent.
  - (ii) Interallotment drainage easements which are to be a minimum 1.5 metres wide;
  - (iii) The public drainage easements whose widths are to be in accordance with Council's Pittwater 21 DCP requirements.
3. Prior to the issue of any Subdivision Certificate, the applicant must submit a report from an appropriately qualified and experienced geotechnical engineer certifying that the lots are geotechnically stable and will provide an appropriate platform for any subsequent building on the development site.
4. 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. A security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period.
5. Notification is required to Council, certified by the appropriately qualified professional, of the properties that are to be notated under Section 149(2) for either Flood Category 1, 2 or 3.
6. A suitably qualified landscape architect is to certify that all the landscape and hardscape works comply with the Construction Certificate landscape plans and that all Conditions of Consent have been met.
7. Prior to the issue of any Subdivision Certificate a Landscape Maintenance Plan is to be prepared and submitted to Council that outline the technique and frequency of maintenance

tasks during the establishment of the landscaping. The Landscape Maintenance Plan is to be implemented for a period 12 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 (paving, walls, seating), 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.

8. Prior to issue of any Subdivision Certificate evidence of the engagement of a suitably qualified landscape architect for a period of 12 months that is to oversee the implementation of the Landscape Maintenance Plan is to be submitted to and approved by the Principal Certifying Authority. This is to include visits the site immediately following completion of the landscaping and hardscape works on site and then on a three (3) monthly basis for a period of 12 months to ensure implementation of the Landscape Maintenance Plan.
9. Certification is required at 12 months and 24 months post completion that works are in accordance with the Maintenance and Weed Control works outlined in the Vegetation Management Plan.
10. Certification is to be submitted from the supply Nursery that all street trees are compliant with Natspec's 'Specifying Trees: a guide to assessment of tree quality'
11. A qualified experienced vegetation management consultant is to certify that only approved locally native vegetation has been planted within 50m of the creekline corridor. The approved species are to be consistent with the species listed in the Warriewood Valley Landscape Masterplan as creekline corridors planting. The certification is to be provided prior to the issue of an Subdivision Certificate.
12. Prior to the issue of a Subdivision Certificate, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Refer to Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for the noxious/environmental weed lists.
13. An Ecological Consultant is to certify that the Riparian Zone and Buffer area is in the same (or better condition) post development relative to pre-development and that all noxious and environmental weeds in this zone have been removed and controlled. They are also to certify that all plantings are locally native species and in accordance with the approved landscape plans (Sym Studio, DA100-104, 26 February 2015) and planting schedules applicable to this zone.
14. Certification by a qualified experienced practising Civil Engineer with corporate membership of Engineers Australia (MIEAust), or who is eligible to become a member and has appropriate experience and competence in the related field, that the drainage/stormwater management and water management systems have been installed to the manufacturer's specification (where applicable), completed in accordance with the engineering plans and specifications required under this approval and completed in accordance with the Water Management Report required under this consent and the *Warriewood Valley Water Management Specification (February 2001)*.
15. Notification to Council will be required to change Council's Flood Hazard Classification of the properties, for the purpose of changing notations on the Section 149(2) Planning Certificates of the properties issued under the Environmental Planning and Assessment Act, 1979. The proposed changes are to be certified by an appropriately qualified professional. Any change in Flood Hazard Classification and accompanying change in

Section 149(2) Planning Certificate notations must be adopted by the elected Council and so should be submitted in sufficient time to complete this process.

16. A Flood Emergency Response Plan is to be prepared, and submitted to Council prior to the issue of a Subdivision Certificate which addresses the emergency response for all floods up to the Probable Maximum Flood (plus climate change).

The Flood Emergency Response Plan must address the capability of evacuation as the primary method of flood emergency response. As the period of isolation of the development could be greater than 2 hours in a Probable Maximum Flood, high level on-site vertical refuge (sheltering-in-place) may be considered as a secondary or method of last resort only.

The Flood Emergency Response Plan will need to demonstrate that there is pedestrian access via a low flood hazard area to a 'safe haven' above the PMF (plus climate change).

17. All structures must be designed, constructed and certified by a structural engineer to be structurally sound for immersion and impact on velocity up to the Probable Maximum Flood with the 2100 Climate Change Scenario caused by mainstream and overland flow flooding. Certification is to be provided to Principal Certifying Authority prior to the issue of a Subdivision Certificate.
18. Prior to issue of a Subdivision Certificate photographic evidence of the condition of the street trees and road reserve 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 Subdivision Certificate.
19. If damage has occurred restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction is required. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the accredited certifier prior to the issue of a Subdivision Certificate application.
20. A certificate prepared by a Chartered Professional Engineer is to be provided prior to the issue of an Subdivision Certificate confirming that the works in the public road reserve comply with Council requirements.
21. Prior to issue of the Subdivision Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority
22. The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of all property, infrastructure, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. 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.
23. Prior to the issue of the Construction Certificate or the Subdivision Certificate for Stage 1 (whichever occurs first), a monetary contribution of \$122,710.66 (subject to (a) below) is to be made for Stage 1 of the development for the provision of public infrastructure and services pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

- (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 (Plan No. 15). If the monetary contribution has not been already paid in accordance with Condition C35 of this Consent, the payment is due prior to the issue of a Subdivision Certificate for Stage 1 of the development.
- (b) The Applicant may negotiate with Council for the direct provision of other facilities and services in lieu of the monetary contribution above (or any portion of that contribution) through a Material Public Benefit offer to Council and the proponent in accordance with the Warriewood Valley Section 94 Contributions Plan (Plan No. 15). Any Material Public Benefit agreement between the Applicant and Pittwater Council must be finalised, formally signed and in place prior to payment being made.

The Warriewood Valley Section 94 Contributions Plan (Plan No.15) may be inspected at Pittwater Council, 1 Park Street Mona Vale or Council's website

24. Prior to the issue of the Construction Certificate or the Subdivision Certificate for Stage 2 (whichever occurs first), a monetary contribution of \$399,478.49 (subject to (a) below) is to be made for Stage 2 of the development for the provision of public infrastructure and services pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

- (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 (Plan No. 15). ). If the monetary contribution has not been paid in accordance with Condition C36 of this Consent, the payment is due prior to the issue of a Subdivision Certificate for Stage 2 of the development.
- (b) The Applicant may negotiate with Council for the direct provision of other facilities and services in lieu of the monetary contribution above (or any portion of that contribution) through a Material Public Benefit offer to Council in accordance with the Warriewood Valley Section 94 Contributions Plan (Plan No. 15). Any Material Public Benefit agreement between the Applicant and Pittwater Council must be finalised, formally signed and in place prior to payment being made.

The Warriewood Valley Section 94 Contributions Plan (Plan No.15) may be inspected at Pittwater Council, 1 Park Street Mona Vale or Council's website [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)

25. The Applicant is required to dedicate to Pittwater Council a total of 443 square metres of creek line land for the provision of multi-functional creek line corridor facilities, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

- (a) The land to be dedicated is identified as part of Lot 12 on the plan titled 'Stage 2 Subdivision of Lot 4 DP 1115877', drawing no. DA – 04/C, Revision A, dated December 2015.
- (b) The exact area of land to be dedicated is subject to a final Plan of Subdivision.
- (c) The dedication is to take place by way of subdivision. Evidence that the Deposited Plan has been registered with NSW Land and Property Information shall be provided to the Certifying Authority prior to the issue of a Subdivision Certificate for the Stage 2 residential lots (Lots 3-9 on the plan titled 'Stage 2 Subdivision of Lot 4 DP 1115877', drawing no. DA – 04/C, Revision A dated December 2015).

The Warriewood Valley Section 94 Contributions Plan (Plan No.15) may be inspected at Pittwater Council, 1 Park Street Mona Vale or Council's website [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)

**G. Advice:**

1. 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.
2. All development should be consistent with the "deemed bushfire safety authority" requirements provided by the NSW Rural Fire Service dated 6 February 2015.
3. The vegetation classification has been assessed as being Forested Wetlands under the provisions of 'Planning for Bush Fire Protection 2006'. In order to determine the correct level of construction under the provisions of AS3959-2009, Forested Wetlands converts to Forest. Due to the differences between 'Planning for Bush Fire Protection 2006' and AS3959-2009, the separation distance measured to Proposed Lots 8 and 9 may potentially result in construction being required to flame zone, if the vegetation on the adjoining site (Lot 1 in 349085) is not managed.
4. The applicant is advised that as a future development application is expected for the development on the residue lot/superlot (known on the DA plans as Lot 10), a Section 94 contribution applicable to proposed Lot 10 will be calculated for the future DA once the total number of dwellings proposed on Lot 10 is confirmed.