

**CONSENT NO: N0027/16**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)**  
**NOTICE TO APPLICANT OF DETERMINATION**  
**OF A DEVELOPMENT APPLICATION**

Applicant's Name and Address:

**Attn: Stephen Bowers**  
**Stephen Bowers Architects Pty Ltd**  
**Suite 91, Jones Bay Wharf**  
**26-32 Pirrama Road**  
**Pymont NSW 2009**

Being the applicant in respect of Development Application No N0027/16

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of Development Application No **N0027/16** for:

**Construction of a three storey residential apartment building comprising 6x2 bedroom apartments and 14 car spaces, 7 three storey dwellings plus associated landscaping**

At: **53 C WARRIEWOOD ROAD, WARRIEWOOD NSW 2102 (Lot 4 DP 1115877)**

**Decision:**

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

- **Architectural drawings prepared by Stephen Bowers Architects as follows:**
  - **DA-005 revision A: Lot 3-10 site plan – dated May 2016**
  - **DA-011 revision A: Lot 3-9 floor plans 01 – dated May 2016**
  - **DA-012 revision A: Lot 3-9 floor plans 02 – dated May 2016**
  - **DA-013 revision A: Lot 3-9 elevations – dated May 2016**
  - **DA-014 revision A: Lot 3-9 elevations – dated May 2016**
  - **DA-014A revision A: Lot 3-9 elevations – dated May 2016**
  - **DA-015 revision A: Lot 3-9 sections – dated May 2016**
  - **DA-021 revision A: Basement plan – dated May 2016**
  - **DA-022 revision A: Lot 10 ground floor plan – dated May 2016**
  - **DA-023 revision A: Lot 10 level 1 plan – dated May 2016**
  - **DA-024 revision A: Lot 10 level 2 plan – dated May 2016**
  - **DA-025 revision A: Lot 10 elevations – dated May 2016**
  - **DA-026 revision A: Lot 10 elevations 02 – dated May 2016**
  - **DA-027 revision A: Lot 10 sections – dated May 2016**
  - **DA-028: Access driveway profile – dated December 2015**
  - **DA-029 revision A: Adaptable unit layout – dated May 2016**
  - **MF-01 revision A: Materials and finishes 01 – dated May 2016**
  - **MF-02 revision A: Materials and finishes 02 – dated May 2016**
  - **MF-03 revision A: Materials and finishes 03 – dated May 2016**
  - **MF-04 revision A: Materials and finishes 04 – dated May 2016**
- **Landscape Plans prepared by iScape Landscape Architecture as follows:**
  - **Drawing 178.16(15)/530'C' revision C: Landscape Plan – dated 4 May 2016**

- Drawing 178.16(15)/164 – dated May 2016
- Civil drawings prepared by Jones Nicholson Consulting Engineers as follows:
  - C01P4 amendment P4: Civil design notes sheet – dated 22 December 2015
  - C02P4 amendment P4: Civil design site plan – dated 22 December 2015
  - C03P5 amendment P5: Civil design stormwater drainage plan – dated 22 December 2015
  - C07P1 amendment P1: Civil design Lot 10 basement drainage plan – dated 22 December 2015
- Bushfire Protection Assessment ref. 15SGB\_3407 prepared by Ecological Australia and dated 18 December 2015
- Geotechnical Investigation ref. 13262/1-AC prepared by Geotechnique Pty Ltd and dated 21 December 2015
- BASIX certificate ref. 694192M pertaining to dwelling houses
- BASIX certificate ref. 694229M pertaining to residential apartments
- Assessment of Traffic and Parking Implications ref. 14142 revision B prepared by Transport and Traffic Planning Associates and dated December 2015
- Phase 2 Contamination Assessment ref. 13234/3-AA prepared by Geotechnique Pty Ltd and dated 1 October 2014
- Groundwater Contamination Assessment ref. 13234/4-AA prepared by Geotechnique Pty Ltd and dated 19 October 2015
- Flood Assessment ref. 20140438 rev 2 prepared by Jones Nicholson and dated 19 February 2015, as amended by the conditions of this consent
- DA Acoustic Assessment ref. 20140775.2/0812A/R1/JL revision 1 prepared by Acoustic Logic and dated 8 December 2015
- Arboricultural Assessment Report ref. 3837 prepared by Tree & Landscape Consultants and dated 17 December 2015, as amended by the conditions of this consent.
- BCA Assessment Report ref. 140313 revision 4 prepared by Blackett Maguire + Goldsmith and dated December 2015

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

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

Endorsement of date of consent: 18 August 2016

Mark Ferguson  
 INTERIM GENERAL MANAGER  
 Per:

## Conditions of Approval

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

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

### A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
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, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. A sign must be erected in a prominent position on site only showing:
  1. the name, address and telephone number of the Principal Certifying Authority for the work, and
  2. 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
  3. 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.

4. 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:
  1. 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.
  2. 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.
  3. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under a or b above 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
5. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

6. 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.
7. Any building work in relation to the development consent is to be carried out in accordance with the requirements of the Building Code of Australia.

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

1. The following design amendments shall be made to the approved plans:
  - (a) The layout of the basement car park of the residential apartment building shall be amended such that car spaces 10 and 11 are relocated to the south east, to adjoin with car space 12, in order to ensure an adequate circulation space to and from the garbage room.
  - (b) The ground level windows on the southern elevation of the residential apartment building must be amended such that they are either high level windows with a lower sill height of 1.7 metres, or otherwise fitted with obscure glazing or screening devices to prevent overlooking from the communal open space area.
2. The development must be carried out in accordance with the below General Terms of Approval specified by Department of Primary Industries: Water:
  - (1) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to N0027/15 and provided by Council:
    - a. Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly NSW Office of Water) must be notified to determine if any variations to these GTA will be required.
  - (2) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
  - (3) The consent holder must prepare or commission the preparation of:
    - i. Vegetation Management Plan
    - ii. Erosion and Sediment Control Plan
    - iii. Soil and Water Management Plan
  - (4) All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals](http://www.water.nsw.gov.au/Water-Licensing/Approvals).
  - (5) The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.

- (6) The consent holder must carry out a maintenance period of two(2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by DPI Water.
- (7) The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.
- (8) The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.
- (9) The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to DPI Water as and when required.
- (10) N/A
- (11) The consent holder must not located ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.
- (12) N/A
- (13) N/A
- (14) The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow,(ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.
- (15) The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.
- (16) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.
- (17) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
- (18) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.
- (19) The consent holder must ensure that excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by DPI Water.
- (20) The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by DPI Water.

- (21) The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by DPI Water.
- (22) N/A
- (23) The consent holder must establish a riparian corridor along Narrabeen Creek in accordance with a plan approved by DPI Water.
- (24) N/A
- (25) N/A
- (26) N/A
- (27) N/A
- (28) Temporary dewatering of an amount above 3ML may require a water license to be obtained from DPI Water before construction commences. The proposal must not incorporate provision for the permanent or semi-permanent pumping of groundwater seepage from below-ground areas. A fully tanked structure must be used.
3. The development must be carried out in accordance with the below General Terms of Approval specified by NSW Rural Fire Service:
- (1) At the commencement of works, 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'.
- (2) Water electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'
- Note: Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS2419.1-2005 'Fire Hydrant Installations'. Should the existing hydrant system not comply with the standard, a 5000 litre static water supply shall be provided on each site for fire fighting purposes. The water tank shall be of a non-combustible material and be supplied with a 65mm metal Storz outlet (with a gate or ball valve) attached.
- (3) Construction of dwellings on lots 8 & 9 shall comply with sections 3 and 6 (BAL 19) 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'.
- (4) Construction of dwellings on lots 3 – 7 shall 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'.
- (5) Any new fencing (separate to that previously conditioned for Lot 10) is required to be erected in accordance with NSW RFS Fast Fact 2/06.
- (6) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

(7) The residential building on proposed Lot 10 must be:

- (i) Located a minimum of 7 metres from the eastern boundary;
- (ii) Constructed in accordance with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'; and
- (iii) Provided with a 2.8 metre Radiant Heat Shield located along the eastern boundary that extends the length of the lot. The Radiant Heat Shield is to comprise of a 1.8 metre high non-combustible panel fence and a 1 metre high earth wall. Any associated retaining wall is to be constructed of non-combustible material.
- (iv) In accordance with Section 88B of the 'Conveyancing Act 1919 a restriction to the land shall be placed on proposed Lot 10 requiring any future building to be constructed according to points (i) to (iii) above.
- (v) The submitted section 88B instrument under the 'Conveyancing Act 1919' shall be registered prior to the commencement of building works.

- 4. The approval does not permit the use of the public domain for the storage of garbage receptacles. Plans shall be amended such that the storage of garbage receptacles on the street is removed. Bins shall only be placed on the street on the day of collection, and returned to the on site garbage room immediately afterwards.
- 5. Any lighting to be installed within the communal areas of the site for safety purposes must not be of such a level as to result in excessive light spill or harm to the amenity of the surrounding area. At no time is the intensity of the lighting to cause objectionable glare and must be designed, installed and used in accordance with *AS4282-1997 control of obtrusive effects of outdoor lighting*.
- 6. 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.
- 7. 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.
- 8. To satisfy the off-street vehicle parking requirements for the development, the minimum number of vehicle space requirements shall be as follows:
  - (a) Townhouses: 2 off-street parking spaces per dwelling
  - (b) Residential apartments: 2 spaces per dwelling
  - (c) Parking for People with Disabilities: 1 space per adaptable apartment and 1 visitor space in apartment building
  - (d) Visitor parking in apartment building: 2 spaces

These spaces are to be provided and retained over the life of the development

- 9. Any trees required to be planted by conditions in this consent are to be properly maintained and replaced if they die or as necessary.
- 10. All water management facilities and associated communal open space related to the development site including rainwater tanks, stormwater quality improvement devices, stormwater filters, the onsite detention basin, flood storage area, and private stormwater drainage are to remain in private ownership, be located within private property (except where the private stormwater crosses public

land or the outlet enters the public creek corridor) and maintained in accordance with the manufacturer's specifications and the maintenance requirements outlined in the Water Management Plan by Jones Nicholson entitled "53C Warriewood Rd, Warriewood NSW, Residential Development" dated 27 April 2015 (Reference 20140438 Rev3) or as updated for the life of the development. The maintenance is to be carried out by the owners of the development or its Neighbourhood Association over the life of the development.

11. The private stormwater drainage system including the pipe outlet to Narrabeen Creek and the compensatory flood storage area is to be maintained in good condition and free from obstructions by the owners of the development or its Neighbourhood Association over the life of the development.
12. The minimum floor level for all buildings shall be at or above the Flood Planning level plus Climate Change (4.7m AHD).
13. All building structures are to be designed to retain structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the Probable Maximum Flood (PMF) with the 2100 Climate Change scenario.
14. All structural elements below the PMF level with the 2100 Climate Change Scenario are to be flood compatible in terms of materials used and in the design.
15. Storage of hazardous materials, electrical items, items of plant, equipment or stock and other items which may be susceptible to water damage are to be located above the Flood Planning Level plus Climate Change (4.7m AHD).
16. A Flood Emergency Response Plan or its subsequent update is to be implemented by the occupants for the life of the development.
17. A reliable pedestrian access route is to be maintained to allow safe evacuation from each of the dwellings to the evacuation area above the Probable Maximum Flood plus Climate Change (5.3m AHD).
18. Appropriate signage is to be displayed throughout the development to alert people to the flood risk, flood evacuation routes and the evacuation plan.
19. The commitments reported in the Jones Nicholson Water Management Report dated 27 April 2015, the Jones Nicholson Flood Assessment for 53C Warriewood Rd, Warriewood NSW, Residential Development dated 19 February 2015 (Reference 20140438 Rev 2), and the Jones Nicholson letter entitled "Project: Stormwater for Built Form Stage [New DA Application], Address: 53C Warriewood Rd, Warriewood NSW" dated 21 December 2015 that forms part of this consent or their subsequent update required by this consent, are to be maintained and apply for the life of the development.
20. Any new fencing (with the exception of swimming pool fencing) must be flood compatible, and made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.
21. The floor slabs and retaining wall of the residential flat building is to be maintained as a water tight (tank) structure to withstand uplift pressure due to groundwater influences.
22. The management of groundwater at the site is to preclude any piped discharges of groundwater from any temporary or permanent groundwater management systems to Narrabeen Creek.



23. With the exception of the connection to the sewer, all proposed buildings are to be connected to services (electrical, water, gas and telecommunications) via the Shareway to Warriewood Road. All such services are to be located underground. With the exception of Lot 11, the connection of services to Warriewood Road is to be provided on a temporary basis until Lorikeet Grove is extended to the subject site. At this time, services to buildings on Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10 are to be obtained from Lorikeet Grove and the temporary services connections to Warriewood Road and related easements are to be de-commissioned and extinguished.
24. Garbage enclosures/stores shall be provided and maintained in accordance with the following:
- (a) A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
  - (b) The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
  - (c) The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
  - (d) Stormwater shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
  - (e) Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
  - (f) The room used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete blocks, structural fibrous cement or similar homogeneous material) so as to prevent the formation of cavities which become possible harbours for insects and vermin. Framing in timber is not permitted.
  - (g) The garbage and recycling room shall be made vermin proof.
  - (h) Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Council's satisfaction.
  - (i) The enclosure shall be of adequate size to accommodate the following bins numbers and capacity per dwelling:
    - i. 80 litres per household per week of garbage, and
    - ii. 70 litres per household per week of paper recyclables, and
    - iii. 70 litres per household per week of container recyclables.
25. No water pollution shall result from the operation of any plant or equipment or activity carried out.
26. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.
27. No odour nuisance to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
28. No emissions causing air pollution shall be created by the operation of any plant equipment or any procedure carried out at the premise.
29. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
30. Access driveways are to be 3.5m wide maximum at the property boundary of residential allotments unless access is gained from a rear lane where the maximum width of the driveway shall be the width of the garage opening.

31. Dwelling(s) are to be constructed to allow internal access for telecommunications, intelligent lighting and home automation facilities from underground street electrical and telecommunications cabling.
32. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
33. All plumbing, electrical wiring and drainage fixtures are to be concealed and not exposed to public view on buildings over one storey in height.
34. New electrical connections are to be carried out using underground cabling.
35. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application. No white or light coloured roofs are permitted.
36. Roofs to all structures are to be dark grey, brown and/or green tones only.
37. 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.
38. Suitable arrangements are to be made for secure postal delivery service to the site. This can be achieved by following the Australia Post Terms and Conditions Appendix 2 Street mail service - conditions of delivery. A copy of the Terms and Conditions may be obtained from Australia Post or its website.
39. The development is to include a minimum number of 3 adaptable units at the rate and class as required under the Accessibility Control and in compliance with the requirements of AS 4299 - *Adaptable Housing*.
40. All carparking facilities and driveway profiles, for adaptable and accessible housing, from the street to the on site car parking spaces for the adaptable apartments must comply with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
41. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.
42. Street numbers are to be affixed so that they are clearly displayed and visible from a public place.

### **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 structural engineer shall design the ground floor slab / basement ceiling to support on-slab planters of the RFB with consideration to supporting the intended load bearing weight of the planter construction including wet soils and the weight load of mature planting. Structural design certification shall be provided to Council at construction certificate stage.
2. Soil depths to the RFB over the basement slab shall be 1m in depth for trees/palms, 600mm depth for shrubs, and 300mm for lawn. This detail is to be incorporated in all relevant architectural and landscape plans or planting detail prior to the release of the Construction Certificate.
3. A minimum of 11 trees, as nominated on the Landscape Plans shall be planted within the RFB lot, and shall be planted at a minimum 75 litre size, except the *Elaeocarpus reticulatus*, which shall be

planted at 200 litre size. Relevant detail demonstrating compliance with this condition is to be incorporated in any relevant landscape plan and planting schedule prior to the release of the Construction Certificate.

4. A minimum of 21 trees, as nominated on the Landscape Plans shall be planted to the residential lots, consisting of 3 per lot. All shall be planted at a minimum 75 litre size. Relevant detail demonstrating compliance with this condition is to be incorporated in any relevant landscape plan and planting schedule prior to the release of the Construction Certificate.
5. A revised Water Management Report prepared by a qualified practising Civil Engineer with 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 urban stormwater and flood management, is to be submitted prior to the issue of a Construction Certificate. This revised report is to provide detailed designs, plans and the required information for all works needed to achieve full compliance with the Warriewood Valley Water Management Specification February 2001 (WMS (2001) and Pittwater 21 Development Control Plan based on the Water Management Plan by Jones Nicholson entitled "53C Warriewood Rd, Warriewood NSW, Residential Development", (Reference 20140438 Rev3), prepared for ARH Warriewood Pty Ltd dated 27 April 2015. The WMS (2001) document Checklist – Construction Certificate is to be certified and submitted prior to the issue of a Construction Certificate.
6. 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):
  - o The System is to be in accordance with the revised Water Management Report referred to above.
  - o The System is to be designed to meet the objectives and requirements of the Warriewood Valley Integrated Water Management Strategy and Warriewood Valley Water Management Specification and is to include and provide for:-
    - a) Staging of works to ensure that the objectives of the Warriewood Valley Water Management Specification and sufficient water quality and water quantity facilities are provided to service each stage prior to the release of any Subdivision Certificate.
    - b) The Stormwater Management System achieving compliance with the relevant Australian Standards and contemporary engineering best practice.
    - c) The stormwater drainage design incorporating pipe capacities that allow for an additional 30% increase in rainfall intensity for the climate change scenario.
    - d) Earthworks and retaining wall associated with the flood storage area on lot 10.
  - o To prove that the OSD design and water balance modelled in the Jones Nicholson Water Management Report remains current, the applicant shall clearly demonstrate that the development design results in an impervious area equivalent to or less than the impervious area assumed in the initial Jones Nicholson Water Management Report. This shall be done by providing a table showing the breakdown of impervious area vs pervious area per lot area used for the initial design and the updated design. The underground basement area is to be considered as impervious and shall be reflected as such. If this calculation results in the impervious area being greater for the updated design than the original design, then the OSD design shall be redesigned to suit
7. The Water Management Report and all associated plans and detailed design must be certified by an appropriately qualified accredited certifier in accordance with the Warriewood Valley Water Management Specification (February 2001) and as meeting the requirements of this condition.

8. With the exception of the connection to the sewer, all proposed buildings are to be connected to services (electrical, water, gas and telecommunications) via the Shareway to Warriewood Road. All such services are to be located underground. With the exception of Lot 11, the connection of services to Warriewood Road is to be provided on a temporary basis until Lorikeet Grove is extended to the subject site. At this time, services to buildings on Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10 are to be obtained from Lorikeet Grove and the temporary services connections to Warriewood Road and related easements are to be de-commissioned and extinguished. Relevant detail demonstrating compliance with this condition is to be included in relevant plans and supporting material prior to the release of the Construction Certificate.
9. 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.
10. The Principal Certifying Authority must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
11. 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](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and 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.

12. 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:
  1. after excavation for, and prior to the placement of, any footings, and
  2. prior to pouring any in-situ reinforced concrete building element, and
  3. prior to covering of the framework for any floor, wall, roof or other building element, and
  4. prior to covering waterproofing in any wet areas, and
  5. prior to covering any stormwater drainage connections, and
  6. 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.

13. Construction works approved by this consent must not commence until:
  1. Construction Certificate has been issued by a Principal Certifying Authority
  2. a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
  3. at least 2 days notice, in writing has been given to Council of the intention to commence work.

14. In accordance with section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payment Corporation or Council for any work costing \$25,000 or more.
15. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate plans and specifications are fulfilled.
16. A monetary contribution of \$378,334 (subject to (a) below) is to be made for the provision of public infrastructure and services pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.
  - (a) The monetary contribution will be adjusted at the time of payment in accordance with the latest Consumer Price Index as published quarterly by the Australian Bureau of Statistics as outlined in Council's Warriewood Valley Section 94 Contributions Plan (Plan No. 15). The monetary contribution is to be paid prior to issue of the first Construction Certificate or Subdivision Certificate of the development (whichever occurs first) or prior to the issue of the Subdivision Certificate of the development where no Construction Certificate is required.
  - (b) The Applicant may negotiate with Council for the direct provision of facilities and services in lieu of the monetary contribution above (or any portion of that contribution) through a Material Public Benefit offer to Council in accordance with the Warriewood Valley Section 94 Contributions Plan (Plan No. 15). Any Material Public Benefit agreement between the Applicant and Council must be finalised, formally signed and in place prior to payment being made.

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

17. 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.
18. External glazing must be of low glare and reflectivity. The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of all external glazing is to have a maximum reflectivity index of 25%. Written confirmation of the reflectivity index of the material is to be submitted with the Construction Certificate. (Note: the reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement. This is to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development)

Roofing materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and textures must be provided to the Certifying Authority.

#### **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:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.
3. Asbestos handling and disposal where applicable.
4. 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. The following facilities must be provided on the site:

1. toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
2. a garbage receptacle for food scrapes and papers, with a tight fitting lid.

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.

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 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.
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. 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.
8. 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.
9. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
10. 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.

11. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
12. 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
13. 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.
14. 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.

15. The site must be fenced throughout construction and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
16. 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.

17. 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.
18. No skip bins or materials are to be stored on Council's Road Reserve.
19. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
20. Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council
21. 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:
  1. The builder's name, builder's telephone contact number both during work hours and after hours.
  2. 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.
  3. 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.

4. That no skip bins or materials are to be stored on Council's Road Reserve.
  5. That the contact number for Pittwater Council for permits is 9970 1111.
22. All construction in the public road reserve must be undertaken by a Council authorised contractor.
23. 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:
1. Quantity of material to be transported
  2. Proposed truck movements per day
  3. Proposed hours of operation
  4. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
  5. Location of on/off site parking for construction workers during the construction period.
24. Demolition works must be carried out in compliance with *WorkCovers Short Guide to Working with Asbestos Cement* and Australian Standard AS 2601 2001 *The Demolition of Structures*. The site must be provided with a sign containing the words *DANGER ASBESTOS REMOVAL IN PROGRESS* measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility. All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal. Adjoining property owners are to be given at least seven (7) days notice in writing of the intention to disturb and remove asbestos from the development site.
25. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Councils Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
26. No skip bins or materials are to be stored on Council's Road Reserve.

#### **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.



1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*, is to be forwarded to Council or the Private Certifying Authority with the Occupation Certificate.
3. All existing and /or proposed dwellings/sole occupancy 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.
4. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.
5. 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.
6. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the accredited certifier that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.

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

1. A Certificate by a qualified Engineer or Architect confirming that all driveways have been constructed in accordance with the approved plans and Council's Pittwater 21 DCP is to be submitted to the Council and the accredited certifier (if any) prior to the issue of the Subdivision Certificate.

**G. Advice:**

1. Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its fixtures and contents.
2. 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. 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](http://www.1100.com.au)
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 EPA Act 1979, this development consent lapses 5 years after the date from which this consent operates if the development is not commenced.
6. To ascertain the date upon which a consent 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 6 months of the 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](http://www.sydneywater.com.au) then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.