



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

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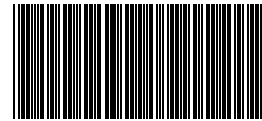
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Your Ref:



D0000R7IZ3

6 October 2016

NOTICE OF ORDERS MADE

Case number	2016/00176962
Case title	Anglican Community Services trading as trading as Anglicare v Northern Beaches Council

On 5 October 2016 the following orders (and/or directions) were made:

The final orders to give effect to the parties' agreement under s34(3) of the Land and Environment Court Act 1979 are:

- (1) The Applicant is granted leave to amend Modification Application No. N0267/13/S96/3 to rely upon the amended plans as identified in Condition AA of the conditions of consent annexed hereto and marked "A".
- (2) The appeal is upheld.
- (3) Development Consent No. N0267/13 is modified in accordance with Modification Application No. N0267/13/S96/3, pursuant to s96(2) of the Environmental Planning and Assessment Act 1979 (NSW), subject to the conditions annexed hereto and marked "A".

For the Registrar

Annexure 'A'

Conditions of Consent

Anglican Community Services (trading as Anglicare) v Northern Beaches Council

N0267/13/S96/3 at 6-14 Macpherson Street, Warriewood

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.

AA. DEVELOPMENT

1. The 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:

- Architectural drawings 003 -007 issue E, 008 issue B, 009-012 revision A, A101 issue F, A102-A104 issue E, B101 issue F, B102-B104 issue E, C101 issue F, C102-C104 issue E, D101 issue F, D102-D104 issue E, D1 101 issue F, D1 102-D1 104 issue E, S2 101 issue F, S2 102-S2 104 issue E, CR 101-CR 102 issue E, 903 issue E, all prepared by Environa Studio Environmental Architecture, dated 13 November 2013; as amended by Architectural Drawings 01-06, issue A, prepared by Environa Studio, dated 12 February 2014;
- Landscape plans LP-1.0, LP-1.1, LP-1.2, LP-1.3, LP-1.4, LP-1.5, LP-1.6, LP-1.7, LP-1.8, LP-1.9, LP-2.0, LP-2.1, LP-3.0, LP-3.1, LP-3.2, LP-3.3, LP-3.4, all revision 03, prepared by John Lock & Associates Landscape Architecture, dated 19 November 2013;
- Letter from GHD (Rainer Berg) to Morgan Moore and Associates (Martin Moore), titled "ARV Warriewood Stages 4 to 6 Flooding", dated 27 August 2013;
- Letter from GHD (Rainer Berg) to Morgan Moore and Associates (Martin Moore), titled "ARV Warriewood Stage 4-6 Water Management – Stormwater Clarification", dated 13 December 2013;
- Water Management Report UPDATE, prepared by GHD, dated November 2013;
- Arboricultural Assessment Report, prepared by Stuart Pittendrigh, dated August 2013;
- Construction Management Plan, prepared by Morgan Moore and Associates, dated August 2013;
- Accessibility Report, reference 213137, prepared by Howard Moutrie of Accessible Building Solutions, dated 27 August 2013;
- BCA Fire Safety Compliance Report, reference J13-040, prepared by Benchmark Building Certifiers;
- Flora and Fauna Assessment Report, prepared by Abel Ecology, dated 27 August 2013;
- Ecological Sustainability Plan, prepared by Abel Ecology, dated 28 August 2013;
- Vegetation Management Plan, prepared by Abel Ecology, dated 27 August 2013;
- Geotechnical Risk Assessment Report, reference 21140SBprt, prepared by JK Geotechnics, dated 5 July 2013;
- General Terms of Agreement from NSW Department of Primary Industries – Office of Water, dated 23 December 2013;
- BASIX Certificate 499606M, dated 4 September 2013;

As further amended (on 15 April 2015) by:

- Architectural drawings C101, D101 and D1 101, all issue G, all (3) dated 9 March 2015, and 003, C102, D102, and D1 102, all issue F, all (4) dated 19 December 2014; and C103, D103 and D1 103, all issue F, all (3) dated 19 December 2014; all (10) prepared by Enviro Studio;
- Traffic Engineering Certification Letter, prepared by Transport & Urban Planning Pty Ltd, dated 18 December 2014;
- Landscape Certification Letter, prepared by John Lock and Associates, dated 18 December 2014;
- Accessibility Certification Letter, prepared by Accessible Building Solutions, dated 11 December 2014;
- BASIX Certificate 49960M_03 dated 19 December 2014;
- Bushfire Risk Assessment Report Addendum Letter, reference 130164b, prepared by Building Code and Bushfire Hazard Solutions, dated 19 January 2015;
- Civil Engineering Certification Letter, reference 12693-C4/af, prepared by H&H Consulting Engineers Pty Ltd, dated 15 December 2014;

As further modified (on 9 February 2016) by:

- Amended Hardscape Plans LP-1.2, LP-1.3, LP-1.4 and LP-1.5, prepared by John Lock and Associates, dated 22 October 2015;

As further modified by:

- Architectural Plans relating to dwellings 34-59 only, prepared by Enviro Studio Environmental Architecture as specified in the Schedule below:

DWG	DRAWING TITLE	ISSUE	DATE
003	Site Plan – Masterplan	A	29/03/16
006	Materials/Finishes Schedule	A	29/03/16
008	Area Calculation	A	29/03/16
DR-ft 101	ILU Type D (reverse)-FT Floor Plan	A	29/03/16
DR-ft 102	ILU Type D (reverse)-FT Roof Plan 1	A	29/03/16
DR-ft 103	ILU Type D (reverse)-FT Elevations	A	29/03/16
CS 105	MDB/Garbage Areas/Mailbox Units	A	29/03/16
A-sR101	ILU Type A (single reverse) Floor Plan	C	22/08/16
C101	ILU Type C Floor Plan	A	29/03/16
C102	ILU Type C Roof Plan	A	29/03/16
C103	ILU Type C Elevations	A	29/03/16
C*101	ILU Type C* Floor Plan	A	29/03/16
C*102	ILU Type C* Roof Plan	A	29/03/16
C*103	ILU Type C* Elevations	A	29/03/16
D*101	ILU Type D* Floor Plan	A	29/03/16
D*102	ILU Type D* Roof Plan	A	29/03/16
D*103	ILU Type D* Elevations	A	29/03/16
D*R101	ILU Type D* (reverse) Floor Plan	A	29/03/16
D*R102	ILU Type D* (reverse) Roof Plan	A	29/03/16
D*R103	ILU Type D* (reverse) Elevations	A	29/03/16
DR-ft 101	ILU Type D (reverse)-FT Floor Plan	A	29/03/16
DR-ft 102	ILU Type D (reverse)-FT Roof Plan	A	29/03/16
DR-ft 103	ILU Type D (reverse)-FT Elevations	A	29/03/16
D-wRft 101	ILU Type D-w (reverse)FT Floor Plan	A	29/03/16
D-wRft 102	ILU Type D-w (reverse)FT Roof Plan	A	29/03/16

D-wRft 103	ILU Type D-w (reverse)FT Elevations	A	29/03/16
D1* 101	ILU Type D1* Floor Plan	A	29/03/16
D1* 102	ILU Type D1* Roof Plan	A	29/03/16
D1* 103	ILU Type D1* Elevations	A	29/03/16
D1-w* 101	ILU Type D1-w* Floor Plan	A	29/03/16
D1-w* 102	ILU Type D1-w* Roof Plan	A	29/03/16
D1-w* 103	ILU Type D1-w* Elevations	A	29/03/16
E 101	ILU Type E Floor Plan	A	29/03/16
E 102	ILU Type E Roof Plan	A	29/03/16
E 103	ILU Type E Elevations	A	29/03/16
ER 101	ILU Type E (reverse) Floor Plan	A	29/03/16
ER 102	ILU Type E (reverse) Roof Plan	A	29/03/16
ER 103	ILU Type E (reverse) Elevations	A	29/03/16
F 101	ILU Type F Floor Plan	A	29/03/16
F 102	ILU Type F Roof Plan	A	29/03/16
F 103	ILU Type F Elevations	A	29/03/16
FR 101	ILU Type F (reverse) Floor Plan	A	29/03/16
FR 102	ILU Type F (reverse) Roof Plan	A	29/03/16
FR 103	ILU Type F (reverse) Elevations	A	29/03/16
G 101	ILU Type G Floor Plan	A	29/03/16
G 102	ILU Type G Roof Plan	A	29/03/16
G 103	ILU Type G Elevations	A	29/03/16
GR 101	ILU Type G (reverse) Floor Plan	A	29/03/16
GR 102	ILU Type G (reverse) Roof Plan	A	29/03/16
GR 103	ILU Type G (reverse) Elevations	A	29/03/16
G i 101	ILU Type G i Floor Plan	A	29/03/16
G i 102	ILU Type G i Roof Plan	A	29/03/16
G i 103	ILU Type G i Elevations	A	29/03/16

- Bowling Green Wall Flood Impact Assessment, prepared by GHD, dated 26 September 2016;
- Landscape Plans prepared by John Lock & Associates as specified in the Schedule below:

DWG	DRAWING TITLE	ISSUE	DATE
LP-00	Cover Sheet	13	29/01/16
LP-1.0	Landscape Site Plan	14	16/02/16
LP-1.1	Tree Plan	14	16/02/16
LP-1.2	Macpherson Street Entry Hardscape Plan	14	16/02/16
LP-1.3	Macpherson Street Hardscape Plan	14	16/02/16
LP-1.4	Riparian Zone Hardscape Plan	14	16/02/16
LP-1.5	Fire Trail Hardscape Plan	14	16/02/16
LP-3.0	Fence Details	10	22/03/16
LP-1.1	Annotated Tree Plan	14	16/02/16
LD-01	Landscape Detail – Bowling Green Plan	E	10/08/16

NOTE: In the event of any inconsistency between the Landscape Plans referred to in the above schedule, the most recent plan prevails to the extent of the inconsistency.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
5. 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.
6. 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.
7. 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. A suitably qualified landscape architect is to visit 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.
2. The water balance outcomes in the letter from GHD to Morgan Moore and Associates dated 13 December 2013 titled 'ARV Warriewood Stage 4-6 Water Management – Stormwater Clarification' including the replacement of the orifice plate from the existing constructed lake outlet to a 450mm orifice plate is to be achieved and comply with the Warriewood Valley Water Management Specification (February 2001).
3. A Stormwater Quality Improvement Device (SQID) Management Plan for monitoring, maintenance, and replacement of all water management features on the site including algal management procedures consistent with NSW Office of Water algal management protocols and the Guidelines for Managing Risks in Recreational Water (National Health and Medical Research Council, 2008), is to be maintained and kept up to date with current best practice. This plan is to be implemented by the property manager for the life of the development.
4. The Water Management System is to be in accordance with the revised Water Management Report referred to in Condition C9.
5. 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. This condition does not apply to the fence surrounding the bowling green, the portions of Dwellings 9 and 10 (including associated decking and fencing) approved within the riparian corridor, or to the works and landscaping shown in clouding on the plan entitled '*Landscape Detail – Bowling Green*' being Drawing No. 2001 LD-01 Rev E dated 10 August 2016 prepared by John Lock & Associates.
6. Storage of hazardous materials, electrical items, items of plant, equipment or stock and any other items which may be susceptible to water damage are to be protected from flooding by reference to the Flood Level as determined by the Water Management Report (the level will be the 1% AEP flood level plus a freeboard of 500mm and Climate Change).
7. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer's Specifications and associated operational guidelines.
8. The Stormwater Harvesting and Reuse Scheme shall be maintained as appropriate in accordance with best practice to ensure optimum performance of the stormwater treatment system.
9. As part of an integrated on-site stormwater management system, stormwater overflow from the rainwater tank is to be discharged into the adjacent waterway with erosion minimisation facilities installed
10. The internal driveways are to be constructed to an all-weather standard finish to be of dark or earthy tones, linemarked and signposted.
11. An additional five (5) *Eucalyptus robusta* specimens are to be planted throughout the Outer Riparian Zone area at distances far enough apart to not allow continuous canopy and therefore still be compliant with landscaping guidelines specified in Appendix 5 of

Planning For Bushfire Protection 2006. No building materials or other materials are to be placed on riparian vegetation. Sediment is not to leave the site or enter areas of riparian vegetation, and the appropriate sediment fencing is to be installed.

12. 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.
13. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled.
14. No environmental weeds are to be planted on the site. Refer to Pittwater Council website for environmental weed lists.
15. Any new fencing (with the exception of fencing to private open space areas such as decks, terraces and service areas of self-contained dwellings, community building, retaining walls and the bowling green) is to be 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.
16. **DELETED**
17. 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.
18. Where waste water is directed to the Sydney Water sewerage system the installation of in-sink food waste disposal units is prohibited due to the increased loading placed on the Warriewood Sewage Treatment Plant particularly during wet weather.
19. The development is to comply with the standards outlined in State Environmental Planning Policy (Seniors Living) 2004.
20. All utility services including overhead power supply and communication cables located in the adjacent road verge & those to service 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.
21. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
22. New electrical connections are to be carried out using underground cabling.
23. Dogs are to be restricted to within the building at night and otherwise to be either within a fenced compound on the lot or on a lead. Cats are to be restricted to within the building at night.
24. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.
25. The General Terms of Approval provided by the NSW Office of Water, referenced in this consent, are not the controlled activity approval. The applicant must apply to the NSW Office of Water for a controlled activity approval after consent has been issued by the

consent authority and before the commencement of any work or activity on waterfront land.

25. The proposal is to remain consistent with the requirements of the NSW RFS for the life of the development. These requirements are as follows;

- At the commencement of building works, and in perpetuity a 24 metre asset protection zone along the northern boundary 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*'.
- Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of '*Planning for Bush Fire Protection 2006*'.
- Property access roads shall comply with sections 4.1.3(2) and 4.2.7 of '*Planning for Bush Fire Protection 2006*'.
- New accommodation construction shall comply with section 5 (BAL 12.5) *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 2006*'.
- Any framed glass skylights are to comply with Sections 3 and 5 (BAL 12.5) *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 2006*. No polycarbonate roofing is to be used, including any located in a private open space area, awning, patio or the like.
- The additional carports are to be erected in accordance with Clause 3.2.1 of *Australian Standard AS 3959-2009 – Construction of buildings in bush fire-prone areas*.

26. Two (2) visitor parking spaces (one in the parking area near the community building and one in the parking area near the existing main entrance) shall be modified to provide off-street parking for people with a disability, as specified in AS/NZS 2890.6: Off-street parking for people with a disability. These two spaces are to be maintained for the life of the development.

27. Garbage enclosures/stores shall be provided and maintained in accordance with the following:

- A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
- The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
- The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
- Stormwater shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
- Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
- The room used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete blocks, structural fibrous cement or similar homogeneous material) so as to prevent the formation of cavities which become possible harbourages for insects and vermin. Framing in timber is not permitted.
- The garbage and recycling room shall be made vermin proof.
- Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Councils satisfaction.

- The enclosure shall be of adequate size to accommodate the following bins numbers and capacity per dwelling:
 1. 80 litres per household per week of garbage, and
 2. 70 litres per household per week of paper recyclables, and
 3. 70 litres per household per week of container recyclables.
28. The proposal is to be amended to incorporate a designated car wash bay. The car wash bay must be designed and constructed so as to not allow polluted waters to enter the stormwater drain. The car wash bay may also be utilised for visitor parking.
29. All external walls and roofing are to comprise dark and earthy tones, with minimal reflectivity. Dark and earthy tones are to be maintained for the life of the development.
30. The two narrow windows in the living rooms of dwellings 16, 17, 18, 19, 20, 21, and 22 shall incorporate frosted glass.
31. The small window associated with the dining areas of dwellings 25, 26, 27, 28, 29, and 30 shall incorporate frosted glass.
32. **DELETED**
33. N0267/13/S96/1 relates solely to the incorporation of carports on 35 of the 59 independent living units. No other changes to the development are authorised by this modification application.
34. **DELETED**
35. **DELETED**
36. **DELETED**
37. This consent does not authorise the removal of the 3m wide doorways between the garage and adjacent hallway in Dwellings 1, 4-9, and 12-37, 40, 43, 46, 49, 52, and 55 - 59, as shown on the Amended Hardscape Plans referenced in the modified consent.
38. The north eastern edge of the bowling green is to be maintained as a battered slope with landscaping as shown in clouding on the plan entitled '*Landscape Detail – Bowling Green*' being Drawing No. 2001 LD-01 Rev E dated 10 August 2016 prepared by John Lock & Associates.
39. The white fencing along the perimeter of the bowling green is to be painted in the Dulux/Colourbond colour "Gully".
40. The 800mm/1000mm and 1800mm high picket fencing, being Types F1 and F2 as identified on the Landscape Plans, are to be finished in the Dulux/Colorbond colour "Gully".
41. The gardens adjacent to the 1800mm high picket fencing, being type F1 as identified on the annotated Tree Plans (No. LP-1.1 dated 16.02.2016, prepared by John Lock & Associates), are to be complemented by additional plantings, as follows:
- Garden beds less than 600mm in width and up to 900mm in width: Syzygium 'resilience' planted 750mm apart, and at 200mm pot size; and
 - Garden beds greater than 900mm in width: Syzygium 'pinnacle' and Murraya paniculata planted 750mm apart, and at 200mm pot size.

42. Fencing to Macpherson Street is to comprise:

- A maximum 1200mm high palisade fencing atop a low brick wall, with dividing brick columns;
- The low brick wall may be omitted in segments of the fencing upon advice from an arborist that it is necessary to do so to avoid damage to existing tree roots. In that event, the palisade fencing is to extend for the full height to a maximum of 1800mm upon a small pad footing and post in the centre; and
- The maximum height of the fence shall not exceed 1800mm at any point, except for the two brick entrance columns either side of the entry gate which must not exceed 1900mm.

43. Any fencing located in the PMF extent is to be flood compatible, and is to be constructed to allow for the free flow of flood waters. To achieve this, 75% of the fencing must be 'open' for the entire height of the fence, and only 25% of the fencing is to be solid.

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.

Note: This consent allows for the staged issue of Construction Certificates that are consistent with the staging plans 004-006 issue E, prepared by Environa Studio Environmental Architecture, dated 13 November 2013. Unless otherwise stated, these conditions relate to each Construction Certificate issued.

1. An amended site plan is to be submitted illustrating that landscape areas comply with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 - Chapter 3, Part 7, clause 50 (c) landscaped area (d) deep soil zones and (f) private open space.
2. **DELETED**
3. All Plant Schedules are to be updated to specify the quantities of each species within each Planting Schedule.
4. The Macpherson Street Planting Plans (LP-1.6 and LP-1.7) are to be updated as follows:
 - Angophora floribunda, Angophora hispida and Eucalyptus punctata are to be replaced by Angophora costata (Smooth Bark Apple) and Corymbia gummifera (Red Bloodwood)
5. Amended landscape plans are to be submitted identifying and quantifying the proposed indigenous canopy trees in accordance with Planting Plans Dwg LP-1.6, LP-1.7, LP-1.8, and LP-1.9
6. Amended landscape plans are to be submitted to include five (5) additional Eucalyptus robusta specimens within the Riparian Zone area at distances far enough apart not to allow continuous canopy cover to ensure compliance with the landscaping guidelines specified in Appendix 5 of Planning For Bushfire Protection 2006.
7. The landscape plans are to be certified by suitably qualified landscape architect that they are in accordance with the Conditions of Consent.
8. The design and performance of the overall wet basin system is to be reviewed, documented and certified by an appropriately qualified water engineer for inclusion in an updated Water Management Report to provide assurance that the basin and its water

quality treatment function can achieve the objectives of the Warriewood Valley Water Management Specification (February 2001).

The review is to address design and performance concerns including, but not limited only to:

- appropriateness of basin sizing, including details of the rationale/assumptions used for sizing the system;
 - the level of stormwater pre-treatment prior to entering the basin and concern that there is no sediment control or secondary treatment on the stormwater input to the system which will significantly affect the basin's viability and performance over time;
 - the reasons why the second stormwater line bypasses the basin;
 - the absence of any wetland vegetation within the proposed basin treatment system;
 - the proximity of trees that could shade the basin affecting performance;
 - risk of the basin system short circuiting due to the inlet and outlet locations being almost opposite each other;
 - the steepness of the basin's batters;
 - the inability to mechanically or manually control water levels within the basin;
 - details of how the basin is to be maintained; and
 - recommendations of design amendments or alternative stormwater quality improvement device(s) which do not result in a permanent above ground wet storage areas as long as the objectives of the Warriewood Valley Water Management Specification can be met.
 - the basin is to also be designed and certified by an appropriately qualified and experienced Entomologist to provide appropriate safety measures to human life to minimise/eliminate the risk of mosquito borne diseases.
9. A revised Water Management Report providing detailed design drawings and plans (incorporating any design amendments resulting from recommendations from the review under Condition C8), details of the review of the stormwater quality treatment train, the SQID Management Plan, an updated Water Quality Monitoring Plan, and any required information needed for all works to achieve full compliance with the Warriewood Valley Water Management Specification (February 2001), Pittwater 21 Development Control Plan, Condition B3, and based on the letter from GHD to Morgan Moore and Associates dated 13 December 2013 titled 'ARV Warriewood Stage 4-6 Water Management – Stormwater Clarification' and the Report for Warriewood Retirement Village - Water Management Report Update (GHD, November 2013), is to be submitted by the applicant.

The Warriewood Valley Water Management Specification (February 2001) document Checklist – Construction Certificate is to be completed, certified and submitted prior to the issue of any Construction Certificate.

10. 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) and in accordance with Condition C9. The Water Management System is to also include and provide for:
- a. Public safety (including any necessary signage)
 - b. Monitoring and maintenance access for all Stormwater Quality Improvement Devices
 - c. Staging of the works to ensure that the objectives of the Warriewood Valley Water Management Specification are achieved for each stage prior to the release of any Occupation Certificate.
 - d. Sufficient water quality and water quantity facilities provided to service each stage.

- e. A stormwater management system designed for a stormwater drainage system, which drains collected roof, road and surface water from the site and is to cater for flows from upstream catchments. The system is to include combined piped and overland flow components, which convey the 1% Annual Exceedence Probability and Probable Maximum Flood events and comply with relevant Australian Standards and contemporary engineering best practice.
11. The Water Management Report and all associated plans and detailed design must be certified by an appropriately qualified water engineer to be in accordance with the Warriewood Valley Water Management Specification (February 2001) and meet the requirements of Conditions C9 and C10.
 12. The minimum floor level of all buildings (habitable and non-habitable) is to be at or above the Probable Maximum Flood level including the 2100 Climate Change Scenario.
 13. 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.

14. 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.
15. The additional trees to be planted throughout the Outer Riparian Zone area are to be indicated on an amended Riparian Zone Planting Plan which is to be submitted prior to the issue of the Construction Certificate associated with Stage 4.
16. 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.
17. Design details and technical specifications relevant to recommendations in the Access Report referenced in this approval, and as amended by conditions of consent, must be submitted to the Accredited Access Adviser for written confirmation which is to be submitted to the Accredited Certifier or Council with the Construction Certificate application.
18. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

19. A Construction Certificate is not to be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.
20. Prior to the issue of a Construction Certificate, a suitably qualified professional is to certify that the development is able to comply with the requirements of the NSW RFS as specified by Condition B25 of this consent.
21. Prior to the issue of a Construction Certificate, the architectural plans are to be amended to incorporate two visitor (2) car parking spaces in accordance with the requirements of AS/NZS 2890.6: Off-street parking for people with disabilities.
22. Prior to the issue of a Construction Certificate, the architectural drawings are to be amended to incorporate a designated car wash bay. The drawings should demonstrate the grade of the wash bay and the provision for polluted waters to drain to the sewer.
23. Prior to the issue of a Construction Certificate, the schedule of colours and finishes is to be amended to ensure against the use of Colorbond “surf mist”, “evening haze” and “shale grey” for external walls or roof forms. The schedule of colours and finishes is to demonstrate the use of dark and earthy tones. The use of red, white or light tones is not permitted. A satisfactory colour schedule must be presented to Council, and a construction certificate must not be issued until correspondence is received from Council to support the amended colour schedule.

24. **DELETED**

25. Prior to the issue of a Construction Certificate, the architectural drawings are to be amended to reflect the adapted (additional information) design as per drawings 01-06, issue A, prepared by Environa Studio, dated 12/02/2014. Four of the 59 dwellings are to have garages with a width of 4.8m. The architectural drawings are to be sent to Council 7 days prior to the issue of the Construction Certificate.
26. Prior to the issue of a modified Construction Certificate, a suitably qualified access consultant is to provide certification that an accessible path of travel is maintained between each individual unit and the internal access street, separate of any parking space in the driveway area

27. **DELETED**

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. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
2. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
3. 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.
4. 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.

5. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
6. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
7. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
8. 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.
9. No skip bins or materials are to be stored on Council's Road Reserve unless Council approval has been obtained.
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:
 - o The builder's name, builder's telephone contact number both during work hours and after hours.
 - o That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - o 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.
 - o That no skip bins or materials are to be stored on Council's Road Reserve unless Council approval has been obtained.
 - o That the contact number for Pittwater Council for permits is 9970 1111.
11. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
 - o Quantity of material to be transported
 - o Proposed truck movements per day
 - o Proposed hours of operation
 - o Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
12. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
13. 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.
14. All provisions of the SEPP (Housing for Seniors or People with a Disability)2004 Schedule 3, Parts 1 & 2 Self-contained dwellings - standards concerning access and useability and additional standards for self contained dwellings are to be satisfied and achieved through the construction and installation details.

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

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

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

Note: This consent allows for the staged issue of Occupation Certificates that are consistent with the staging plans 004-006 issue E, prepared by Environa Studio Environmental Architecture, dated 13 November 2013. Unless otherwise stated, these conditions relate to each Occupation Certificate issued.

1. Prior to the issue of any Occupation Certificate a Landscape Maintenance Plan is to be prepared and implemented to 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, pergolas, 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.
2. Prior to issue of any Occupation Certificate evidence of engagement of a suitably qualified landscape architect to oversee the implementation of the Landscape Maintenance Plan is to be submitted to and approved by the Principal Certifying Authority.
3. 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.
4. Certification is to be provided to Council, by an appropriately qualified Water Engineer, that the works associated with the water management system have been carried out and completed in accordance with the updated Water Management Report and Conditions C9 and C10 of this consent. Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001).
5. All works associated with the water management system and required by Conditions C9 and C10 of this consent are to be completed prior to the issue of the occupation certificate.
6. A copy of the updated Water Management Report required by Condition C9 of this consent must be submitted to Council. The updated Water Management Report must contain all reports, assessments and plans as required by the Warriewood Valley Water Management Specification (February 2001).
7. Notification to Council, certified by an appropriately qualified Water Engineer, of properties to be notated under Section 149(2) Planning Certificates and specifying the applicable flood categories as set out in the Flood Risk Management Policy for Development in Pittwater (Pittwater 21 DCP Appendix 8).

8. Certification is to be provided to a Private Certifying Authority by an experienced Water/Environmental/Civil Engineer who is NPER accredited by the Institution of Engineers, Australia that the stormwater harvesting and reuse scheme has been completed in accordance with the engineering plans and specifications required under this consent.
9. Certification is to be provided to the Principal Certifying Authority 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, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
10. 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 Occupation Certificate application.
11. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
12. All dwelling units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
13. Prior to occupation a covenant is to be created on the title of the land, at the applicants expense, the terms of which state that the ownership of the individual dwellings to be constructed on the property cannot be individually assigned by any agreement, dealing or instrument based on the ownership of company shares. Proof of the creation of the covenant is to be provided to the Private Certifying Authority with the Occupation Certificate application.
14. A restriction on use of the land is to be created on the title of any new lots, the terms of which burden the said lots, benefit Council and restrict the occupancy of the lot to persons defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 as to "older people" or "people with a disability" or people who live with older people or people with a disability. All matters relating to this restriction on use of the land are to be finalised prior to release of the Occupation Certificate.
15. Any lease or tenancy or agreement prepared for a residence within this development is to contain terms which prohibit occupation of the residence by persons other than those specified in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 as aged or disabled persons together with any person who live with aged or disabled person(s). Further the "by laws" of anybody corporate created through strata subdivision of the development are to contain terms which prohibit the use of any strata unit other than by persons specified in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 as aged or disabled together with any bona fide carer(s).
16. An Accredited Access consultant is to certify that the development has complied with the construction certificate details and the design details and technical specifications relevant to recommendations in the Access Assessment Report, referenced in this consent and as

amended by any conditions, and in accordance with all relevant accessibility provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

17. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.
18. Prior to the issue of an Occupation Certificate, a suitably qualified professional is to certify that the as-built development is compliant with the requirements of the NSW RFS as specified by Condition B25 of this consent.
19. Prior to the issuance of an Occupation Certificate (interim or final), the landscape architect must provide certification that there is no fencing within the inner or outer creekline corridor (with the exception of the fencing approved around the perimeter of the bowling green and on the decks associated with Dwellings 9 and 10).
20. Prior to the issuance of an Occupation Certificate (interim or final), the architect is to provide written certification and evidence that Dwelling 55 includes a 3m wide clear opening between the garage and the adjacent hallway, as demonstrated by the architectural drawings referenced in this consent.
21. **DELETED.**

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

N/A

G. Advice:

1. Portions of the site may be liable to flooding and effective precautions should be taken by the owner(s) and/or occupier(s) of the property to reduce any potential risk to personal safety and to minimise any property and contents damage.
2. 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.
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.
10. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.

END OF CONDITIONS