

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA2023/0976
Development: Demolition works, construction of 47 dwellings, including internal roadways, stormwater, creekline rehabilitation and landscape works and subdivision into 47 lots and one community title lot
Site: 20 - 22 Macpherson Street Warriewood (Lot 1 in DP 592091).

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 11 February 2025

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 20 - 22 Macpherson Street Warriewood (Lot 1 in DP 592091).

The conditions of consent are as follows:

1. **Approved Plans and Supporting Documentation**

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

Architectural Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA 000	04	Cover Sheet	PBD Architects	13/12/2024
DA 003	01	Locality, Context & Site Analysis	PBD Architects	01/06/2023
DA 004	04	Lot Plan	PBD Architects	13/12/2024
DA 005	05	Master Plan Ground Floor	PBD Architects	13/12/2024
DA 006	04	Master Plan First Floor	PBD Architects	13/12/2024
DA 007	04	Master Plan Roof	PBD Architects	13/12/2024
DA 103	04	Type B1 Roof + 1F + GF	PBD Architects	13/12/2024
DA 104	04	Type B2 Roof + 1F + GF	PBD Architects	13/12/2024
DA 105	04	Type B3 Roof + 1F	PBD Architects	13/12/2024
DA 106	04	Type B3 GF Pre + Post Adaption	PBD Architects	13/12/2024
DA 107	05	Type C1 Roof + 1F + GF	PBD Architects	13/12/2024
DA 108	06	Type C2 Roof + 1F + GF	PBD Architects	13/12/2024
DA 113	04	Type D1 Roof + 1F	PBD Architects	13/12/2024
DA 114	04	Type C1 Roof + 1F + GF	PBD Architects	13/12/2024
DA 115	04	Type D2 Roof + 1F	PBD Architects	13/12/2024
DA 116	04	Type D2 GF Pre and Post Adaption	PBD Architects	13/12/2024
DA 117	04	Type E Roof + 1F	PBD Architects	13/12/2024
DA 118	04	Type E GF Pre and Post Adaption	PBD Architects	13/12/2024
DA 119	04	Type F Roof + 1F	PBD Architects	13/12/2024

DA 120	04	Type F GF Pre and Post Adaption	PBD Architects	13/12/2024
DA 200	04	Elevations & Sections Location Plan	PBD Architects	13/12/2024
DA 201	04	Elevation 01 on Macpherson Street	PBD Architects	13/12/2024
DA 202	04	Elevation 02 on driveway 02, 04, 05	PBD Architects	13/12/2024
DA 203	04	Elevation 03 on driveway 02, 04, 05	PBD Architects	13/12/2024
DA 204	04	Elevation 04 on driveway 03	PBD Architects	13/12/2024
DA 205	04	Elevation 05 on driveway 03	PBD Architects	13/12/2024
DA 206	04	Elevation 06 from creek corridor	PBD Architects	13/12/2024
DA 207	04	Elevation 07 on driveway 02	PBD Architects	13/12/2024
DA 208	04	Elevation 08 on southeast boundary	PBD Architects	13/12/2024
DA 209	04	Elevation 09 on driveway 02	PBD Architects	13/12/2024
DA 210	04	Elevation 10 on Northwest Boundary	PBD Architects	13/12/2024
DA 301	04	Section AA Through Type A & C	PBD Architects	13/12/2024
DA 302	04	Section Through Type A, B & F	PBD Architects	13/12/2024
DA 303	02	Section C & D	PBD Architects	13/12/2024
DA 304	01	Section E & F	PBD Architects	13/12/2024
DA 400	03	Material Schedule	PBD Architects	13/12/2024
DA 410	02	Type D2 Photomontage 1	PBD Architects	29/11/2024
DA 412	03	Type B Photomontage 3	PBD Architects	13/12/2024
DA 413	03	Type B Photomontage 4	PBD Architects	13/12/2024
DA 414	03	Type B Photomontage 5	PBD Architects	13/12/2024
DA 415	03	Type C Photomontage 6	PBD Architects	13/12/2024
DA417	03	Type C Photomontage 8	PBC Architects	13/12/2024

DA 421	02	Type E Photomontage 12	PBD Architects	06/12/2024
DA 425	02	Type F Photomontage 16	PBD Architects	29/11/2024
DA 510	04	Site Coverage Calculation	PBD Architects	13/12/2024
DA 511	04	Site Coverage Calculation Schedule	PBD Architects	13/12/2024
DA 517	05	Bin Storage + Collection Clockwise Direction	PBD Architects	13/12/2024
DA 520	01	Building Envelope Diagrams	PBD Architects	06/12/2024

Landscaping Plans

Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
BAZ01-DA-002	F	Planting Schedule & Landscape Calculations	Sym Studio	13/12/202422
BAZ01-DA-102	I	Landscape Plan 2 of 2	Sym Studio	13/12/202422
BAZ01-DA-101	L	Landscape Plan 1 of 2	Sym Studio	13/12/202422

Civil Plans

Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
359-21C-DA-0001	J	Cover Sheet, Locality Plan and Index Sheet	Craig & Rhodes	17/12/2024
359-21C-DA-0002	J	General Notes	Craig & Rhodes	17/12/2024
359-21C-DA-0003	J	Legend	Craig & Rhodes	17/12/2024
359-21C-DA-0004	J	Key Plan	Craig & Rhodes	17/12/2024
359-21C-DA-0021	J	Demolition Plan	Craig & Rhodes	17/12/2024
359-21C-DA-0051	J	Bulk Earthworks Plan	Craig & Rhodes	17/12/2024
359-21C-DA-0061	J	Bulk Earthworks Site Sections Sheet 1 of 3	Craig & Rhodes	17/12/2024
359-21C-DA-0062	J	Bulk Earthworks Site Sections Sheet 12 of 3	Craig & Rhodes	17/12/2024
359-21C-DA-0063	J	Bulk Earthworks Site Sections Sheet 3 of 3	Craig & Rhodes	17/12/2024
359-21C-DA-0101	J	Road and Drainage Plan Sheet 1 of 2	Craig & Rhodes	17/12/2024

359-21C-DA-0102	J	Road and Drainage Plan Sheet 2 of 2	Craig & Rhodes	17/12/2024
359-21C-DA-0151	J	Typical Road Cross Sections	Craig & Rhodes	17/12/2024
359-21C-DA-0152	J	Narrabeen Creek Cross Section	Craig & Rhodes	17/12/2024
359-21C-DA-0201	J	Road No. 01, No. 03, No 04 & No. 05 Longitudinal Section	Craig & Rhodes	17/12/2024
359-21C-DA-0202	J	Road No. 02 Longitudinal Section	Craig & Rhodes	17/12/2024
359-21C-DA-0701	J	Post Development Catchment Plan	Craig & Rhodes	17/12/2024
359-21C-DA-0702	J	Interim Catchment Plan	Craig & Rhodes	17/12/2024
359-21C-DA-0751	J	Temporary OSD/WSUD Basin No.1 Plan and Sections	Craig & Rhodes	17/12/2024
359-21C-DA-0752	J	OSD Tank Plan and Section	Craig & Rhodes	17/12/2024
359-21C-DA-0753	J	Stormwater Drainage Details	Craig & Rhodes	17/12/2024
359-21C-DA-0901	J	Sediment and Erosion Control Plan	Craig & Rhodes	17/12/2024
359-21C-DA-0902	J	Sediment and Erosion Control Details	Craig & Rhodes	17/12/2024
Subdivision and Staging Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
359-21G L02	06	Plan of Subdivision	Craig & Rhodes	17/12/2024
359-21G L03	04	Staging Plan – 1 Lot into 2 Lot	Colliers	04/11/2024
359-21G L03	04	Staging Plan - Stage 1 Plan	Colliers	04/11/2024
359-21G L03	04	Staging Plan 2-8	Colliers	04/11/2024
Traffic Engineering Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
		Modified Subdivision & Road Plan	Transport and Traffic Planning Associates	21/11/2024
		Indicative Potential Street Light Locations	Transport and Traffic Planning Associates	24/11/2024

		Line marking and Signposting	Transport and Traffic Planning Associates	
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Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Arboricultural Impact Appraisal and Method Statement	A	Naturally Trees	8 November 2024
Access Design Review	V3.0	Jensen Hughes	16 December 2024
Fauna and Flora Assessment Report		Ecological Consultants Australia Pty Ltd	July 2024
Vegetation Management Plan		Travers Bushfire and Ecology	29 November 2024
Flood Impact and Risk Assessment Ref: NW30211 - 304600196		Stantec	21 June 2023
Addendum Flood Impact and Risk Assessment		Stantec	31 October 2024
Traffic Assessment Letter	Rev B	Transport and Traffic Planning Associates	1 November 2024
Draft Community Management Statement Doc No. 111065678.1			Undated
Water Cycle Management Report	Rev B	Craig and Rhodes	July 2024
Waste Management Plan	B	Colliers	30 October 2024
BASIX Certificate No. 1390599M_03		BH Homes Pty Ltd	16 December 2024
Site Contamination Report	A	Douglas Partners	5 May 2023
Detailed Site Investigation	V01	Geo-Logix	8 July 2024
Remediation Action Plan	V01	Geo-Logix	30 October 2024

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.

2. Staging

The development is to be carried out in 9 stages comprising of the following:

- (a) Stage 1 - Torrens Title Subdivision of the Site to create the following lots:
 - (i) Lot 1, having an area of 3,677m² and comprising the inner creekline corridor land;
 - (ii) Lot 2, having an area 1.716ha and comprising the remainder of the Site.
- (b) Stage 2 - Community Title Subdivision to create 7 superlots, 1 Community Association Lot and 8 residential allotments (Lots 9-16, otherwise known as lots 109 - 116) together with the following:
 - (i) All civil engineering works, road construction, footpath construction, landscaping, creekline corridor works and all drainage works.
 - (ii) All civil and landscaping works on Macpherson Street for the full frontage of the Site.
 - (iii) The construction of dwellings upon the 8 residential lots (Lots 9-16, otherwise known as lots 109 - 116).
 - (iv) The dedication of the inner creekline corridor land (Lot 1) having an area of 3,677m² to Council.
- (c) Stage 3 - Subdivision of lot 2 to create 10 residential allotments lots 117 – 126
 - (i) The construction of dwellings upon those lots with associated landscaping on the individual lots.
- (d) Stage 4 - Subdivision of lot 3 to create 5 residential allotments lots 127 – 131
 - (i) The construction of dwellings upon those lots with associated landscaping on the individual lots.
- (e) Stage 5 - Subdivision of lot 4 to create 4 residential allotments lots 132 – 135
 - (i) The construction of dwellings upon those lots with associated landscaping on the individual lots.
- (f) Stage 6 - Subdivision of lot 5 to create 6 residential allotments lots 136 – 141
 - (i) The construction of dwellings upon those lots with associated landscaping on the individual lots.
- (g) Stage 7 - Subdivision of lot 6 to create 10 residential allotments lots 142 – 151
 - (i) The construction of dwellings upon those lots with associated landscaping on the individual lots.
- (h) Stage 8 - Subdivision of lot 7 to create 2 residential allotments lots 152 - 153
 - (i) The construction of dwellings upon those lots with associated landscaping on the individual lots.
- (i) Stage 9 - Subdivision of lot 8 to create 2 residential allotments lots 154 - 155
 - (i) The construction of dwellings upon those lots with associated landscaping on the individual lots.

3. Staff and Contractor Parking

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to park offstreet once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the carpark, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local parking amenity.

4. Existing Bus Stop

The location of existing bus stop on MacPherson Street along frontage of the site must remain in its current location. Approval of TfNSW is required to relocate any Bus Stops.

Reason: To ensure bus services are not impacted at any stage during the project.

5. Parking Enclosure

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

6. Internal Access Roads

The minimum road width for a two way internal access road is 5.5m on straight sections and widening on curves based on individual lanes. One way roads require a minimum trafficable width of 3.0m. Bush Fire Zone related controls are to apply where necessary.

Reason: To reduce vehicular conflicts.

7. 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	Ausgrid Referral Responses (5 responses)	1/08/2023

(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.

8. No Approval for Secondary Dwelling

No approval is granted or implied under this Development Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area.

Reason: To ensure compliance with the terms of this consent.

9. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) 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 Certifier 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.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier 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 Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) 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.

10. 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 an 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 following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or 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.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage

system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

11. **Acid Sulfate Soils**

If any amendment is made to require excavation of more than 2m, an Acid Sulfate Soils Management Plan is required.

All recommendations or requirements of this plan are to be complied with.

Reason: To manage Acid Sulfate Soils

12. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to issue of the Subdivision Works Certificate, and details demonstrating payment are to be submitted to the Certifier.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

13. **Security Bond**

Prior to the issue of the first construction certificate, or issue of any subdivision certificate (whichever occurs first) the applicant is to lodge a bond with Council for the following:

(i) Narrabeen Creek Protection Measures

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 \$200,000.

Reason: To ensure that construction activities do not damage the creek.

14. **Warriewood Valley - Contribution Condition**

The applicant must pay a total development contribution to Council of **\$3,539,335** in accordance with the Warriewood Valley Development Contributions Plan (as amended).

This is based on 47 additional dwellings/allotments, and is comprised of:

- a) A monetary contribution of \$10,291.32 payable for **8** dwellings/lots under Stage 2; as an offset of the creekline corridor land value as specified in i) below has been applied to Stage 2;
- b) A monetary contribution of \$753,050 payable for **10** dwellings/lots under Stage 3;
- c) A monetary contribution of \$376,525 payable for **5** dwellings/lots under Stage 4;
- d) A monetary contribution of \$301,220 payable for **4** dwellings/lots under Stage 5;
- e) A monetary contribution of \$451,830 payable for **6** dwellings/lots under Stage 6;
- f) A monetary contribution of \$753,050 payable for **10** dwellings/lots under Stage 7;
- g) A monetary contribution of \$150,610 payable for **2** dwellings/lots under Stage 8;
- h) A monetary contribution of \$150,610 payable for **2** dwellings/lots under Stage 9;
- i) Dedication of 3,677m² of creekline corridor land, shown as LOT 1 ON DP 592091 prepared by Colliers International Engineering & Design NSW PTY LTD and dated 04/11/2024. This is in lieu of a monetary contribution and is calculated in accordance with Table 4 of the Contributions Plan. A value of \$592,148.68 is attributed to the land and is reflected in the calculation of the monetary contribution payable.

The monetary contributions, specified in a) to h) above, are to be paid prior to the issue of a Construction Certificate for each stage. The monetary contribution for each stage will be adjusted at the time of payment in accordance with the provisions of the Warriewood Valley Development Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate.

The dedication of creekline corridor land to Council, specified in i) above is subject to a final Plan of Subdivision. Dedication will occur through the registration of the Plan of Subdivision after the rehabilitation works in the creekline corridor have been undertaken and signed-off by Council and 5 year maintenance period are completed (unless an alternate agreement has been entered into in accordance with section 6.15(2) of the *Environmental Planning and Assessment Act 1979*).

Details demonstrating compliance, is to be submitted to the Certifier prior to issue of the subdivision certificate for each stage.

If the applicant seeks to deliver works listed in the Contributions Plan, the applicant is to enter into a Planning Agreement with Council in lieu of the monetary contribution stated above, and the Planning Agreement must be executed and registered on the title of the land 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 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.

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

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

Crossing / Kerb & Gutter / Footpath Works (Macpherson Street Frontage Work)

As security against any damage or failure to complete the construction of the vehicular

crossing entry , kerb and gutter works, and the 2.1m shared pedestrian concrete footpath required for the full frontage of the site and removal of any redundant vehicle crossings required as part of this consent a bond of \$75,000

Security Bond

As security against damage to Council's roads, footpaths and signage fronting the site caused by the transport and disposal of materials and equipment to and from the site a bond of \$75,000.

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.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE**16. On-Site Stormwater Detention Details**

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 Craig & Rhodes, drawing number 359-21C-DA-0001, 359-21C-DA-0002, 359-21C-DA- 0003, 359-21C-DA-0004, 359-21C-DA-0021, 359-21C-DA-0051, 359-21C-DA-0061, 359-21C- DA-0062, 359-21C-DA-0063, 359-21C-DA-0101, 359-21C-DA-0102, 359-21C-DA-0151, 359-21C-DA-0152, 359-21C-DA-0201, 359-21C-DA-0202, 359-21C-DA-0701, 359-21C-DA-0702, 359-21C-DA-0751, 359-21C-DA-0752, 359-21C-DA-0753, 359-21C-DA-0901, 359-21C-DA-0902, dated 01.11.2024. 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.

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

17. Utilities Services

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,
- b) a response from Sydney Water as to whether the proposed works subject to this consent would affect any Sydney Water infrastructure, and whether further requirements need to be met, and
- 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

The Applicant is to submit an application for approval for Infrastructure works on Councils

roadway which include the construction of a shared pedestrian footpath for the full frontage, vehicle entry and kerb and gutter works. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The engineering plans are to be in accordance with the Craig and Rhodes Civil Engineering works drawings as referred to in Condition 1 of this consent and the Warriewood Valley Roads Masterplan.

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. **Vehicle Crossings Application**

The Applicant is to submit an application with Council for driveway levels to construct in accordance with the engineering plans prepared by Craig and Rhodes in accordance with Section 138 of the Roads Act 1993.

Note, the vehicle crossing is to be in accordance with the engineering drawing as detailed in the Craig and Rhodes plan no 359-21C-DA-0101.

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

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

Reason: To facilitate suitable vehicular access to private property.

21. **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 approved Detailed Site Investigation Report 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.

22. 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 plans 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.

23. A Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified Civil Engineer, who has membership to the Engineers Australia, National Engineers Register 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) and Council's Water Management for Development Policy.

The SWMP must include the following as a minimum:-

- (i) Site boundaries and contours;
- (ii) Vehicle access points, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- (iii) Location of all drains, pits, downpipes and waterways on and nearby the site;
- (iv) Planned stages of excavation, site disturbance and building;
- (v) Stormwater management and discharge points;
- (vi) Integration with onsite detention/infiltration;
- (vii) Sediment control basin locations and volume (if proposed);
- (viii) Proposed erosion and sediment controls and their locations;
- (ix) Location of washdown and stockpile areas including covering materials and methods;
- (x) Vegetation management including removal and revegetation;
- (xi) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- (xii) Inspection and maintenance program;
- (xiii) North point and scale.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Subdivision Works Certificate.

Reason: To promote the long-term sustainability of ecosystem functions.

24. 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 Vegetation Management Plan/ and Water Management Report and must be kept in the site office. The CEMP must identify and appropriately manage invasive species.

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.

25. Stormwater Outlet Structure to Creek

Stormwater outlet structures to the creek must be designed in accordance with DPE Water's Guidelines for Outlet Structures on Waterfront land. Guidelines can be found on the DPE website.

No mortar is to be used on the outlet. Rocks must be placed using an interlocking system with varying rock sizes. The surface should be a textured finish to break up and dissipate sheet flows.

This design is to be submitted to the Principal Certifier prior to the release of the Subdivision Works Certificate.

Reason: To protect the surrounding creek bank from the effects of localised erosion.

26. 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 NARRABEEN CREEK REHABILITATION WORKS drawings as referenced in this consent condition "Approved Plans and Supporting Documentation" from Craig & Rhodes.

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

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

27. Detailed Design of Stormwater Treatment Measures

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

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

Reason: Protection of the receiving environment.

28. Water Management Report - Warriewood Valley

The detailed design of all works associated with the water management system must provide for a complete system, which meets the objectives and requirements of the Warriewood Valley Water Management Specification (February 2001).

The System is to be in accordance with the revised Water Management Report in accordance with condition C1.

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.

29. Certification of Water Management Report

A qualified practising Civil Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) National Engineers Register (NER) or Professionals Australia (RPENG) is to certify that the Water Management Report and all associated plans 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 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.

30. Civil works (Earthworks, Road and Drainage works)

The applicant is to provide certification for the internal civil works which include earthworks road and drainage works. The Civil Engineering works plans are to be in accordance with the Civil Works plans as prepared by Craig and Rhodes and referenced in condition 1 of this consent.

Detailed civil engineering works 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.

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

BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE FOR STAGE 1

31. 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 for Stage 1. 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.

32. Aboriginal Heritage

A preliminary inspection ('due diligence' under the National Parks and Wildlife Act 1974) by a qualified Aboriginal heritage professional is to be undertaken prior to the issue of a Subdivision Certificate for Stage 1. The assessment would provide information on what potential Aboriginal heritage issues exist on the land and recommendations for any further action if required.

Details are to be provided to the Principal Certifier as to how any further action will be complied with, prior to the issue of a Stage 1 Subdivision Certificate.

Reason: To ensure appropriate protection of Aboriginal Heritage.

BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE FOR STAGE 2

33. 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 on Macpherson Street 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 for Stage 2.

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

34. 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 for Stage 2.

Reason: To ensure landfill is managed appropriately.

35. 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.

36. Compliance with Ecologist's Recommendations –Restoration Works

All restoration work specified in the approved Vegetation Management Plan (Travis Bushfire & Ecology dated 24 November 2024) is to be completed by the Applicant prior to the issue of any subdivision certificate for Stage 2.

Written and photographic evidence of compliance is to be prepared by the Project Ecologist and provided to the Council prior to issue of the Subdivision Certificate for Stage 2.

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

37. Stage 2 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 for Stage 2 and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate for Stage 2. 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.

38. 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 for Stage 2.

Reason: To ensure proper management of land.

39. **Authorisation of Legal Documentation Required for Waste Services**

For Council or its contractor to access the private road to provide waste services including servicing the residential bins and collecting the bulky waste, a positive covenant for waste is required to be placed on the title of the land.

The applicant must to provide Council with a completed NSW Land Registry Services 13 PC form which includes the Waste Collection clauses for the Positive Covenant for Council and Contractor Indemnity.

The original completed request form (NSW Land Registry Services standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Subdivision Certificate for Stage 2. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. A Compliance Certificate, issued by the Certifying Authority, shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

40. **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 for Stage 2.

Reason: Protection of the receiving environment

41. **Community Management Statement for Waste Services**

Where a development proposes the creation of a community scheme, the Community Management Statement shall include wording in relation to the provision of waste services in accordance with Appendix D of Northern Beaches Council Waste Management Guidelines

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

42. **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 for Stage 2 and accompanying 88B instrument, requiring the proprietor of the land to maintain the on-site stormwater detention structure 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 for Stage 2.

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

43. 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 plan of subdivision for Stage 3.

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.

44. Right of Carriageway

The Applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision for Stage 2 and accompanying 88B instrument, to include all vehicular access and manoeuvring areas.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate for Stage 2.

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

45. 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 system, 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 for Stage 2.

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

46. 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.

47. 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 for Stage 2 will not be released until this certification has been submitted and the Principal Certifier has confirmed that this condition has been satisfied.

48. Authorisation of Legal Documentation Required for Waste Services

For Council or its contractor to access the private road to provide waste services including servicing the residential bins and collecting the bulky waste, a positive covenant for waste is required to be placed on the title of the land.

The applicant must to provide Council with a completed NSW Land Registry Services 13 PC

form which includes the Waste Collection clauses for the Positive Covenant for Council and Contractor Indemnity.

The original completed request form (NSW Land Registry Services standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Subdivision Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. A Compliance Certificate, issued by the Certifying Authority, shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

49. 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 the Subdivision Certificate for Stage 2.

The engineer certificate and Council approval shall be submitted to the Certifier prior to the release of the Subdivision Certificate for Stage 2.

Reason: To ensure creek works are completed in accordance with the approved Occupation certificate documentation.

50. Works as Executed Drawings – Creek Works

Works as Executed Drawings for the creek works, including surveyed levels, must be prepared and submitted to Council for approval of the creek works and the Principal Certifier prior to the release of the Subdivision Certificate for Stage 2.

Reason: Enabling effective asset management.

51. 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 the Subdivision Certificate for Stage 2.

Reason: Protection of the receiving environment.

52. Warriewood Valley - Dedication of Creek line Land Proposed

A Subdivision Certificate must be issued by Council.

Prior to the issue of a Subdivision Certificate for Stage 2, the following documents are to be submitted to Council:

- (i) A draft Plan of Subdivision which clearly identifies the allotment containing the inner creek line land to be dedicated to Council (shown as Lot 1 on the approved staging plan titled 1 into 2 Lot, Drawing No. 359-21G L03, Revision 03, prepared by Colliers dated 4 November 2024).
The draft Plan must include a notation that the land is to be transferred to Council for a public reserve or drainage reserve.
- (ii) 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.

53. Community Management Statement for Stormwater Management

Where a development proposes the creation of a community scheme, the Community Management Statement shall include wording in relation to the ongoing maintenance of the stormwater management facilities including the on site stormwater management tank/basin and water quality treatment devices/basin. The Community Management Statement is to reference a operational maintenance manual for the stormwater management devices which is to be prepared by a RPENG or NER qualifies civil engineer.

Reason: To ensure ongoing maintenance of the stormwater management treatment system. facilities.

BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE FOR STAGES 3-9

54. Compliance with Ecologist's Recommendations – Post Restoration Works

All post restoration work specified in the approved Vegetation Management Plan (Travers Bushfire & Ecology dated 24 November 2024) including maintenance for five (5) years post construction stage is to be completed by the Applicant prior to the issue of any subdivision certificate for Stage 3, and confirmation provided by the Project Ecologist that no further maintenance beyond the five (5) years completed is required.

Consideration may be given to early release of a Subdivision Certificate in lieu of this by agreement pursuant to section 6.15(2) of the *Environmental Planning and Assessment Act 1979*.

Written and photographic evidence of compliance is to be prepared by the Project Ecologist and provided to the Council prior to issue of the Subdivision Certificate for Stage 3.

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

55. Stage 3 to 9 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 for Stages 3 to 9 and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate for Stages 3 to 9. 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.

56. 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 system, 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 for Stage 3.

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

57. 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.

58. 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 for Stage 3 will not be released until this certification has been submitted and the Principal Certifier has confirmed that this condition has been satisfied.

59. Detailed Landscape Plans

Detailed Landscape Plans shall be issued to Council for approval prior to the issue of any Construction Certificate to include the following design details for construction:

- i) hard landscape layout and materials, including dimensions and finished levels; and not limited to features, walling, fences, pavements, planters, garden edges, lawns, ground stabilisation, drainage, irrigation etc; existing and proposed ground levels; location of any underground services,
- ii) all hard landscape elements shall be contained wholly within residential lot boundaries, and paved paths beyond the boundaries of Lots 142 to 151 inclusive is not permitted,
- iii) planting layout and schedules; including species selection, location, quantities, mature heights and pot sizes,
- iv) street trees within the internal roadways (driveway 2 and 3) shall be pre-ordered 200 litre container size or as otherwise larger as nominated, each installed with a tree guard as per Warriewood Valley Landscape Masterplan and Design Guidelines S-1 to S-4, including tree pit dimensions, soil mix, mulch and tree guards as detailed,
- v) street trees within the internal roadways (driveway 2 and 3) shall be installed in association with sub surface strata vaults singularly or combined with a minimum 9m² for singular vaults,
- vi) the nominated *Harpulia pendula* tree planting nominating within the road reserve of Macpherson Street, forward of the front boundary and the share path shall be replaced with a non-fruiting and non-seeding tree species to reduce pedestrian fall risks,
- vii) all other trees within the development shall be as nominated on the Amended Landscape Plans,
- viii) the nominated tree planting to the rear of each lot identified as Lots 142 to 147 inclusive, shall be installed at least 1.5 metres from common boundaries,

- ix) the nominated tree planting to the rear of each lot identified as Lots 109 to 126 inclusive, shall be installed at least 1.5 metres from common boundaries, and all approved landscaped areas within these Lots shall be mass planted with shrubs and other planting,
- x) all street tree locations within the internal roadways (driveway 2 and 3) shall be protected by tree guards as identified in Warriewood Valley Landscape Masterplan and Design Guidelines S-1 to S-4,
- xi) nominated landscape areas shall be planted with trees, shrubs and other planting,
- xii) mass planting shall be installed at minimum 1metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- xiii) note: fencing forward of each building line is not permitted.

Reason: Landscape and streetscape amenity.

60. Flood effects caused by development

- i) There is to be no filling of the land or any other works that would impact on flow conveyance, other than what has been approved.
- ii) Dwellings on Lots 115-126, 132-135 and 154-155 (previously Lots 15-26, 35-38 and 60-61) are to be suspended on piers with a 300mm deep void beneath, to allow for the passage of floodwaters
- iii) Garages on Lots 109-126 (previously Lots 9-26) are to be constructed as carports, with front and rear walls removed and timber batten gates which are 90% porous for at least 600mm from the bottom, as per Drawing DA530-01(6.12.2024), to allow for the passage of floodwaters.
- iv) Ground levels for lots on the north-western side of the site are to be the same as in the Ground Floor Master Plan, Drawing DA 005 Issue 03 (6.12.2024), ie 10.845m AHD on Lot 132; 10.515m AHD on Lots 133 and 134; 10.215m AHD on Lot 135 and 10.00 on Lots 154 and 155. These ground levels are each for the entire lot, but may fall a little towards the front of the lot'.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval as part of the construction certificate plans.

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.

61. Electrical equipment and connections below the FPL

Any electrical equipment, power points, wiring and connections which are located below ground level or in the vicinity of the detention basin, below the Flood Planning Level of 9.3m AHD must be protected from floodwaters or have residual current devices installed to cut electricity supply during flood events.

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.

62. No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction

Certificate.

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

Reason: To protect native vegetation.

63. Installation of Nest Boxes

The fauna nest boxes as recommended within the approved Vegetation Management Plan (Travis Bushfire & Ecology dated 24 November 2024) are to be installed within the creekline corridor.

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods).

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To maintain wildlife habitat.

64. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction 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.

65. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

66. Off Street Parking Design

The Applicant shall submit a design for the parking facility in accordance with the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

67. 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 Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by

the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

- (i) The proposed phases of construction works on the site, and the expected duration of each construction phase.
- (ii) 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.
- (iii) Make provision for all construction materials to be stored on site, at all times.
- (iv) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- (v) 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.
- (vi) 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:
 - (vii) Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - (viii) Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - (ix) 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.
 - (x) 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.
 - (xi) No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - (xii) 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.
 - (xiii) 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.
- (xiv) 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.
- (xv) 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:
 - (xvi) Compare the post-construction report with the pre-construction report,
 - (xvii) 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,
 - (xviii) Should any damage have occurred, identify remediation actions taken.
- (xix) Be submitted to Council with the Occupation Certificate.

- (xx) 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.
- (xxi) Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- (xxii) Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- (xxiii) Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- (xxiv) 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.
- (xxv) 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.
- (xxvi) 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.
- (xxvii) 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.
- (xxviii) 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.
- (xxix) 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.
- (xxx) Proposed protection for Council and adjoining properties.
- (xxxi) 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.

68. Removal of Redundant Driveways

The redundant driveway near the eastern boundary of the site shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to and approved by Council prior to the issue of the Construction 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.

69. **Vehicle Access & Parking**

All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards) and as per the agreed outcomes in the Land & Environment Court.

With respect to this, the following revision(s) must be undertaken;

- (i) The internal road network, footpath and pram ramp details and visitor parking bay locations are to be generally in accordance with those shown on Document 1 entitle Modified Subdivision and Road Plan prepared by TTPA consultants dated 21/11/24
- (ii) Road 03 is to be designed and constructed as per design details in TfNSW TTD 2016/01 for a category 2 10km/h Shared Traffic zone
- (iii) Roads 01, 02 & 03 are to be deigned and constructed to have vertical faced barrier kerb 150mm in height on both sides of the road
- (iv) Road 01 is to be constructed as a raised threshold device where it meets MacPherson Street and with a continuous footpath treatment across Road 01 to ensure pedestrian priority remains in place across the property frontage.
- (v) The Roadmarking and Signposting Plan (document 5) prepared by TTPA during joint reporting shall be amended to include details for 10km/h Shared Zone signposting on Roads 03,04 & 05 and an additional No Entry sign located on Road 02 east of its junction with Road 01 and facing eastbound traffic on Road 02

All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1.

Plans prepared by a suitably qualified Engineer shall be submitted to Council's traffic engineer for review and Council's approval provided to the Principal Certifier prior to the issue of a Construction Certificate. The above details are to be reflected on the Architectural, Civil and Landscaping plan sets to ensure consistency

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles and for compliance with the controls in the Warriewood Valley Roads Masterplan.

70. **Submission of Engineering Plans**

Amended Civil Engineering plans shall be submitted for the design of:

- (i) A raised threshold device on Road 01 where it meets MacPherson Street. Such threshold device to incorporate a continuous shared path treatment across Road 01
- (ii) signposting of a No Parking Motor Vehicles Excepted parking restriction along the indented parking bays on the MacPherson Street property frontage
- (iii) any required relocation of the bus shelter on MacPherson Street and any associated

- adjustments to Bus Zone signposting, kerb and guttering, shared paths and DDA compliant hard stand areas to ensure compliance with Council and TfNSW requirements for bus stops.
- (iv) extension of the existing 2.5m Shared Path along the full MacPherson Street frontage of the property

These 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 and or Council's Minor Works Policy. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval.

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

71. Pedestrian sight distance at property boundary

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

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

Reason: To maintain pedestrian safety.

72. Plans must demonstrate location and adequate depth under road infrastructure to support waste truck collection service

Plans must demonstrate that infrastructure proposed to be placed under the road pavement (pipes, OSD tanks etc) is able to support a 23-tonne waste collection vehicle.

Reason: To support ongoing waste truck collections on this private road network.

73. Stormwater Drainage Disposal

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifier prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

74. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- (i) The plans are to be amended to show the rear of Lots 127-131 is no greater 800mm above the ground level of the adjoining properties. As such, the proposed sections are to show the level of a 1.8m dividing fence is not greater than 2.6m above the neighbouring ground levels.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Subdivision works Certificate for Stage 2.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

75. Utilities Services

Prior to the issue of the Construction 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,
- b) a response from Sydney Water as to whether the proposed works subject to this consent would affect any Sydney Water infrastructure, and whether further requirements need to be met, and
- 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 Construction Certificate.

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

76. Certification of Water Management Report

A qualified practising Civil Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) National Engineers Register (NER) or Professionals Australia (RPENG) is to certify that the Water Management Report and all associated plans 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 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.

77. Revised Landscape Plan to be submitted to demonstrate adequate bin and household

bulky goods presentation areas

A revised landscape plan must be submitted to Council for approval demonstrating adequate bin and bulky goods presentation areas to all Lots in this development, vegetation to be replaced with a smooth flat surface (grass deemed suitable) for residential bins and household bulky goods up to 3 cubic metres per dwelling to be presented for collection, a space of 1.6m long x .75m deep per Lot is required for up to 3 x bins per week.

All street tree locations shall be co-ordinated with the location of waste bin placement for collection, vegetation outside properties to be replaced with a smooth flat surface (grass deemed suitable) for residential bins and household bulky goods up to 3 cubic metres per dwelling to be presented for collection, a space of 1.6m long x .75m deep per Lot is required for up to 3 x bins per week.

A clearance height of 4.5m is required above the road pavement and bin presentation area to allow for the operation of the bin lifting mechanism.

Reason: To ensure adequate flat areas and waste truck functionality and maneuverability required for collection of bins and household bulky goods by council.

78. Hazardous Building Materials Survey

A hazardous building materials survey is to be conducted by a suitably qualified and experienced person. The survey is to include a survey of hazardous building materials including but not limited to asbestos, lead, SMF and PCBs. Following the survey a Hazardous Building Materials Register is to be prepared for the premises providing recommendations for the safe management/removal of hazardous building material.

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

79. Landscape Maintenance Program

A Landscape Maintenance program for the management and care of both hard and soft landscape elements shall be issued to Council for approval prior to the issue of a Construction Certificate to include the following information:

- i) street tree maintenance to uplift the tree crown under the management and care of the Body Corporate, and shall a clearance height of 4.5 metres above the road pavement to allow for the operation of the bin lifting mechanism,
- ii) maintenance program including activities and intervals,
- iii) action plan for failure by replacement of landscape elements.
- iv) maintenance activities including management and care for planting within the road reserve of Macpherson Street, forward of the front boundary and the share path shall be the responsibility of the Body Corporate.

80. Earthworks - creekline corridors

The boundary between the inner and outer creek corridors is to be slightly reshaped such that the 1% AEP+CC flows are contained within the inner corridor.

Refer to Figure F13 of the "Updated Responses to Flooding Contention" by Stantec, dated 31.10.2024, which shows two locations (excluding the detention basin) where the 1% AEP+CC flows are not contained within the inner creek corridor. Ground levels in these two areas need to be slightly raised so that the boundary is smooth and the flows contained.

Reason: To comply with the Warriewood Valley Urban Land Release Water Management Specification

81. 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 approved Vegetation Management Plan.

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 Principal Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

82. Stormwater Management Plan and Narrabeen Creek Rehabilitation Works

The applicant is to submit stormwater management plans for approval in accordance with the Craig and Rhodes civil works plans as detailed in condition 1.

The submission is to include Civil Engineering plans for the design of the Narrabeen Creek Rehabilitation Works and on-site detention and water quality basin which 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 form can be found on Council's website at www.northernbeaches.nsw.gov.au > Council Forms > Stormwater Drainage Application Form.

The submitted plans shall comply with the following requirements:

- (i) Design shall be in accordance with the Narrabeen Creek Rehabilitation Works drawings by Craig & Rhodes, as referenced previously in this consent by condition "Approved Plans and Supporting Documentation".
- (ii) Stormwater outlets to the creek must be designed in accordance with DPE Water's Guidelines for Outlet Structures on Waterfront land. Guidelines can be found on the DPE website. No mortar is to be used on the outlet. Rocks must be placed using an interlocking system with varying rock sizes. The surface should be a textured finish to break up and dissipate sheet flows.
- (iii) Amended and detailed landscape plans (at 1:200 scale minimum) are to be submitted, including typical detailed sections. The amended detailed landscape plans shall include the following information: Creek line corridor landscape plan demonstrating the planting layout for the inner and outer creek line corridors. The plan shall detail planting layout, and plant schedules with selection, quantities and size. Typical sections shall be provided.
- (iv) The creek line corridor landscape plan shall be co-ordinated with the Riparian Corridor Vegetation Management Plan. *Casuarina glauca* and *Eucalyptus robusta* shall occupy a minimum of 40% of the tree canopy schedule within the creek line corridor. Selected native trees shall be in accordance with the Plant Species List contained within the Warriewood Valley Release Area Landscape Masterplan and Design Guidelines.
- (v) The creek line corridor landscape plan shall clearly indicate the extent of the inner 25m wide public creek line corridor that is solely comprised of native flora/fauna and adjoining the creek line, as well as the 25m wide outer private landscaped buffer. The

amended landscape plan shall include the following detail:

- All trees shall be installed at 200mm pot size.
 - All shrubs within the 50m creek line corridor shall be installed at 1 per 1m².
 - All grasses and groundcovers within the 50m creek line corridor shall be installed at 6 per 1m².
- (vi) The complete detailed design of all works for Narrabeen creek corridor are to be submitted to Council as part of this application. The detailed designs shall be in accordance with the creek plans by Craig & Rhodes, as referenced previously in this consent by condition "Approved Plans and Supporting Documentation".
- (vii) The detail design is to include:
- Design rational in a summary report with rock sizing graduation including nominal rock size (D10,D50, D90) and calculations.
 - Detailed On-site basin design generally in accordance with the Warriewood Valley Urban Land Release Water Management Specification Revised Version February 2001, as referenced previously in this consent by condition "Approved Plans and Supporting Documentation".

The plans must address the following requirements:

- (viii) Provision of at least four (4) additional basin cross-sections to accurately illustrate proposed basin capacity.
- (ix) Detailed longitudinal section from. Show all pit levels and dimensions. Show proposed orifice.
- (x) It is noted that the plans appear to show discharge controlled by a 300mm diameter pipe, whilst the DRAINS model utilises a 150mm diameter pipe. Amend DRAINS model and/ or plans as required to provide consistency and provide DRAINS model to Council as part of Stormwater Drainage Application.
- (xi) Provision of adequate maintenance access for the basin to maintain the water quality and detention function of the basin.

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.

83. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

84. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets

and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

“Tap in” details - see <http://www.sydneywater.com.au/tapin>
Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

85. Internal Road Network - streetlighting

Details for the internal streetlighting of the internal road and footpath network shall be prepared by a streetlight design consultant and consistent with AS/NZS 1158 requirements for PR5 RRW category lighting. The streetlight locations shall generally be consistent with those shown on the plan prepared by TTPA entitled Document 4 Indicative Potential Street Light Locations. The design plans shall be submitted for review by Council prior to release of a construction certificate

Reason: to ensure adequate streetlighting of the internal road and footpath network is available

86. Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

87. Compliance with Ecologist’s Recommendations – Pre-construction

All works specified in the approved Vegetation Management Plan (Travers Bushfire & Ecology dated 24 November 2024) under ‘Stage 1 – Pre-restoration works’ are to be implemented post Construction Certificate being issued and prior to the commencement of any building works.

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

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

88. 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 prepared by Naturally Trees. 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.

89. 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.

90. **Demolition Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. The application shall be submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- Include a Traffic Control Plan prepared by an TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of 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 DTMP 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. These communications must be documented and submitted to Council prior to work commencing on site.
- Specify spoil management process and facilities to be used on site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP 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 Demolition Traffic Management Plan is submitted.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining

pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

91. Requirement to notify about new Acid Sulfate Soils evidence

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Principal Certifier and a report be obtained from a suitably qualified person. Any recommendations provided by the report are to be complied with during works.

Reason: To protect the environment.

92. Site Contamination - Acid Sulfate Soils

All stockpiles of potentially contaminated soil must be stored in a secure area in a way that is not likely to cause pollution or be a public health risk.

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines.

Copies of all test results and disposal dockets must be retained by whom? for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination:

- i) Protection of the Environment Operations Act 1997;
- ii) Environment Protection Authority, Waste Classification Guidelines (2014);
- iii) Water Quality Australia, National Acid Sulfate Soils Guidance (2018); and
- iv) Acid Sulfate Soil Advisory Committee, Acid Sulfate Soil Manual (1998).

Reason: To protect environment and public health.

93. Site Contamination

All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility. All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination: Protection of the Environment Operations Act 1997; and Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason: To protect human health and the environment.

94. Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages.

All street trees within the road verge are protected under Northern Beaches Council

development control plans. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

95. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected as identified in the Arboricultural Impact Assessment prepared by Naturally Trees, including recommendations and works under appendices.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites,
 - 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 AS4970-2009 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 AS4373-2007 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 iii) 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 AS4970-2009 Protection of trees on development sites.

Reason: Tree and vegetation protection.

96. Compliance with Ecologist's Recommendations – During Construction

All works specified in the approved Vegetation Management Plan (Travis Bushfire & Ecology dated 24 November 2024) as 'Stage 2 Restoration works' are to be implemented during building work.

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.

97. 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.

98. **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.

99. **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.

100. **Implementation of Demolition Traffic Management Plan**

All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP 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 DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

101. **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.

102. **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.

103. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

104. Geotechnical Requirements

All recommendations (if any) included in the approved Contamination report prepared by Douglas Partners referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

105. Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

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

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

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

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

106. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

107. Maintenance of Sediment and Erosion Controls

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

108. 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.

109. Requirement to Notify about New Contamination Evidence

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifier.

Reason: To protect human health and the environment.

110. Imported Fill

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Department of Planning and Environment guidelines, the validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the fill being imported to the site.

Reason: To ensure that imported fill is of an acceptable standard.

111. Contamination Management

Any Recommendations within the Contaminated Land Reports including the Preliminary Site Investigation Report, Detailed Site Investigation Report and the Remedial Action Plan must be

followed during works.

Reason: Protection of the environment, State Environmental Planning Policy (Resilience and Hazards) 2021 compliance

112. Substitution of Stormwater Treatment Measures

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

The end of line biofiltration/bio-retention filter as shown on the Craig and Rhodes Civil engineering as referenced previously in this consent by condition "Approved Plans and Supporting Documentation cannot be substituted by another water quality devices or mechanism.

Reason: To ensure stormwater is appropriately managed and in accordance with the Warriewood Valley Water Management Specification (February 2001).

113. Riparian Corridors Vegetation Management

The Vegetation Management Plan annual compliance statement is to be provided to Council on an annual basis for a five-year period. Council access to the site must be allowed for inspection of the inner riparian corridor vegetation management at any time.

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

Reason: To ensure the riparian corridor vegetation condition and management is achieving the vegetation management plan requirements.

114. Off-site Disposal of Contaminated Soil - Chain of Custody

'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the site to a lawful waste facility.

Details demonstrating compliance are to be submitted to the Principal Certifier and Council within seven (7) days of transport.

Reason: For protection of environment.

115. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the approved Waste Management Plan titled dated.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

116. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

117. Street Tree Planting

All street tree planting shall be installed in accordance with Warriewood Valley Landscape Masterplan and Design Guidelines S-1 to S-4, and as detailed in the approved Landscape

Plans.

All street trees indicated in the Plant Schedule shall be pre-ordered to be delivered at the nominated pot size or otherwise larger; meet the requirements of Natspec - Specifying Trees. All street trees and required garden area planting under the street tree shall satisfy the Warriewood Valley Landscape Masterplan and Design Guidelines and landscape materials schedule as per S-3 and S-4 (Internal Roads 2 and 3); including turf areas, planted garden areas, soils, and mulch, tree guards, and sub-surface strata cell vaults.

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

Reason: Streetscape amenity.

118. Landscape Completion

Landscape works are to be implemented in accordance with the approved Amended Landscape Plans.

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.

119. Certification of Works as Executed

A suitably qualified engineer and/or registered surveyor is to certify that the completed works have been constructed in accordance with this consent and the approved plans with respect to the following:

1. Ground levels for lots on the north-western side of the site are the same as in the Ground Floor Master Plan, Drawing DA 005 Issue 03 (6.12.2024), ie 10.845m AHD on Lot 132; 10.515m AHD on Lots 133 and 134; 10.215m AHD on Lot 135 and 10.00 on Lots 154 and 155. These ground levels are each for the entire lot, but may fall a little towards the front of the lot.
2. There has been no filling on the land other than what has been approved.
3. Lots 115-126, 132-135 and 154-155 are suspended on piers with a 300mm deep void beneath, to allow for the passage of floodwaters.
4. The garages on Lots 109-126 have no front or rear walls, and the timber batten gates are at least 90% porous for at least 600mm from the bottom, as per Drawing DA530/01 (6.12.2024), to allow for the passage of floodwaters.

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

120. Undercroft Areas for dwellings suspended on piers – Restriction as to User

A restriction shall be imposed on the title of the land, pursuant to S88B of the Conveyancing Act confirming that the undercroft areas below Lots 115-126, 132-135 and 154-155 do not impede flows and are not to be enclosed.

The terms of such a restriction are to be prepared to Council's standard requirements at the Applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry

Services. Northern Beaches Council shall be nominated as the sole authority to release, vary or modify such restriction.

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

121. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

122. **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.

123. **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.

124. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

125. **Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands.

Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

126. 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 Occupation Certificate.

Reason: Protection of the receiving environment.

127. **Signage and Linemarking – External**

A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Local Traffic Committee prior to the issue of an Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the local Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process

Reason: To ensure consistent parking amenity.

128. **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 an Occupation Certificate.

Reason: To ensure compliance with the Road Act.

129. **Shared path construction**

The existing 2.5m shared path footpath which exists along most of the property frontage shall be extended along the full property frontage, in accordance to Council's standard specifications, and constructed to Council's satisfaction. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To provide for pedestrian and cyclist access to and from the property and facilitate future extension of shared path west of the property.

130. **Stormwater Drainage Disposal Certification**

Certification from an appropriately qualified and practising Civil Engineer demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy and where relevant a Geotechnical Engineer shall be provided to the Principal Certifier prior to the issue of an Occupation Certificate, and;

If any on site stormwater detention system is installed the Applicant shall lodge the Legal Documents Authorisation Application with Council.

The application is to include the completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website. The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent.

The terms of the positive covenant and restriction are to be prepared to Council's standard

requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the authority to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure satisfactory management of stormwater.

131. **Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- i. Compare the post-construction report with the pre-construction report,
- ii. Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- iii. Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

132. **Geotechnical Certification Prior to Occupation Certificate**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

133. **Reinstatement of Kerb**

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces.

134. **Certification of Off Street Parking Works**

The Applicant shall submit a certificate from a suitably qualified person certifying that the parking facility was constructed in accordance within this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

135. 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 bioretention and on-site detention basin and all ancillary works 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.

136. Post-Construction Dilapidation Report (Major Development)

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

Reason: To ensure security against possible damage to Council property.

137. 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 Occupation Certificate.

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

138. 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 Occupation Certificate.

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

139. Updated Water Management Report

A copy of the updated/revised Water Management Report required under these conditions of this development consent must be submitted to Council. The Water Management Report must contain all reports, assessments and plans as required by the Warriewood Valley Water Management Specification (February 2001).

An operation and performance manual is to be submitted to the Principal Certifier prior to the

issue of the Occupation Certificate.

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

140. Validation for Remediation

At the completion of any required remediation works (as per the results of the Detailed Site Investigation. A validation report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Principal Certifying Authority.

The Validation Report certification must be in accordance with the requirements of the following:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Contaminated Land Management Act 1997;
- Relevant NSW EPA guidelines including the NSW EPA Guidelines for Consultants reporting on contaminated Land: Contaminated land guidelines 2020

The report shall document the following:

1. The extent of validation sampling, and the results of the validation testing; and
2. That the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Protection of the environment. State Environmental Planning Policy (Resilience and Hazards) 2021 compliance.

141. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from 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 charges to be paid. Please make early contact with the Co-ordinator, 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 an Occupation Certificate.

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

142. Construction of works within the Road Reserve

All required works within the Macpherson Street road reserve are to be completed in consistency with any Roads Act and/or Traffic Committee approvals at no cost to Council prior to the release of any occupation certificate.

Reason: to ensure consistency with approved plans

143. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

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

Reason: To ensure waste and recycling facilities are provided.

144. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

145. 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.

146. Control of Domestic Dogs/Cats

Domestic dogs and cats are to be kept from entering the inner creekline wildlife corridor and 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.

Landscape areas within the road reserve of Macpherson Street, forward of the front boundary and the share path shall be the responsibility of the Body Corporate.

Reason: To protect native wildlife and habitat.

147. Maintenance of Stormwater Treatment Measures

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: Protection of the receiving environment.

148. Landscaping adjoining vehicular access

The applicant must ensure that the planting chosen adjacent to the Road 01 intersection with the Macpherson Street property boundary and adjacent to any internal driveway intersections within the site does not exceed a height of 1m

Reason: To maintain unobstructed sight distance for motorists.

149. Use of a Janitor for presenting bins for Lots 109-112 & Lots 123-126

As shown on the bin presentation and collection plans and a binding condition to be documented in the plan of management stipulating an ongoing maintenance requirement performed by a Janitor engaged by the strata committee in perpetuity to ensure that the above arrangement remains in force throughout the life of the development that-

the residential bins for lots 109-112 & 123-126 will be left by the residents in front of the respective garages on the morning of the scheduled bin collection day and the Janitor employed by the Body Corporate will transport the bins to the nominated area along Road N°1 where the bins will be emptied by Councils waste trucks.

After collection, on the same day, the Janitor will then transport the bins back in front of the garages of the relevant lots for the residents to place the bins back in the bin storage area within each Lot no later than the evening of the scheduled service day.

Reason: To allow for efficient servicing of waste bins and preserve the public amenity of the area by ensuring waste bins are not left on the nature strip for collection.

150. Presentation of Bulky Goods for Collection

It is the responsibility of the owners to present bulky goods materials at the nominated kerbside location as shown on plans for collection in accordance with Councils' requirements.

Reason: To preserve the public amenity by minimising the time bulky goods materials are presented at the kerbside.

151. Positive Covenant for Council and Contractor Indemnity

A positive covenant shall be created on the title of the land prior to the issue of a Subdivision Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

152. Geotechnical Recommendations

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the approved Contamination report prepared by Douglas Partners referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

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.