

ATTACHMENT "A"

CONDITIONS OF CONSENT

Applicant's Name and Address:

**JAMES AND MARGOT DARGAVILLE
7 TRENTWOOD PARK, AVALON BEACH
SYDNEY NSW 2107**

Conditions of Consent relating to Development Application No. N0530/15 for subdivision of one lot into three, demolition of existing detached garage and new access road to provide access to new lots at 7 Trentwood Park, Avalon Beach (Lot 1 DP 202857).

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. The development is to be carried out in accordance with the information and reports provided by the applicant in support of the application, including the Statement of Environmental Effects and in accordance with the following documentation (as amended by any relevant conditions of consent and deferred commencement conditions);

Plans

- A01 (Site Plan), Issue F, dated October 2017;
- A05 (Lot 2 & 3 Driveway Section), Issue C, dated June 2017;
- A06 (Lot 1 & 2 Driveway Section), Issue D, dated October 2017.
- Draft Subdivision Plan (Two (2) Sheets), prepared by Adam Clerke Surveyors, dated 19/09/2017.

Documents

- Geotechnical Risk Management Assessment Report, prepared by White Geotechnical Group, dated 15 September 2017;
- Arborist report, prepared by Tree Wise Men Australia Pty Ltd, dated August 2017;

- Flora and Fauna Assessment, prepared by Cumberland Ecology, dated 06 October 2017;
 - Supplementary Bushfire Assessment Report, prepared by Australian Bushfire Protection Planners Pty Ltd, dated 24 August 2017;
 - NSW Rural Fire Service Letter Ref: DA15/3905, prepared by NSW Rural Fire Service, dated 07 September 2017.
2. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
 3. 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.
 4. 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.
 5. 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.
 6. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - a. in the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
 - b. in the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

7. 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.
8. 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. 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.
2. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by White Geotechnical Group Consultants dated 15/09/2017 are to be incorporated into the construction plans by a Structural Engineer who has membership with the Institute of Engineers Australia, National Professional Engineers Register (NPER).
3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
4. No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
5. Prior to any vegetation clearance, all priority weeds in the canopy and shrub layers should be demarcated in order for these to be disposed of separately from native material.

Weeds listed in Greater Sydney Regional Strategic Weed Management Plan 2017 - 2022 must be removed and managed continuously.

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 for environmental weed lists.
7. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
 - a. Native species listed in the Flora and Fauna Assessment (Cumberland Ecology 2017)
 - b. 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 available on the Northern Beaches Council website;
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/>

[general-information/environmental-and-community-protections/nativegardeningbooklet.pdf](#)

8. An inter-allotment stormwater drainage system is required to be installed within the land to carry stormwater discharged from the newly created properties to the public drainage system. The maximum permissible discharge to the kerb is to be limited to 30l/s for the entire development site including the proposed driveway, existing dwelling future dwellings (proposed lot 1 and 3) which is to be connected into the inter-allotment drainage pipe line.
9. All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.
10. In accordance with Pittwater Councils DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Arborist Report (Tree Wise Men - August 2017) shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
11. All roads and access ways within the subdivision are to be designed and constructed to accommodate access for waste recycling and delivery vehicles manoeuvring within the created subdivision.
12. The internal driveway finish is:
 - a) to be a stable surface for all weather conditions
 - b) to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.
13. All utility services including overhead power supply and communication cables to service the lots to be created are to be placed underground within the proposed reserve, within the developed land, and within the lots created within the subdivision.
14. 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.
15. 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.
16. The consent does not authorise the construction of any dwellings on the site. All future dwellings are to be subject of a separate application to Council.

17. The removal of trees within, or immediately adjacent to, the designated building envelopes as indicated in the Arborist Report dated August 2017, is to be further considered in relation to the subsequent development applications for the house/s on these lots and no trees within the building envelopes nominated on the two proposed lots are to be removed as part of the subdivision works. Trees may be removed only where necessary to carry out the approved engineering works of the subdivision, including the new driveway and services.
18. Excavation associated with the designated building envelopes is NOT permitted. Only excavation associated with the approved engineering works, including access and services, is permitted. Any excavation associated with the dwellings shall be part of a separate Development Application.
19. All appropriate infrastructure is to be provided to service the proposed lots, including roads and access ways, drainage facilities, landscaping, water management facilities, and siltation and sedimentation control measures.
20. The safety barrier to the driveway is to include planting on the guard rail in order to soften the visual impact of the driveway as viewed from the adjoining properties.
21. The Garage enclosure located within the frontage of Lot 1 is to be finished in dark or earthy tones, or natural materials in order to blend in with the natural environment and shall not be visually prominent.
22. Replacement planting is to be provided for any trees removed as part of the civil works, including construction of the access driveway and services. Replacement planting is to be at a ratio of 3:1 for every tree removed. Replacement planting is to be located outside of construction zones and building envelopes to ensure survival. Location of new trees should also be in accordance with the Bushfire requirements of the site. The trees are to be retained for the life of the development.

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. A contribution of \$40,000 is payable to Northern Beaches Council for the provision of public infrastructure and services pursuant to the Pittwater Section 94 Contributions Plan for Residential Development.

The contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate (whichever occurs first) or prior to the issue.

The proponent may negotiate with Council for the direct provision of facilities and services specified in the Section 94 Plan, the dedication of land or another material public benefit in lieu of full or partial payment of the monetary contribution. Any agreement shall be in accordance with the Pittwater Section 94 Contributions Plan for Residential Development. The agreement must be finalised, formally signed and in place prior to payment being due.

The Pittwater Section 94 Contributions Plan for Residential Development may be inspected at Council's Mona Vale office, 1 Park Street Mona Vale or on Council's website.

Cashier Codes:
SOPS – \$16,000
SLEL – \$4,000
SCSF – \$7,000
SVSS – \$13,000

2. 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.
3. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the *Sydney Water Act, 1994*. 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.

4. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the Environmental Planning and Assessment Regulation 2000:
 - a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering any stormwater drainage connections, and
 - d) after building work has been completed and prior to any occupation certificate being issued in relation to the building.

To allow a Principal Certifying Authority to carry out critical stage inspections, at least 48 hours notice must be given before building work is commenced and prior to further work being undertaken.

5. Structural Engineering details relating to the 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 with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
6. Engineering plans including specifications and details of the internal driveway, are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B6.2 of Pittwater 21 DCP and generally with the plan prepared by Gartnertrovato Architects drawing number 1711 A01 issue F dated October 17 and traffic report prepared by Michael Logan dated 19/10/2017.
7. 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.
8. Details in the Construction Certificate are to reflect the recommendations/requirements of the Bushfire Risk Assessment Report prepared by Australian Bushfire Protection Planners Pty Ltd, dated 24 August 2017, and the requirements of NSW Rural Fire Service letter, dated 07 September 2017.
9. A Project Ecologist is to be employed for the duration of the approved works to ensure all recommendations in the Flora and Fauna Assessment (Cumberland Ecology 2017) are carried out according to the conditions of consent.

The Project Ecologist will provide certification that the recommended mitigation measures (Cumberland Ecology 2017) relating to vegetation protection, erosion and sediment control, pre-clearing and clearing surveys and weed control.

10. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.

11. 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.
12. Prior to the issue of the Construction Certificate, the proposed fencing located along the southern boundary, adjoining 22 Ruskin Rowe, is to be amended as follows:
 - a) the fence is to be a hard wood timber paling fence, a maximum of 1.8m above the existing ground level. The material of the fence should be a wood that will weather to a grey tone in order to blend in with the natural environment and minimise the visual impact of the fence. The wood used is to have a density of 750kg/m³ at a 12% moisture content. Planting should be incorporated into and/or over the fence to further minimise the visual appearance of the fence, where possible.
 - b) the fence is to be located wholly within 7 Trentwood Park, Avalon.
13. The Tree Protection Plan attached to the Arboricultural Impact Assessment, August 2017 is to be updated prior to issue of any construction certificate to indicate the alignment of tree protection fencing.

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. 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.

Note: This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the States building laws.

2. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 The Demolition of Structures.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

- a) Protection of site workers and the general public.
- b) Erection of hoardings where appropriate.
- c) Asbestos handling and disposal where applicable.
- d) Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

3. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
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 give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
5. 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.
6. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
7. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
8. Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in the Arborist Report (Tree Wise Men, 24 August 2017) . Protection measures are to be maintained for the duration of the works. Protection fencing that is no longer required is to be removed once all works are completed.
9. 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.
10. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
11. 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.
12. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
13. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations

14. 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.
15. 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.
16. No skip bins or materials are to be stored on Council's Road Reserve.
17. 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 prior application and approval of a Road Opening Permit from 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 Pittwater Council for permits is 9970 1111.
18. All recommendations as outlined in the supplied arborist report by Tree Wise Men, dated 23 August are required to be complied with before and throughout the development period, 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 protection fencing is 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.
 - c) All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be 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.
 - 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.

- 19. No storage of building materials or building waste, excavated fill or topsoil storage is to occur within the dripline of trees shown on the approved Arborist Report (Tree Wise Men - August 2017) as being retained or within protective fenced areas.

Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.

- 20. 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.

- 21. 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.

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.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

- 22. 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.

- 23. The construction methodology must adhere to and reference all tree protection measures as specified within the arborist report referenced in this consent.

- 14. A detailed construction management plan for the site is to be prepared by the Applicant prior to the commencement of any works on site.

The construction management plan is to be consistent with the approved Tree Protection Plan and is to include detailed information and specifications concerning the following:

- Proposed access for tree pruning and removal works and methods for removal of tree waste;
- Proposed access methods for the delivery and storage of materials and storage and removal of waste materials;
- Proposed storage areas for waste and construction materials;
- Quantity of material to be transported
- Proposed truck movements per day
- Proposed hours of operation
- Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the former Pittwater Council Local Government Area

- Location of on/off site parking for construction workers during the construction period.

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

Nil.

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

1. Prior to issue of the Subdivision 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.
2. An Accredited Bushfire consultant is to provide a certification to the Principal Certifying Authority with the Subdivision Certificate application confirming that;
 - a) The listed requirements of the NSW Rural Fire Service, dated 07 September 2017 must be satisfied, as follows:
 - i. 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'.
 - ii. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 - iii. At the issue of a subdivision certificate, a fire fighting hydrant supply system shall be provided to Lots 2 and 3 as detailed in the 'Supplementary Bushfire Report' prepared by Australian Bushfire Protection Planners Pty Ltd with reference 'B172918-1' dated 24 August 2017.
 - b) The recommendations of the Bushfire Assessment Report, prepared by Australian Bushfire Protection Planners Pty Ltd, dated 24 August 2017, have been complied with.
3. A Certificate is to be submitted by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifying Authority that the maximum stormwater discharge from the on site stormwater detention and inter-allotment drainage system for the proposed 3 lots are limited to 30l/s to the kerb, in accordance with the plans nominated on the Development Consent and relevant conditions of Development Consent. In the event that the maximum of discharge rate of 30l/s, can not be achieved a piped drainage system to Council's nearest pit must be constructed in accordance with a Section 68 of the Local Government Act approval from Council.

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

4. 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.
5. Prior to occupation and issuing of Subdivision Certificate, the applicant shall register a Positive Covenant and a Restriction as to User, under Section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing maintenance of the on-site detention system facility.
6. A Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application 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 the related field confirming to the satisfaction of the Private Certifying Authority that the driveway has been constructed in accordance with the approved plans and relevant conditions of Development Consent.
7. Appropriate Rights of Way and/or Rights of Carriageway are to be created over the common driveway burdening and benefiting the proposed lots, to provide for suitable legal pedestrian access to the dwellings and vehicular access and manoeuvring to the parking areas on the lots. These can be created by the registration of the Subdivision Plan and an accompanying 88B Instrument.
8. A plan showing details of the location of separate water, sewerage, electricity and telephone services to each lot is to be submitted to the Principal Certifying Authority, with the Subdivision Certificate application.
9. Appropriate easements are to be created where service lines or drainage lines pass through private property other than the lot which they benefit. These are created through the registration of the Plan of Subdivision.
10. A Restriction on Use of Land is to be created, burdening Lot 1 and Lot 3, the terms of which restrict future buildings within Lot 1 and Lot 3 to the building area/s shown on the approved plans. Full details in this regard are to be submitted to Council on the final plan of Subdivision / and an accompanying Section 88B instrument. The creation of the Restriction on Use of Land is achieved through registration of the Plan of Subdivision.
11. The stormwater drainage system must be constructed and completed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practising Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards must be provided.

12. A suitably qualified professional is to certify that the works have been completed in accordance with the development consent, and the requirements of the Building Code of Australia.

13. Removal of exotic weeds is to be certified by an Ecological Consultant.
14. At least 4 nest boxes are to be appropriately installed in trees not affected by development. This must be certified by an Ecological Consultant as being complete and adequate.
15. Prior to the commencement of construction works, all tree protection recommendations in particular the establishment of tree protection zone fencing as specified in the approved Arborist Report (Tree Wise Men, August 2017) are to be certified by the consulting arborist as being adequate and in accordance with the specifications of AS 4970 ~ 2009 Protection of Trees on Construction Sites. Certification is to be provided to the certifying body prior to the issue of the Occupation Certificate. Documented evidence of a qualified arborist having supervised the works in proximity to trees being retained and ensuring that all tree protection measures are adopted as specified in the approved arborist report is required. This documentation is to be provided prior to the issue of the Subdivision Certificate.
16. 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'.
17. At the issue of a subdivision certificate, a fire fighting hydrant supply system shall be provided to Lots 2 and 3 as detailed in the 'Supplementary Bushfire Report' prepared by Australian Bushfire Protection Planners Pty Ltd with reference 'B172918-1' dated 24 August 2017.
18. A Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act 1994 is to be provided to the Principal Certifying Authority with the Subdivision Certificate application.
19. Prior to the issue of the subdivision, certification is to be provided that trees have been planted in accordance with condition B23.
20. The following documents and payments are to be submitted to Council in a single package to ensure the efficient release of the Subdivision Certificate:-
 - i. Evidence of Payment of the Section 94 Contribution.
 - ii. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994.
 - iii. Copies of the Subdivision Plans (original plus 6 copies).
 - iv. The Private Certifying Authority Compliance Certificate. 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. In particular, the construction of the Water Management System is to be 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).

- v. 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.
- vi. Work-as-executed plans for all structures or facilities.

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;
- Rights of Carriageway;
- Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains;
- Water quality devices, ponds, creekline corridors, parkland, play equipment;
- Significant landscaping.

G. 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. Dial before you dig: Prior to excavation the applicant is advised to contact Australia's National Referral Service for Information on Underground Pipes and Cables telephone 1100 or www.1100.com.au
3. 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.
4. 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.
5. 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.

6. 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).
7. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
8. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 6 months of the date of endorsement of this Consent.
9. 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.