

24 September 2025



Sekisui House Services (NSW) Pty Limited
Ground Floor 68 Waterloo Road
MACQUARIE PARK NSW 2113

Dear Sir/Madam

Application Number: DA2024/1079
Address: Lot 3 DP 1115877 , 53 B Warriewood Road, WARRIEWOOD NSW 2102
Lot 3 DP 942319 , 53 Warriewood Road, WARRIEWOOD NSW 2102
Lot 2 DP 1115877 , 53 A Warriewood Road, WARRIEWOOD NSW 2102
Proposed Development: Community title subdivision into five (5) lots and civil works

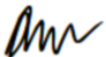
Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at www.northernbeaches.nsw.gov.au

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to council@northernbeaches.nsw.gov.au

Regards,



Adam Richardson
Manager, Development Assessments

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application Number:	DA2024/1079 PAN-460016
Applicant:	Sekisui House Services (NSW) Pty Limited Ground Floor 68 Waterloo Road MACQUARIE PARK NSW 2113
Property:	Lot 3 DP 1115877 53 B Warriewood Road WARRIEWOOD NSW 2102 Lot 3 DP 942319 53 Warriewood Road WARRIEWOOD NSW 2102 Lot 2 DP 1115877 53 A Warriewood Road WARRIEWOOD NSW 2102
Description of Development:	Community title subdivision into five (5) lots and civil works
Determination:	Approved Consent Authority: Northern Beaches Local Planning Panel
Date of Determination:	17 September 2025
Date from which the consent operates:	17 September 2025
Date on which the consent lapses:	17 September 2030

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be lodged to and determined by the consent authority within 6 months from the date that the original determination was registered on the NSW Planning Portal. Prospective applicants for a Review of Determination are encouraged to lodge a review application with Council as soon as possible, to enable a full review and determination.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

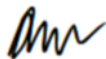
Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Adam Richardson, Manager, Development Assessments

Date 24 September 2025

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

DEFERRED COMMENCEMENT CONDITIONS

1. Final Certification - Compliance with Remedial Action Plan

Prior to the consent becoming operational, it must be demonstrated to the written satisfaction of Northern Beaches Council that compliance with the Remedial Action Plan as per condition 37 of

Development Approval DA2024/0586 has been achieved.

2. Planning Agreement

The developer shall enter into a “Planning Agreement” with Northern Beaches Council pursuant to section 7.4 of the *Environmental Planning and Assessment Act 1979* to deliver work identified in the Warriewood Valley Contributions Plan and generally consistent with the developer’s amended Offer dated 15 August 2025 and associated documents and plans.

The Offer includes the following items of “Contribution Works” as referenced in the Contributions Plan and in accordance with Council’s Voluntary Planning Agreement Policy:

- a) Item 5.5 Bus Shelter – Warriewood Road at Alameda Way (Works Schedule (Appendix B) in the Traffic and Transport Strategy in the Warriewood Valley Contributions Plan)
- b) Item 28B Shared Paths (Works Schedule (Appendix B) in the Traffic and Transport Strategy in the Warriewood Valley Contributions Plan)
- c) Items 2.71B, 2.71C and 2.71D Rehabilitation Works of Narrabeen Creek at 53, 53A and 53B Warriewood Road, Warriewood (Multi-functional Creek Line Strategy (Rehabilitation Works) in the Warriewood Valley Contributions Plan)

The Executed Planning Agreement is to be registered on the title of the land before this condition is satisfied. Upon execution, there is to be provision of a bank guarantee or bond to the satisfaction of Council for the total value of the contribution works.

Reason: To ensure all correct procedures are followed in implementing a Planning Agreement including mechanisms to provide security to Council for completion of the Contribution Works.

Note: Please be advised that no decision as to whether Council will enter a Planning Agreement has been made and there is no representation that such a decision will be made until the offer to enter into a Planning Agreement with Council under Section 7.4 of the EP&A Act has been exhibited, assessed and determined by Council in accordance with the *Environmental Planning and Assessment Act 1979*.

3. Easement for vehicular access

The development proposes to utilise the private road reserve of Pheasant Place for both vehicular access to Lots 3, 4, and 5 and for the collection of waste by Council’s waste vehicles. To formalise this arrangement, a legal agreement creating an easement for vehicular access and manoeuvring must be obtained from the owner’s of Pheasant Place. Evidence of this agreement must also be provided to Council.

Once this agreement has been formalised, an easement benefiting Lots 3, 4, and 5 and Council’s waste vehicles, for vehicular access only must be provided upon the Title and 88B Instrument.

Reason: To ensure lawful vehicle access can be provided to residential allotments and for the collection of waste.

Evidence required to satisfy these conditions must be submitted to Council (through the NSW Planning Portal) within two (2) years of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation 2021.

Applicants must submit a request for operational consent to Council via the NSW Planning Portal and upload all relevant documentation. This can be completed through accessing the relevant portal application ID and navigating to ‘Request for Operational Consent’ in the Actions dropdown menu.

Upon satisfying this requirement, and other deferred commencement requirements, an operational consent will be issued by the Council, subject to the conditions that follow, and subject to any refinements or additions that directly and reasonably relate to satisfying the terms of the deferred commencement condition(s)

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

4. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
220122-00-DA-C01.21	4	Specification Notes	Enspire Solutions	28/03/2025
220122-00-DA-C01.41	5	General Arrangement Plan	Enspire Solutions	28/03/2025
220122-00-DA-C02.01	7	Demolition Plan	Enspire Solutions	04/07/2025

220122-00-DA-C03.01	5	Erosion And Sedimentation Plan	Enspire Solutions	28/03/2025
220122-00-DA-C03.21	3	Erosion And Sedimentation Control Details	Enspire Solutions	21/03/2025
220122-00-DA-C04.01	5	Bulk Earthworks Cut And Fill Plan	Enspire Solutions	04/07/2025
220122-00-DA-C04.21	4	Bulk Earthworks Cut And Fill Sections Sheet 01	Enspire Solutions	28/03/2025
220122-00-DA-C04.22	4	Bulk Earthworks Cut And Fill Sections Sheet 02	Enspire Solutions	28/03/2025
220122-00-DA-C05.01	10	Siteworks And Stormwater Management Plan Sheet 01	Enspire Solutions	04/07/2025
220122-00-DA-C05.02	10	Siteworks And Stormwater Management Plan Sheet 02	Enspire Solutions	04/07/2025
220122-00-DA-C05.11	2	Narrabeen Creek Rehabilitation Works	Enspire Solutions	28/03/2025
220122-00-DA-C06.01	4	Road Typical Cross Sections	Enspire Solutions	28/03/2025
220122-00-DA-C07.01	4	Road Longitudinal Sections	Enspire Solutions	28/03/2025
220122-00-DA-C11.01	6	Pavement, Signage And Linemarking Plan	Enspire Solutions	04/07/2025
220122-00-D-C13.01	5	Site Sections	Enspire Solutions	28/03/2025
220122-00-DA-C14.01	4	Sitework Details	Enspire Solutions	28/03/2025
220122-00-DA-C17.01	4	Stormwater Drainage Longitudal Section	Enspire Solutions	28/03/2025
220122-00-DA-C20.01	4	Pre-Development Catchment Plan	Enspire Solutions	28/03/2025
220122-00-DA-C21.01	4	Post-Development Catchment Plan	Enspire Solutions	28/03/2025
220122-00-DA-C22.01	4	Turning Path Plan Sheet 01	Enspire Solutions	28/03/2025
220122-00-DA-C22.02	4	Turning Path Plan Sheet 02	Enspire Solutions	28/03/2025
220122-00-DA-C22.03	4	Turning Path Plan Sheet 03	Enspire Solutions	28/03/2025
220122-00-DA-C22.04	4	Turning Path Plan Sheet 04	Enspire Solutions	28/03/2025
220122-00-DA-C02.01	7	Demolition Plan	Enspire Solutions	04/07/2025
220122-00-DA-C04.01	5	Bulk Earthworks Cut And Fill Plan	Enspire Solutions	04/07/2025
220122-00-DA-C05.01	10	Siteworks And Stormwater Management Plan Sheet 01	Enspire Solutions	04/07/2025
220122-00-DA-C05.02	10	Siteworks And Stormwater Management Plan Sheet 02	Enspire Solutions	04/07/2025
220122-00-DA-C05.01	6	Siteworks And Stormwater Management Plan Sheet 01	Enspire Solutions	04/07/2025

LA01	E	Landscape Site Plan	Taylor Brammer	04/07/2025
LA02	E	Landscape Detail Plan 1	Taylor Brammer	04/07/2025
LA03	D	Landscape Detail Plan 2	Taylor Brammer	04/07/2025
LA04	A	Planting Character And Schedule	Taylor Brammer	01/08/2024
LA05	D	Tree Retention And Removal	Taylor Brammer	04/07/2025
LA06	E	Landscape Calculations	Taylor Brammer	28/07/2025
LA07	A	Landscape Details	Taylor Brammer	01/08/2024
-	-	Building Envelope Plan and Landscape Calculations	SHAWOOD	August 2025
6321/18D Sheet 1 of 3	-	Community Scheme – Stage 1	YSCO Geomatics	13/06/2025
6321/18D Sheet 2 of 3	-	Community Scheme – Stage 2	YSCO Geomatics	13/06/2025
6321/18D Sheet 1 of 3	-	Community Scheme – Stage 3	YSCO Geomatics	13/06/2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Vegetation Management Plan	3	Ecological Consultants Australia Pty Ltd	March 2025
Flora and Funa Assessment	Final A	Ecological Consultants Australia Pty Ltd	March 2025
Civil Engineering Works Development Application Report	4	Enspire Solutions	28/03/2025
Community Management Statement	-	Colin Biggers & Paisley	-
Flood Impact Assessment	2	Catchment Simulation Solutions	March 2025

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

5. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	-
Department of Planning and Environment	IDAS-2024-10634 – Integrated Development Referral – General Terms of Approval	14 October 2024
NSW Rural Fire Service	Integrated Development Application – s100B – Subdivision – Community Title Subdivision	8 October 2024

Note: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

6. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) 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:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) 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
 - (iii) 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.
- (c) 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:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under 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.
- (d) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

7. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

FEES / CHARGES / CONTRIBUTIONS

8. Warriewood Valley - Contribution Condition

The Warriewood Valley Contributions Plan Amendment 16, Revision 4 2022 applies to the subject site.

A total development contribution of \$2,226,214 is payable to Council in accordance with the Warriewood Valley Development Contributions Plan (as amended). The contribution is based on 31 dwellings accommodated on the three residential superlots as shown on the stamped approved building envelope plan, as follows:

- A contribution for 29 additional dwellings/allotments, and
- A credit for two existing dwellings.

The contribution comprises:

- a) a monetary contribution paid to Council prior to the issue of any Subdivision Works Certificate or Construction Certificate. The monetary contribution will be adjusted at the time of payment and when the quantum of land to be dedicated is known, in accordance with the provisions of the Warriewood Valley Development Contributions Plan (as amended), and
- b) the dedication of creekline corridor land to Council, measured at 25m from the rear property boundary, in lieu of monetary contributions calculated in accordance with Table 4 of the Contributions Plan. The land to be dedicated is to be shown on an amended Plan of Subdivision which must be approved by Council prior to the issue of any Subdivision Certificate. Dedication of the creek land will occur through the registration of the final Plan of Subdivision after any required rehabilitation works in the creek corridor are completed.

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Principal Certifier at the appropriate time as stated above.

Written evidence (receipt/s) from Council for the payment of the monetary contribution is to be provided to the Certifying Authority prior to issue of the subdivision certificate.

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land (other than those already identified above) in lieu of the monetary contribution above (or any portion of that monetary contribution) through a Planning Agreement between Council and the Applicant in accordance the Warriewood Valley Development Contributions Plan (as amended) and Council's Planning Agreement Policy. The Planning Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council – Development Contributions.

Reason: To provide for contributions in accordance with the Contributions Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Warriewood Valley Release Area.

9. Housing Productivity Contribution

- | | |
|----|---|
| 1. | The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 3, is required to be made: |
|----|---|

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$12,000
Transport project component	\$ 0
Total housing and productivity contribution:	\$300,000

2. The HPC may be paid in instalments for each stage of the subdivision authorised by this consent for which a subdivision certificate is sought. The amounts of the instalments that are payable for each stage are as follows:

Stage 1 of residential subdivision	Amount of instalment
Housing and productivity contribution (base component)	\$12,000
Transport project component	\$0
Total housing and productivity contribution:	\$72,000

Stage 2 of residential subdivision	Amount of instalment
Housing and productivity contribution (base component)	\$12,000
Transport project component	\$0
Total housing and productivity contribution:	\$96,000

Stage 3 of residential subdivision	Amount of instalment
Housing and productivity contribution (base component)	\$12,000
Transport project component	\$0
Total housing and productivity contribution:	\$132,000

Each amount in the table must be adjusted at the time of payment in accordance with condition 3.

3. The amount payable at the time of payment is the amount shown as the total housing and productivity contribution for each stage specified in the tables to condition 2, adjusted by multiplying it by:

highest PPI number

consent PPI number

where—

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted.

June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

4. The HPC must be paid before the issue of the first subdivision certificate in relation to the development, or if it is paid in instalments, before the issue of the subdivision certificate for the relevant stage of the subdivision.

5. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).

6. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC may be made, instead of as a monetary contribution, in the following ways:

- a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
- b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 3 at the time of payment. Each part of an instalment that is to be made as a monetary contribution is also to be adjusted in accordance with condition 3 at the time its payment.

- | | |
|----|---|
| 7. | Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025. |
|----|---|

Reason: Statutory requirement.

10. Construction, Excavation and Associated Works Security Bond(s)

The applicant is to lodge a bond with Council for the following:

Upgrade of Councils existing 600mm RCP stormwater line

As security against for failure to complete the upgrade of Councils existing 600mm RCP to twin 900mm RCP pipes within the existing drainage reserve required as part of this consent a bond of \$150,000.

Crossing / Kerb & Gutter / Footpath Works, Stormwater Drainage and Road Works (Warriewood Road and Lorikeet Grove)

As security against any damage or failure to complete the construction of any road and footpath works, vehicular crossings, and removal of any redundant driveways required as part of this consent a bond of \$350,000.

Security Bond

As security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site a bond of \$50,000.

Maintenance for Civil Works

A maintenance bond of \$100,000 for the construction of the road ,drainage and footpath works in Warriewood Road and Lorikeet Grove. The maintenance bond will only be refunded upon completion of the twelve month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council prior to issuing of practical completion for the road infrastructure works.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Maintenance for Riparian Biodiversity and Vegetation Management Works

A maintenance bond of \$150,000 for the completion of the Riparian Biodiversity and Vegetation Management Works. The maintenance bond will only be refunded upon completion of the five-year Riparian Biodiversity and Vegetation Management works in accordance with the approved plans and to the satisfaction of Council.

Narrabeen Creek Protection Works

As security against any damage to Narrabeen Creek including sedimentation, caused by failure of sediment and erosion controls or other construction related work activities as a bond of \$100,000. Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Subdivision Works Certificate.

Reason: Protection of Council's infrastructure.

11. Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

At the commencement of building works or the issue of a subdivision certificate (whichever comes first), and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site, (excluding proposed Lot 1 Public Reserve), must be managed as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. The instrument may be extinguished from the lot where a lot has been developed, and the hazard has been removed. The name of authority empowered to release, vary, or modify the instrument must be Northern Beaches Council.

When establishing and maintaining an IPA the following requirements apply in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Reason: Statutory requirement

12. Soil and Water Management Plan

A Soil and Water Management Plans (SWMP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The SWMP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004).

Details demonstrating compliance are to be submitted to the Principal Certifier for approval prior to the issue of the Subdivision Works Certificate.

Reason: To protect the receiving environment.

13. Construction Environment Management Plan

A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the environmental risks and mitigation methods identified in the Flora and Fauna Report and Vegetation Management Plan. The CEMP must identify and appropriately manage invasive species (e.g. *Ludwigia peruviana*). The CEMP must be kept in the site office.

An induction plan for site personnel must be prepared and implemented that addresses the CEMP. Induction records must be maintained and available onsite at all times.

The CEMP and site induction plan must be submitted to the Principal Certifier for approval prior to the issue of the Subdivision Works Certificate.

Reason: To protect native vegetation, wildlife, habitats and receiving waterways.

14. Detailed Design of Creek Works

A certificate from a suitably qualified engineer who has membership of Engineers Australia and the National Engineering Register (NER), stating that the creek works have been designed in accordance with the Civil Engineering Works drawings and report as referenced in this consent condition "Approved Plans and Supporting Documentation" from Enspire.

As the creek line corridor is to be dedicated to Council, the complete detailed design of all creek works and inner riparian corridor is to be submitted and approved in writing by Council prior to the issue of any Subdivision Works Certificate.

The engineer certificate and Council approval shall be submitted to the Certifier prior to the release of the Subdivision Works Certificate.

Reason: To protect native vegetation, wildlife, habitats and receiving waterways.

15. On-Site Stormwater Detention

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Enspire Solutions, drawing number 220122-00-DA C05.01 Issue 9, C05.02 Issue 10, C14.01 Issue 4, dated 28/3/25. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- 1) Climate change factors are to be included in the design of all drainage infrastructure in accordance with the Warriewood Valley Water Management Specification (February 2001).

Detailed drainage plans, including engineering certification, are to be submitted to the Certifier for approval prior to the issue of the Subdivision Works Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

16. Stormwater Drainage Upgrade Works (Council drainage reserve)

The applicant is to submit a stormwater drainage engineering plans to Council for approval. The submission is to include Civil Engineering plans for the design and upgrade of the existing stormwater line within the Council drainage reserve to the twin 900mm RCP stormwater lines as proposed in the Enspire engineering concept plans Plan Nos C 05 02 -10 and C 17 01 -4. The plans are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Works Certificate.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management and compliance with the BASIX requirements, arising from the development.

17. Utilities Services including the Sydney Water main carrier line.

Prior to the issue of the Subdivision Works Certificate, written evidence of the following service provider requirements must be provided to the Principal Certifier:

- a) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity and installation of street lighting poles in Warriewood Road and Lorikeet Grove.

- b) a written response from Sydney Water as to whether the proposed stormwater drainage upgrade works being the installation of twin 900mm RCP stormwater lines would affect any Sydney Water infrastructure including the 1800mm Sydney Water main carrier line, and whether further requirements need to be met. The applicant is to provide confirmation specifically that the proposed construction clearance to the carrier line meets Sydney Water specifications.
- c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Works Certificate.

Reason: To ensure relevant utility and service providers' requirements are provided to the Principal Certifier.

18. Submission of Roads Act Application for Civil Works in the Public Road

Engineering plans and specifications for all roads, drainage, streetscape and other civil engineering works required by this consent within the existing public road reserve of Warriewood road are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of the works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1, The Warriewood Valley Roads Masterplan (WVRMP) June 2018 and Pittwater DCP 21 as relevant to achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan (Public Domain) dated October 2007. The plans shall be prepared by a Civil Engineer who is RPENG (NSW) or NER qualified.

The design must include the following information:

- a) The works in relation to the full length of Warriewood Road are to include provision of a bus bay, indented parking, stormwater drainage up grade works, half road reconstruction, undergrounding of existing over head power, landscaping works and linemarking/signage. The engineering plans are to be generally in accordance with the concept engineering plans prepared by Enspire Solutions C0 501 -9, C0 502 -10, C0 601 4, C0 701 -4, C0 11 01- 4.
- b) The kerb and gutter (vertical face only) face is to be 10.9m from the existing northern kerb face of Warriewood Road. The shared pedestrian concrete pathway within Warriewood Road frontage is to be 2.1m wide and align with the existing pathway and vehicle crossing on either side of the site.
- c) Road shoulder and road pavement formation design is to be certified by a geotechnical engineer to satisfy the WVRMP for pavements to meet the ESA pavement design of 2x10^{^6}. The AC seal is to be extended 1000mm past the existing road centre line.
- d) Provision of street lighting using Ausgrid standard lights/poles is to be provided in Warriewood Road.
- e) Undergrounding of the existing overhead power infrastructure for the full frontage at no cost to Council.
- f) The existing water main is to be relocated to within the footpath verge area of the frontage. Fire hydrants are to be spaced at appropriate intervals in accordance with the relevant specification.
- g) The existing stormwater water infrastructure in Warriewood Road is to be upgraded to a 5/100 AEP plus climate change. This includes the existing Warriewood Road 675mm pipe crossing and the new lead stormwater line from the southern side of Warriewood Road to the site. The stormwater inlet pit on the northern side of Warriewood road is to be upgraded to feature a 3m wide lintel.
- h) The engineering plans are to detail 2 (no) vehicle crossings in Warriewood servicing proposed lot 26 and 27.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

19. Pre-Commencement Dilapidation Report

The applicant must prepare and submit a dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Principal Certifier prior to the issue of the any Subdivision Works Certificate and the commencement of any works including demolition.

Reason: Protection of Council's Infrastructure during construction.

20. Geotechnical Report recommendations have been correctly incorporated into designs and structural plans

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Crozier Geotechnical dated July 2024 are to be incorporated into the construction plans. Prior to issue of the Subdivision Works Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

21. Certification of Water Management Report

The Applicant shall submit a certificate from a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the Water Management Report and all associated engineering plans as referred to in this consent and detailed design are in accordance with the Warriewood Valley Water Management Specification (February 2001), and as meeting the requirements of these conditions.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Works Certificate.

Reason: To ensure water is managed appropriately and in accordance with the requirements of the Warriewood Valley Water Management Specification and Pittwater 21 DCP.

22. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Subdivision Works Certificate. The Traffic Management Plan shall be prepared to TfNSW standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

23. Submission of Engineering plans for the construction of Lorikeet Grove and widening of Pheasant Way.

Engineering plans and specifications for all roads ,drainage ,streetscape and other civil engineering works required by this consent for the new Lorikeet Road extension and Pheasant Way Road widening are to be submitted to the Certifier for approval.

The application is to include Civil Engineering plans for the design of the works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1, The Warriewood Valley Roads Masterplan (WVRMP) June 2018 and Pittwater DCP 21 as relevant to achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan(Public Domain) dated October 2007. The plans shall be prepared by a Civil Engineer who is RPENG (NSW) or NER qualified.

The design must include the following information:

- a) The works in relation to the full length of Lorikeet Grove to include stormwater drainage works, full width road construction to match the existing western and eastern side constructed road widths of Lorikeet Grove, footpath works , landscaping works and line marking/signage. The engineering plans are to be generally in accordance with the concept engineering plans prepared by Enspire Solutions 220122-00 DA ,C0 501 - Rev 9, C05.02 Rev 10, C0 601 Rev 4,C0 701 - Rev 4., C11.01 Rev 5,C17.01 Rev 4, C14.01 Rev4.
- b) Road shoulder and road pavement formation design is to be certified by a geotechnical engineer to satisfy the WVRMP for pavements to meet the ESA pavement design of 2x10^{^6}.
- c) Provision of street lighting using Ausgrid standard lights/poles is to be provided in Lorikeet Grove and Pheasant Place.
- d) Undergrounding of power infrastructure for the full frontage at no cost to Council.
- e) Fire hydrants are to be spaced at appropriate intervals in accordance with the relevant specification.
- f) Stormwater drainage works as detailed on the Enspire Plan No 220122-00- DA C05.01 Revision 9, DA-C05.02 Rev 10,DA-C06.01 Revision 4, DA-C07.01 Revision 4, DA-C14.01 Rev 4.
- g) Details of the 2.5m shared pedestrian path which is to start at the existing approved alignment at Lot 10 DP 270946 Warriewood Road (denoted as F -Right of Footway2.5m wide) and connect to the existing concrete footpath to the existing western formation of Lorikeet Grove. (adjacent to No 21 Lorikeet Grove Lot 12 DP 270730). The engineering plans are to be amended to deleted the 2.5m shared pedestrian path within the proposed Lorikeet Grove Road Reserve.
- h) The road reserve width of Lorikeet Grove is to be 16m.

The fee associated with the assessment and approval if Council is the certifier is to be in accordance with Council's Fee and Charges.

The engineering plans are to be approved by the Certifier prior to the issue of the Subdivision Works Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's Auspec One specification.

24. Detailed Design of Stormwater Treatment Measures

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with as referenced in this consent condition "Approved Plans and Supporting Documentation" from enspire and Council's Water Management for Development Policy.

The end of line vegetated swale as shown on the enspire engineering drawings and report as referenced in this consent condition "Approved Plans and Supporting Documentation" from enspire cannot be substituted by another water quality devices or mechanism.

The certificate shall be submitted to the Certifier prior to the release of the Subdivision Works Certificate.

Reason: Protection of the receiving environment.

25. Compliance with Ecologist's Recommendations – Pre-construction

All impact mitigation measures specified in the approved Flora and Fauna Assessment (Kingfisher Version Final A dated 21 March 2025) and Vegetation Management Plan (Kingfisher Version 3 March 2025) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

26. No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Subdivision Works Certificate.

Details demonstrating compliance are to be submitted to the Certifier prior to issue of a Subdivision Works Certificate.

Reason: To protect native vegetation.

27. Engagement of Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with the revised Flora and Fauna Assessment (Kingfisher Version Final A dated 21 March 2025) and Vegetation Management Plan (Kingfisher Version 3 March 2025).

The Project Ecologist must have one of the following memberships / accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Certifier prior to issue of a Subdivision Works Certificate.

Reason: To protect native vegetation and wildlife.

28. Public Domain Landscape Plans

Landscape Plans shall be issued under section 138 and 139 of the Roads Act for works in the road reserve to document the following:

- i) location of all share paths along Warriewood Road and internal roads in coordination with the Civil Plans,
- ii) street tree planting of three (3) *Lophostemon confertus* (Brushbox) trees along Warriewood Road verge, detailed in accordance with S-1 of the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain),
- iii) all other street trees as shown on the approved Landscape Plans shall be detailed in accordance with S-4 of the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain),
- iv) Street tree planting shall be the subject of documentation under a separate application under Section 138 and 139 of the Roads Act for works in the road reserve

Reason: To protect native vegetation and wildlife.

29. Submission of an Amended Plan of Subdivision

Prior to issue of any Subdivision Works Certificate, an amended Plan of Subdivision which must be approved by Council. This amended plan of subdivision is to include:

- The inner creekline land in accordance with the Executed Planning Agreement and is to include Right of access for maintenance benefitting Northern Beaches Council. The dedication of this creek land is occur through the registration of the final Plan of Subdivision after any required rehabilitation works in the creek corridor are completed.
- Right of way on the alignment of the cycleway for public access and maintenance benefitting Northern Beaches Council.

Reason: To ensure the orderly development of land.

30. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Subdivision Works Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of
- temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
 - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
 - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
 - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be

adversely affected by vehicles servicing the development site to undertake works or activity during site works.

- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works. Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

31. Removal of Redundant Driveways

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council prior to the issue of the Subdivision Works Certificate. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.

32. Submission of Engineering plans for the construction of Lorikeet Grove and widening of Pheasant Way

Engineering plans and specifications for all roads, drainage, streetscape and other civil engineering works required by this consent for the new Lorikeet Road extension and Pheasant Way Road widening are to be submitted to the Certifier for approval.

The application is to include Civil Engineering plans for the design of the works which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1, The Warriewood Valley Roads Masterplan (WVRMP) June 2018 and Pittwater DCP 21 as relevant to achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan (Public Domain) dated October 2007. The plans shall be prepared by a Civil Engineer who is RPENG (NSW) or NER qualified.

The design must include the following information:

- a) The works in relation to the full length of Lorikeet Grove to include stormwater drainage works, full width road construction to match the existing western and eastern side constructed road widths of Lorikeet Grove, footpath works, landscaping works and line marking/signage. The engineering plans are to be generally in accordance with the concept engineering plans prepared by Enspire Solutions 220122-00 DA, C0 501 - Rev 9, C05.02 Rev 10, C0 601 Rev 4, C0 701 - Rev 4., C11.01 Rev 5, C17.01 Rev 4, C14.01 Rev4.
- b) Road shoulder and road pavement formation design is to be certified by a geotechnical engineer to satisfy the WVRMP for pavements to meet the ESA pavement design of 2x10^{^6}.
- c) Provision of street lighting using Ausgrid standard lights/poles is to be provided in Lorikeet Grove and Pheasant Place.
- d) Undergrounding of power infrastructure for the full frontage at no cost to Council.
- e) Fire hydrants are to be spaced at appropriate intervals in accordance with the relevant specification.
- f) Stormwater drainage works as detailed on the Enspire Plan No 220122-00- DA C05.01 Revision 9, DA-C05.02 Rev 10, DA-C06.01 Revision 4, DA-C07.01 Revision 4, DA-C14.01 Rev 4.
- g) Details of the 2.5m shared pedestrian path which is to start at the existing approved alignment at Lot 10 DP 270946 Warriewood Road (denoted as F -Right of Footway 2.5m wide) and connect to the existing concrete footpath to the existing western formation of Lorikeet Grove. (adjacent to No 21 Lorikeet Grove Lot 12 DP 270730). The engineering plans are to be amended to deleted the 2.5m shared pedestrian path within the proposed Lorikeet Grove Road Reserve.
- h) The road reserve width of Lorikeet Grove is to be 16m.

The fee associated with the assessment and approval if Council is the certifier is to be in accordance with Council's Fee and Charges.

The engineering plans are to be approved by the Certifier prior to the issue of the Subdivision Works Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's Auspec One specification.

33. Flood effects caused by development

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level, other than what has been approved in this development consent.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval, prior to the issue of a Subdivision Works Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

34. Floor levels

The building platform for the future dwelling on each lot is to be built as high at or above the Flood Planning Level, and large enough to provide adequate space for each dwelling particularly for the lots in the south-east corner.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval, prior to the issue of a Subdivision Works Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

35. Tree Removal Within the Property

This consent approves the removal of existing prescribed trees on the subject site as identified in the Arboricultural Impact Assessment. A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

36. Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.

Reason: Compliance with the General Terms of Approval (GTA) issued by Department of Planning and Environment-Water.

37. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA2024/1079 provided by Council to Department of Planning and Environment-Water.

Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required.

Reason: Compliance with the General Terms of Approval (GTA) issued by Department of Planning and Environment-Water.

The application for a controlled activity approval must include the following plan(s):

- Site plans
- Detailed civil construction plans
- Soil and water management plan
- Erosion and sediment control plans
- Construction stormwater drainage outlet plan
- Vegetation management plan
- Landscape plan
- Construction detailed basin design plans
- Construction detailed bulk earthworks plans

The plan(s) must be prepared in accordance with Department of Planning and Environment-Water's guidelines located on the website.

Reason: Compliance with the General Terms of Approval (GTA) issued by Department of Planning and Environment-Water.

38. Work Zones and Permits

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

Reason: To ensure Work zones are monitored and installed correctly.

39. Utilities Services

Prior to the commencement of demolition works, written evidence of the following service provider requirements must be provided to the Principal Certifier:

- a) Electrical and telecommunications supply is to be undergrounded to all the lots. The undergrounding of utility services and pad mounted substations are to be located to minimise impacts public domain landscaping. A letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b) Street Facilities lighting is to be provided to all new and existing roads in accordance with the requirements of Ausgrid.
- c) All existing overhead electrical infrastructure is to be undergrounded for the Warriewood Road road reserve site frontage to the nearest power poles fronting adjoining properties in accordance with Ausgrid requirements.
- d) A written response from Sydney Water as to whether the proposed installation of the twin 900mm RCP stormwater line works subject to this consent would affect Sydney Water 1800mm main carrier line infrastructure, and whether further requirements need to be met in accordance with Sydney Water specifications.
- e) Other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of demolition works.

Reason: To ensure relevant utility and service providers' requirements are provided to the Principal Certifier.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

40. Compliance with Biodiversity Impact Mitigation Measures - During Construction

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report and Vegetation Management Plan are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To avoid and minimise impacts to biodiversity.

41. Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

42. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all prescribed trees within the site, or otherwise existing trees nominated for retention on the approved plans,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with AS4970 Protection of trees on development sites, and the recommendations of the approved Arboricultural Impact Assessment,
 - ii) the following arboricultural requirements shall be adhered to unless authorised by an Arborist with minimum AQF level 5 qualifications: existing ground levels shall be maintained within the tree protection zone of trees to be retained; removal of existing tree roots at or >25mm (Ø) diameter is not permitted; no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained; and structures are to bridge tree roots at or >25mm (Ø) diameter,
 - iii) the activities listed in section 4.2 of AS4970 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
 - iv) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373 Pruning of amenity trees,
 - v) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and
 - vi) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken as compliant to AS4970 Protection of trees on development sites.

Reason: Tree and vegetation protection.

43. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

44. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

45. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety.

46. Ongoing Management

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

47. Site filling - Virgin Excavated Natural Material (VENM)

Where site fill material is necessary, fill materials must:

- 1) Be Virgin Excavated Natural Material (VENM) only, as defined in The Protection of the Environment Operations Act 1997.
- 2) Be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.

The Applicant shall provide certification by a N.A.T.A. approved laboratory to the Principal Certifier for approval prior to importation of material.

Reason: To ensure protection of the natural environment.

48. Flood effects caused by development

There is to be no stockpiling of materials or fill between the creek and Lorikeet Grove, in case of flooding during construction.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

49. Substitution of Stormwater Treatment Measures

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must be submitted to the Principal Certifier for approval prior to installation.

The end of line vegetated swale as shown on the Enspire engineering drawings and report as referenced in this consent condition “Approved Plans and Supporting Documentation” from Enspire cannot be substituted by another water quality devices or mechanism.

50. Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom’s ‘Managing Urban Stormwater: Soils and Construction’ (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

51. Riparian Corridors Vegetation Management

The Biodiversity Management Plan annual report is to be delivered to Council on a yearly basis for a period of five years. Council access to the site must be allowed for inspection of the inner riparian corridor vegetation management.

The reports and Council visit are forming part of the Council approval process for the issue of the construction certificate for the inner constructed riparian corridor.

Reason: Biodiversity/Vegetation Conservation and Management.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

52. Compliance with Biodiversity Impact Mitigation Measures - Post Construction

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report and Vegetation Management Plan are to be implemented at the appropriate stage of development.

Written and photographic evidence of compliance is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To avoid and minimise impacts to biodiversity.

53. Protection of Habitat Features – Certified by Ecologist

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Written details demonstrating compliance are to be certified by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

54. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

55. Priority Weed Removal and Management

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

56. Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plans, unless otherwise imposed by conditions.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

57. Signage and Linemarking – Implementation

The applicant is to install all signage and linemarking, as per any Roads Act approval. These works are to be completed prior to the issue of a Subdivision Certificate.

Reason: To ensure compliance with the Road Act.

58. Certification of Works as Executed

A registered surveyor is to certify that the finished ground levels have been constructed in accordance with this consent and the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

59. Completion of Water Management Report

The Applicant shall submit a Water Management Report certifying the all works associated with the water management system required under these conditions of consent and the Warriewood Valley Water Management Specification (February 2001) and submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure Stormwater Management has been built in accordance with the plans and specifications required under this consent.

60. Certification of Water Management Report

The Applicant shall submit a certificate from a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) 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 within this development consent is to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure Stormwater Management has been built in accordance with the plans and specifications required under this consent.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

61. No building works permitted above or below existing easements

No building works are permitted above or below the existing sewer easement that traverses the site. The only exception is to allow for the creation of roads, driveways or fences.

Reason: To maintain access to existing infrastructure provisions and to ensure compliance with Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan.

62. Maintenance of creekline corridor

No buildings are permitted within the inner or outer creekline corridor. The only exception is the provision of fences, driveways or roads. No dwellings or habitable areas are to be permitted within the creekline corridor.

Reason: To ensure compliance with Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan.

63. Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

64. Compliance with Biodiversity Impact Mitigation Measures - Ongoing

All impact mitigation measures specified in the approved Flora and Fauna Assessment Report and Vegetation Management Plan are to be implemented at the appropriate stage of development.

Successful establishment/initiation of ongoing biodiversity measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Subdivision Certificate.

Reason: To avoid and minimise impacts to biodiversity.

65. Control of Domestic Dogs/Cats

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife and habitat.

66. Landscape Maintenance

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plans and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

67. Flood Management

There shall be no filling of the land below the 1% AEP flood level, other than what has been approved as part of this consent.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

68. Maintenance of Stormwater Treatment Measures - Major

Stormwater treatment measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome.

Evidence supporting the replacement must be retained on site and made available to Council as required.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: To maintain local environmental amenity.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

69. Asset Protection Zones

At the issue of subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, A suitably worded instrument(s) created pursuant to section 88 of the Conveyancing Act 1919 must be placed on the Proposed Lot 1 which requires the area identified in Figure 2: Bushfire Hazard Assessment prepared by Eco Logical Australia (Project No:24NEW8684, Version 2; dated 8 August 2024) to be managed as an Asset Protection Zone (IPA). The instrument may be extinguished from the lot where a lot has been developed and the hazard has been removed. The name of authority empowered to release, vary, or modify the instrument must be Northern Beaches Council.

At the issue of subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, A suitably worded instrument(s) created pursuant to section 88 of the Conveyancing Act 1919 must be placed on the Proposed Lots 3 and 4 which requires the area identified in Figure 2: Bushfire Hazard Assessment prepared by Eco Logical Australia (Project No:24NEW8684, Version 2; dated 8 August 2024) to be managed as an Asset Protection Zone (IPA) and prohibits the construction of buildings other than class 10b structures within the APZ. The name of authority empowered to release, vary, or modify the instrument must be Northern Beaches Council.

Reason: Statutory requirement

70. Construction Standards

At the issue of subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, a restriction to the land use pursuant to section 88B of the Conveyancing Act 1919, shall be placed on proposed Lot 2 and proposed Lots 3 & 4, immediately abutting Lorikeet Grove, requiring the construction of any dwelling, to be not less than BAL 29, under Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas.

Reason: Statutory requirement

71. Access – Public Roads

Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

Perimeter roads, such as the extension of Lorikeet Grove, must comply with the following requirements of Table 5.3b of Planning for Bush Fire Protection 2019:

- are two-way sealed roads;
- minimum 8m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstruction, including tree branches, is provided.

Non-perimeter roads, including the widening of Pheasant Place, must comply with the following requirements of Table 5.3b of Planning for Bush Fire Protection 2019:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstruction, including tree branches, is provided.

Cul-de-sac turning heads, must be provided to dead end roads incorporating either a minimum 12 metre radius turning circle or turning heads compliant with A3.3. Vehicle turning head requirements of Planning for Bush Fire Protection 2019.

Reason: Statutory requirement

72. Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:

- reticulated water is to be provided to the development where available;

- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - b) no part of a tree is closer to a power line than the distance set out in accordance with the specification's in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer sheathed flexible gas supply lines are not-used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Reason: Statutory requirement

73. Certification of Council Drainage Works and Works as Executed Data in accordance with Local Government S68 Approval

The Applicant shall submit certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 68 approved plans. Works as Executed data (details overdrawn on a copy of the approved drainage plan) certified by a registered surveyor in relation to boundaries and/or relevant easements prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' within the subject site, shall be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance of drainage works with Council's specification for engineering works.

74. Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Subdivision Works Certificate plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Principal Certifier for approval prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance of works with Council's specification for engineering works.

75. Warriewood Valley - Dedication of Creek line Land Proposed

A Subdivision Certificate must be issued by Council.

Prior to the issue of a Subdivision Certificate, the following documents are to be submitted to Council:

- A draft Plan of Subdivision which clearly identifies the allotment containing the inner creek line land to be dedicated to Council. The draft Plan must include a notation that the land is to be transferred to Council for a public reserve or drainage reserve.
- Works-As-Executed plans for all structures or facilities on the land to be dedicated to Council.

Reason: To provide for contributions in accordance with the Contribution Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Warriewood Valley Release Area.

76. Works as Executed Drawings – Creek Works

Works as Executed Drawings for the creek works, including surveyed levels, must be prepared and submitted to the Principal Certifier prior to the release of the Subdivision Certificate.

Reason: Enabling effective asset management

77. Implementation of Biodiversity Management Plan

All requirements in the Biodiversity Management Plan are to be implemented prior, during and post construction.

Details demonstrating compliance are to be certified by the project ecologist and submitted to the Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: Biodiversity/Vegetation Conservation and Management.

78. Certification for Creek Works

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the creek works have been completed in accordance with the creek and riparian plans approved at Occupation Certificate stage.

Council is to approve the constructed riparian and creek works approved at Subdivision Works Certificate stage prior to the issue of any Subdivision Certificate.

The engineer certificate and Council approval shall be submitted to the Certifier prior to the release of the Subdivision Certificate.

Reason: To ensure creek works are completed in accordance with the consent approval.

79. Easement Creation

The Applicant shall create an easement for drainage (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s). The stormwater drainage easement for the twin 900mm RCP stormwater lines located within the former Council drainage reserve is to be a minimum of 3.5m wide.

The Applicant shall create an easement for services (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all utility services are located within the appropriate easement(s).

The Applicant shall create an easement for stormwater drain water in favour of Council over the channel/floodway to encompass the 1 in 100 year recurrence frequency predicted water surface level, including a 500mm freeboard and a 500mm minimum margin in plan. The easements are to be detailed on the final plan of subdivision.

The Applicant shall create an easement for access and maintenance to the inner creek line corridor in favour of Council (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision.

The Applicant shall create an easement for access and maintenance of the alignment of the shared pathway in the outer creek line corridor in favour of Council (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.

80. Landfill

Where it is intended to place filling on the allotments to a depth greater than 0.5m, the fill shall be compacted in accordance with AS 3798-2007. Certification from a Geotechnical Engineer for the fill and compaction shall be submitted to Council for approval prior to the issue of the Subdivision Certificate.

Reason: To ensure landfill is managed appropriately.

81. Positive Covenant for Drainage Structures

The Applicant shall submit a positive covenant (under the provisions of Section 88B of the Conveyancing Act) to be created on the final plan of subdivision and accompanying 88B instrument.

The covenant will require the proprietor of the land to maintain the twin 900mm RCP stormwater line which is to be handed over to Council in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure ongoing maintenance of the on-site stormwater detention system

82. Positive Covenant for On-site Stormwater Detention

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, requiring the proprietor of the land to maintain the on-site stormwater detention structures and water quality systems in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate

Reason: To ensure ongoing maintenance of the on-site detention system.

83. Provision of Services for Subdivision

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure that utility services have been provided to the newly created lots.

84. Restriction as to User (On-site Stormwater Detention)

The Applicant shall create a restriction as to user (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument for the on-site stormwater detention and water quality systems, restricting any alteration or additions to the system.

The terms of such restriction are to be prepared to Council's standard requirements. Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure no modification to the on-site stormwater detention structure without Council's approval.

85. Services

The Applicant shall ensure all utilities/services and street lighting is installed. The Applicant is to submit a Certification stating the above requirement has been complied with by the relevant authority(s) and/or authorised contractor.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure services have been provided in accordance with the relevant authorities requirements.

86. Certification of On-site Detention System (New Subdivision)

A Certificate is to be submitted by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifier that the on-site stormwater detention system has been constructed in accordance with the approved subdivision works certificate and relevant conditions of Development Consent. The Subdivision Certificate will not be released until this certification has been submitted and the Principal Certifier has confirmed that this condition has been satisfied.

Reason: To ensure the On-site Detention System has been built to the appropriate standard.

87. Sydney Water Compliance Certification

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. 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 fees 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.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

88. Electrical Substations

The applicant shall dedicate the land required for an electricity sub-station as a public road. The dedication is to be detailed on the final plan of subdivision, to be submitted to Council with the application for a Subdivision Certificate.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To comply with statutory requirements of the energy authority.

89. Subdivision Certificate Application

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

90. Neighbourhood Management Statement Stormwater and private road infrastructure management

A Neighbourhood management statement is to accompany the Community Management Plan and the Management Statement shall include wording in relation to the on going maintenance and renewal of:

- 1) The Stormwater management system including the on site stormwater detention tanks and water quality control devices. A maintenance and operation manual is also to be prepared for the stormwater management system and referred to in the management statement.
- 2) The private internal road infrastructure including street lighting, concrete footpaths, signage and services.

Reason: To ensure ongoing access for servicing of waste facilities.

91. Title Encumbrances

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure proper management of land.

92. Easement for vehicular access

An easement benefiting Lots 3, 4, and 5 and Councils waste vehicles over Pheasant Place, for vehicular access only must be provided upon the Title and 88B Instrument.

Reason: To ensure lawful vehicle access can be provided to residential allotments and for the collection of waste.

93. Certification for the Installation of Stormwater Treatment Measures

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the construction certificate approved plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifier prior to the release of a Subdivision Certificate.

Reason: Protection of the receiving environment.

94. Stormwater Treatment Measures Operation and Maintenance Plan

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

A. Detail on the stormwater treatment measures:

- a) Work as executed drawings.
- b) Intent of the stormwater treatment measures including modelled pollutant removal rates.
- c) Site detail showing catchment for each device.
- d) Vegetation species list associated with each type of vegetated stormwater treatment measure.
- e) Impervious area restrictions to maintain the water balance for the site.
- f) Funding arrangements for the maintenance of all stormwater treatment measures.
- g) Identification of maintenance and management responsibilities
- h) Maintenance and emergency contact information.

B. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:

- a) Activity description, and duration and frequency of visits.

Additionally for vegetated devices:

- b) Monitoring and assessment to achieve an 80 percent survival rate for plantings.
- c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure.

C. Maintenance schedule and procedure - ongoing

- a) Activity description, and duration and frequency of visits.
- b) Routine maintenance requirements.
- c) Work Health and Safety requirements.
- d) Waste management and disposal.
- e) Traffic control (if required).
- f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed).
- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifier prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

95. Works as Executed Drawings – Stormwater Treatment Measures

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifier prior to the release of the Subdivision Certificate.

Reason: Protection of the receiving environment.

96. Dwelling density

The building envelope plan prepared by Shawood is to be registered on Title (under the provisions of Section 88B of the Conveyancing Act) to ensure a minimum of 31 dwellings are provided upon the site. Dwellings are to be wholly located within the 'ground floor footing' area marked upon the plan. Any variation to the approved building envelope area will require development consent from Council in the form of a or satisfactorily justified in subsequent built form Development Applications to demonstrate the dwelling allocation is consistent with the development consent. Northern Beaches Council shall be the sole authority to vary, release or modify this restriction.

Reason: To ensure compliance with Pittwater Local Environmental Plan 2014 dwelling density requirements within the Warriewood valley locality.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the advisory notes to ensure the development is carried out lawfully.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Northern Beaches Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Northern Beaches Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel. Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.