

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	MOD2021/0624
Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 100 DP 1023183, Meatworks Avenue, Oxford Falls
Proposed Development	Section 4.56 (Modification by consent authorities of consents granted by the Court) - Modification of Development Consent DA2011/0985 granted for demolition works and construction of a light industrial/warehouse and office
Locality:	B2 Oxford Falls Valley - WLEP 2000
Category of Development:	Category 3 (warehouse)
Consent Authority:	Northern Beaches Council
Land and Environment Court:	No
Owner:	The Crest Joint Venture
Applicant:	Warren Edwards
Application Lodged:	17 August 2021
Integrated Development	No
Designated Development:	No
Notified & Advertised:	25 August 2021 – 29 September 2021
Submission Received:	Three (3) submissions
Clause 20 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$7,393,200.00 (Original DA)

PROPOSED DEVELOPMENT IN DETAIL

The applications seeks approval for the modification (deletion) of the following Consent Conditions as the applicant has lodged an alternative stormwater design:

“22. Stormwater Management

Stormwater shall be disposed of in accordance with Council’s “Stormwater Drainage: From Low Level Properties Policy PDS-POL 36”. The stormwater management system is to ensure that there is no increase in stormwater pollutant loads arising from the approved development.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

23. On-site Stormwater Detention

An On-site Stormwater Detention system must be designed and constructed in accordance with Council’s current On-site Stormwater Detention Technical Specification, and generally in accordance with the concept drainage plans prepared by E2 civil and Structural Design, drawing number 11.226 SW1 to SW3, dated 1 August 2011.

Engineering details demonstrating compliance with this requirement must be certified by a hydraulic engineer and submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. Hydraulic engineer is to be an Accredited Certifier and is to have C1 to C7, and C16 accreditations.

53. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to council’s standard requirements, (available from Warringah council), at the applicant’s expense and endorsed by council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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

54. 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 Certifying Authority prior to the issue of any interim / final Occupation Certificate

(Note: The following Standards and Codes applied at the time of determination:

- a) Australian/New Zealand Standards AS/NZS 3500.3:2003 – Plumbing and drainage – Stormwater drainage.*
- b) Australian/New Zealand Standards AS/NZS 3500.3:2003/Amdt 1:2006 – Plumbing and drainage – Stormwater drainage.*
- c) National Plumbing and Drainage Code.)*

56. Positive Covenant for On-site Stormwater Detention

A positive covenant shall be created on the title of the land 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, (available from Warringah Council), at the lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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

Councils Senior Development Engineer and Senior Environmental Officer – Catchments are satisfied with the alternative stormwater system (subject to conditions).

Amended Plans and Reports

5 October 2021 – Council received a Stormwater Quality Outcome Report

19 October 2021 – Music Model Report

3 November 2021 – Council received amended plans from ACOR Consultants (CC) Pty Ltd (CC180469 G1 – G5 dated 29 October 2021)

9 November 2021 - Council received amended plans from ACOR Consultants (CC) Pty Ltd (CC180469 K1 – K5 dated 9 November 2021)

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
 - Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);

- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SITE DESCRIPTION

The subject site is legally described as Lot 100 DP 1023183, known as Lot 100 Meatworks Avenue, Oxford Falls identified with a yellow flag below. The subject site forms part of a larger collective of lots, identified with red hatching under a Permissive Occupancy of 3 parcels (lots 1046, 1047 and 1053) of Crown land. The proposed development is only located on Lot 100. The subject site is an irregularly shaped allotment with the total site area of 34,120m² (3.412ha) and is located at the northern end of Meatworks Avenue, as shown in Figure 1 below.

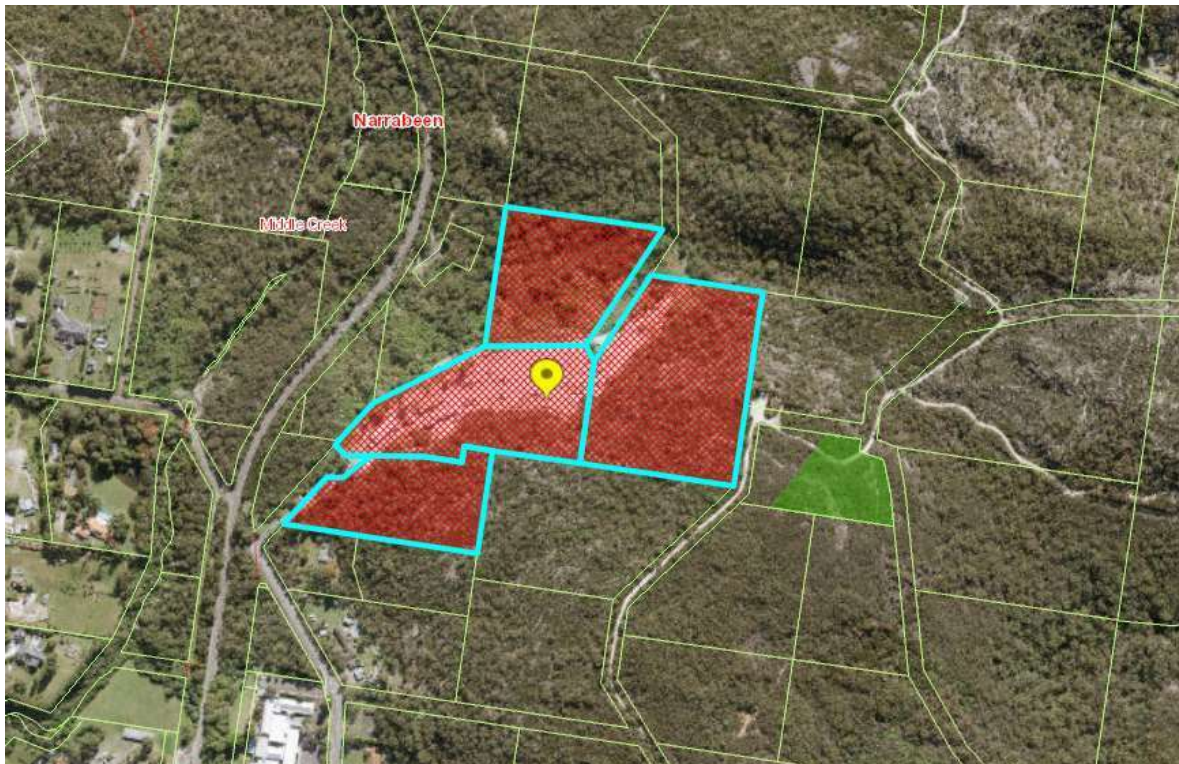


Figure 1 - Site Map

The subject site is a sloping allotment having a fall from south to north and from west to east, with a large rock escarpment traversing the southern portion of the site. The area to the south of the escarpment comprises dense remnant bushland. The northern part of the site is under construction as part of Development Consent No. DA2011/0985 and contains a number of other buildings and uses, comprising:

- Public Weighbridge
- Dwelling House
- Administration Building
- A storage building

Vehicular access to the site is currently via Meatworks Avenue, which terminates at the front boundary of the site. A central driveway traverses the centre of the site then gives access throughout the newly constructed development with secondary access roads accessing the upper and lower portions of the site.

The subject site is surrounded by large vacant allotments that are covered in dense bushland. Immediately to the northwest of the site is Public Open Space, which is also located within the B2 Locality and is an identified Conservation Area. The B2 locality is generally rural/residential in character in the immediate vicinity of the subject site and contains a range of other land uses

comprising:

- Undeveloped native bushland to the north and east of the site.
- Detached dwelling houses on large allotments to the south and west of the site.
- Educational establishments fronting Wakehurst Parkway to the south and south-west of the site.

Site History

2013 Court Approval (DA2011/0985)

On 26 April 2013, the Land and Environment Court (LEC) granted development consent to an application proposing the construction of a light industrial/ warehouse development with ancillary office space on the subject site (proceedings 10526 of 2012). The works associated with this consent have been physically commenced and are well advanced. The relevant Construction Certificates are CC2018/0420 and CC2019/0078.

Development Application DA2019/1340

Development Application DA2019/1340 for demolition works and construction of additions to an approved industrial and warehouse development refused by the Northern Beaches Local Planning Panel on 22 May 2020. This application was subject to an appeal in the NSW Land and Environment Court, which was upheld with amended plans. The consent was issued on 26 March 2021.

Development Application DA2021/0385

Development Application DA2021/0385 for alterations and additions to a warehouse and ancillary office was approved under delegation on 21 June 2021.

Modification Application MOD2021/714

Modification Application MOD2021/0714 for Modification of Development Consent DA2021/0385 granted for alterations and additions to a warehouse and ancillary office was approved under delegation on 4 November 2021.

DEVELOPMENT (MODIFICATION) APPLICATION HISTORY

The Assessment Officer undertook a site visit at the subject site on 22 October 2021.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The relevant matters for consideration of the Environmental Planning and Assessment Act 1979 are:

Section 4.56- Other Modifications	Comments
(1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2011/0985 for the following reasons:</p> <p>The proposal does not result in additional adverse impacts above what was previously anticipated under the original development consent.</p> <p>The proposed modifications are considered to improve water quality and control flows from the subject site which have been deemed to have minimal impact on surrounding lands/properties.</p>
<p>(b) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require, or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and</p>	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.
(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and	Written notices of this application have been sent to the last address known to Council of the objectors or other persons who made a submission in respect of DA2011/0985.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	Three (3) submissions were received in relation to this application and been addressed in this assessment report under the heading "NOTIFICATION & SUBMISSIONS RECEIVED"

Section 4.15 Assessment

In accordance with Section 4.56 of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2000 applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.

Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation water management and stormwater which received from the applicant consultants on 7 October 2021, 19 October 2021, 5 November 2021 & 9 November 2021.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Local Environmental Plan and Warringah Development Control Plan 2000 section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights do not apply to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Northern Beaches Community Participation Plan. Three (3) submissions were received.

- The potential impact on vegetation, soils and waterways in adjoining natural areas.

Comment: A review was completed by Councils Senior Biodiversity Officer and Senior Environment Officer – Catchments and their comments are listed below in the Referrals part of this assessment report. In short, the proposed modifications were supported subject to conditions and deemed to have minimal impact on vegetation, soils and waterways in adjoining lands.

Given the above it is considered this issue has been addressed subject to condition(s) and does not warrant refusal and/or further amendment.

- The potential impacts on water quality, flow regime, soil erosion and sediment.

Comment: A review was completed by Councils Senior Development Engineer and Senior Environment Officer – Catchments and their comments are listed below in the REFERRALS part of this assessment report. In short, the proposed modifications were supported subject to conditions and deemed to have minimal impact on water quality, flow regime, soil erosion and sediment.

Given the above it is considered this issue has been addressed subject to condition(s) and does not warrant refusal and/or further amendment.

- The proposed modification is not consistent with requirements in Warringah LEP 2000, including: B2 (Oxford Falls Valley) Locality Desired Future Character *"The natural landscape including landforms and vegetation will be protected and, where possible, enhanced."* *"Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained."*

Comment: A review and assessment was completed by Councils Senior Development Engineer, Senior Biodiversity Officer and Senior Environment Officer – Catchments and their comments are listed below in the REFERRALS part of this assessment report. In short, the proposed modifications were supported subject to conditions and deemed to have minimal impact on natural watercourses and aquatic habitat and the natural landscape ensuring compliance with this part of the Desired Future Character of WLEP 2000.

Given the above it is considered this issue has been addressed subject to condition(s) and does not warrant refusal and/or further amendment.

- Clause 58 Protection of existing flora: *"Development is to be sited and designed to minimise the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species."*

Comment: A review was completed by Councils Senior Biodiversity Officer and Landscape Officer and their comments are listed below in the REFERRALS part of this assessment report. In short, the proposed modifications were supported subject to conditions. The proposed modifications do not remove any vegetation or trees from the subject site and it is considered this issue has been addressed and does not warrant refusal and/or further amendment via condition(s).

- Clause 60 Watercourses and aquatic habitat: *"Development is to be sited and designed to maintain and enhance natural watercourses and aquatic habitat."*

Comment: A review was completed by Councils Senior Development Engineer, Senior Biodiversity Officer and Senior Environment Officer – Catchments and their comments are listed below in the REFERRALS part of this assessment report. In short, the proposed modifications were supported subject to conditions and deemed to have minimal impact on natural watercourses and aquatic habitat ensuring compliance with this clause of WLEP 2000.

Given the above it is considered this issue has been addressed subject to condition(s) and does not warrant refusal and/or further amendment.

- The proposal for management of stormwater because it will NOT meet the requirements of the LEP, DCP and Water Management for Development Policy (Northern Beaches Council) to: improve the quality of water discharged to our natural areas to protect the ecological and recreational condition of our waterways, riparian areas and bushland.

Comment: A review was completed by Councils Senior Development Engineer, Senior Biodiversity Officer and Senior Environment Officer – Catchments and their comments are listed below in the REFERRALS part of this assessment report. In short, the proposed modifications were supported subject to conditions and deemed to adequately manage stormwater in accordance with the WLEP 2000, DCP 2000 and address the Northern Beaches Water Management for Development Policy.

Given the above it is considered this issue has been addressed subject to condition(s) and does not warrant refusal and/or further amendment.

- There will be an enormous amount of stormwater as there is now a large increase in large paved surfaces and roofs due to the new development.

Comment: A review was completed by Councils Senior Development Engineer and comments are listed below in the REFERRALS part of this assessment report. In short, the proposed modifications were supported subject to conditions and deemed to adequately manage stormwater in accordance with the WLEP 2000, DCP 2000 and address the Northern Beaches Water Management for Development Policy.

Given the above it is considered this issue has been addressed subject to condition(s) and does not warrant refusal and/or further amendment.

- Runoff will be nutrient-rich leading to more weed pollution in Middle Creek.

Comment: A review was completed by Councils Senior Environment Officer – Catchments whose comments are listed below in the REFERRALS part of this assessment report. In short, the proposed modifications were supported subject to conditions and deemed to adequately manage water quality in accordance with the WLEP 2000, DCP 2000 and address the Northern Beaches Water Management for Development Policy.

Given the above it is considered this issue has been addressed subject to condition(s) and does not warrant refusal and/or further amendment.

- *"All stormwater from this development MUST be channeled into the sewerage system"*

Comment: The diversion of stormwater into the sewerage system is illegal. Stormwater has been reviewed Council's Senior Development Engineer and Senior Environment Officer – Catchments and suitable conditions will ensure stormwater is controlled and drained via gravity in accordance

with the WLEP 2000, DCP 2000 and address the Northern Beaches Water Management for Development Policy.

Given the above it is considered this issue has been addressed subject to condition(s) and does not warrant refusal and/or further amendment.

REFERRALS

Internal & External Referral Body	Comments
Water Management	<p>Supported</p> <p><i>"The modification seeks to modify the conditions and requirements for the on-site stormwater detention system and point of discharge.</i></p> <p><i>The proposal was assessed under the current creek and water management legislation framework, the relevant parts of the LEP, DCP and Council Water Management for Development Policy.</i></p> <p><i>The relevant water management Policy principles are:</i></p> <ul style="list-style-type: none"> <i>• Improve the quality of water discharged to our natural areas to protect the ecological and recreational condition of our, beaches, waterways, riparian areas and bushland.</i> <i>• Water sensitive urban design measures will be integrated into the built form to maximise liveability and reduce the impacts of climate change e.g. urban heat island effect and intensified rainfall events.</i> <i>• Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources.</i> <p><i>The proposed development triggers specific water quality requirements to install a filtration device that removes organic matter and coarse sediments from stormwater prior to discharge from the land.</i></p> <p><i>The treatment measures must be designed in accordance with the requirements of this Policy and Northern Beaches Council's WSUD and MUSIC Modelling Guidelines. Stormwater treatment measures must be part of a unified design for the project and contribute to a positive urban design outcome, visually and physically integrated with the adjacent built and natural environment. Council may approve the use of proprietary devices where alternatives are limited. Evidence is to be provided to demonstrates the performance of the system.</i></p> <p><i>The project modifications documentation is showing an Alternate Discharge Approach with the creation of 8 stormwater outlets. The applicant need to demonstrate that the disposal of stormwater is not unreasonably impacting on the downstream environment. All environmental impacts (as a minimum fauna, flora, soils) link to the change of flow path and hydroregime shall be addressed and managed. Flow spreaders. Diverting flows from one catchment (or sub-catchment) to another catchment (or subcatchment) will not be permitted. Properties must drain in the direction of their natural catchment. The catch drain located at the back of the building is draining a significant area of the upstream catchment, details should be provided on how the water will be conveyed to the downstream receiving environment. The design shall include a naturalised swale system with macrophyte planting.</i></p> <p><i>The MUSIC model supplied is satisfactory.</i></p> <p><i>The proposed swale connecting the stormwater outlets located along the property boundary is satisfactory. The swale will act as a flow spreader when the swale flow capacity is exceeded.</i></p>

	<p><i>6 SPEL stormsacks 900*900 and 11 SPEL stormsacks 600*600 are to be fitted to the stormwater network.</i></p> <p><i>The proposed treatment chain is satisfactory."</i></p>
Landscape	<p><i>"The modification seeks to modify the conditions and requirements for the on-site stormwater detention system and point of discharge.</i></p> <p><i>No objections are raised to the modification with regard to landscape issues"</i></p>
Development Engineering	<p><i>"Development Engineers support the proposed modification subject to the following amendments to the Agreement Between the Parties, Section 34(3)(b) of the Land and Environment Court Act 1979, Case number 10526 of 2012.</i></p> <p><i>Condition 1 is to be amended to delete the reference to Engineering Plans, Drawing No. SW1 - SW5, dated 1 Aug 2011, prepared by E2 Civil and Structural Design, and replace with Drawing No. CC180469 K1, K2, K3, K4 and K5 Issue A, dated 09.11.2021, prepared by ACOR Consultants (CC) Pty Ltd.</i></p> <p><i>Under the heading Report / Documentation, Report No. / Page No. / Section No., include Statement of Modification, dated 4 August 2021, prepared by ACOR Consultants.</i></p> <p><i>The following conditions of consent are to be deleted conditions 22, 23, 53, 54 and 56.</i></p> <p><i>The proposal is therefore supported."</i></p>
Stormwater & Floodplain Engineering	<p><i>"After discussions with the team, the requirement for OSD would not be required from SFE as property drains to a creek line and then to Narrabeen Lagoon.</i></p> <p><i>This is consistent with the Stormwater For Development Policy."</i></p>

Biodiversity	<p><i>"The modification seeks to modify the conditions and requirements for the on-site stormwater detention system and point of discharge.</i></p> <p><i>No objections are raised to the modification with regard to biodiversity issues."</i></p>
Aboriginal Heritage Office	<p><i>"Reference is made to the proposed development at the above area and Aboriginal heritage.</i></p> <p><i>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</i></p> <p><i>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development."</i></p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP No. 55 – Remediation of Contaminated Lands establishes State-wide provisions to promote the remediation of contaminated land.

The SEPP states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

The requirement of SEPP 55 was addressed at the granting of Development Consent for the industrial warehouse units on the site.

Accordingly, the requirements of the SEPP have been satisfied and the land can be made suitable for the purpose for which the development is proposed to be carried out.

Warringah Local Environmental Plan 2011 (WLEP 2011)

The B2 Oxford Falls Valley locality (which covers the land subject to this Application) under the WLEP 2000 were proposed to be zoned E3 Environmental Management in the draft 2009 version of

Warringah's standard instrument. This was based on a detailed translation methodology that was applied to all land within the former Warringah LGA.

In December 2011, the Minister for Planning, Industry and Environment *deferred* land in the Oxford Falls Valley and Belrose North areas from the Warringah Local Environmental Plan 2011 (WLEP 2011) in response to stakeholder concern regarding the adequacy of consultation during the preparation of WLEP 2011.

Accordingly, WLEP 2011 and the current Warringah Development Control Plan 2011 do not apply to this application.

Warringah Local Environmental Plan 2000 (WLEP 2000)

Desired Future Character

WLEP 2000 applies to the subject land and the DA is made pursuant to this instrument. Under WLEP 2000, the subject site is located within the B2 Oxford Falls Valley Locality and the proposed development, being development for the purposes of industrial/warehouse, is classified as a Category 3 Development.

Pursuant to clause 12 of WLEP 2000, before granting consent for development, the consent authority must be satisfied that the development is consistent with any relevant General Principles of Development Control in Part 4 of WLEP 2000, and any relevant State Environmental Planning Policy described in Schedule 5 (State Policies).

Furthermore, clause 12 indicates that before granting consent for development, the consent authority must be satisfied that the development will comply with the relevant requirements made by Parts 2 and 3, and the development standards for the development set out in the Locality Statement for the locality in which the development will be carried out.

Finally, clause 12 states that before granting consent for development classified as Category Two or Three, the consent authority must be satisfied that the development is consistent with the Desired Future Character (DFC) described in the relevant Locality Statement.

The DFC statement for the B2 locality states as follows:

B2 Oxford Falls Valley Locality

The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its Catchment and will ensure that ecological values of natural watercourses are maintained.

Each element of the desired future character statement is discussed below as follows:

The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Comment:

The proposed development pertains to modifying the original stormwater system to an approved development at the subject site. The works do not alter the approved land use or the approved operational requirements of the development. In this regard, Council is satisfied that the proposed development will not alter the present character of the Oxford Falls Valley locality.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

Comment:

The proposed development comprises the modifying the original stormwater system to an approved development. The use of the proposal will maintain consistency with the operational requirements imposed under Development Consent DA2011/0985, with conditions imposed to ensure this. In this regard, the proposed development will not intensify the current approved industrial/warehouse development on the subject site. The physical works are confined to the subject site and will not be visible from Narrabeen Lagoon or the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

Comment:

The physical works are confined to the subject site and will blend in with the natural landforms. The conditioned devices (swales/flow spreader, outlets or vegetated flow spreader (sandstone material) will ensure colours and textures blend with the natural landforms.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Comment:

The proposed modified works are do not result in a reduction of landscaping on the subject site.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.

Comment:

The proposed land use will remain consistent with the previously approved development and the proposed modified works will ensure not create siltation or pollution of Narrabeen Lagoon and its catchment.

Concluding Remarks

Having regard to the above assessment, it is concluded that the proposed development is consistent with the desired future character statement of the Oxford Falls Valley locality.

“Clause 16 How is existing Category Three development dealt with?”

(1) In this clause, existing Category Three development means development classified as Category Three that could have been lawfully carried out immediately before it became so classified, including development that could have been lawfully carried out at that time because it was an existing use, as defined in section 106 of the Act.

(2) Development applications for existing Category Three development consisting of—

(a) alterations or additions to, or the rebuilding of, a building, or

(b) the expansion or intensification of existing Category Three development, which, in the opinion of the consent authority, is of a minor nature and does not, to any significant extent, change the scale, size or degree of any building or land use, may be granted consent even if the development is not consistent with the desired future character of the locality.

(3) The provisions of clauses 14 and 15 do not apply to such applications.”

Comment: The proposed modified works are considered minor and do not change the extent, scale or degree of the building or the approved use. It is deemed that this application is not required to be determined by the Northern Beaches Local Planning Panel and/or Development Determination Panel and can be determined under delegation.

Built Form Controls for Locality B2 Oxford Falls Valley

The proposed modified works do not alter the height and footprint of the approved development on the subject site. Therefore, there are no applicable built form controls for the proposed development.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development. The relevant general principles are addressed below.

General Principles	Applies	Comments	Complies
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CL38 Glare & reflection	No	No Comment	Not Applicable
CL39 Local retail centres	No	The site is not located within a Local Retail Centre.	Not Applicable
CL40 Housing for Older People and People with Disabilities	No	No Comment	Not Applicable
CL41 Brothels	No	No comment	Not Applicable
CL42 Construction Sites	Yes	Conditions imposed with the original consent will limit impacts from construction works.	Yes
CL43 Noise	No	No Comment	Not Applicable
CL44 Pollutants	Yes	Council's Senior Environment Officer – Catchments, Coast & Catchments has reviewed the proposed modified works and found it to be acceptable in this regard.	Yes (subject to conditions)
CL45 Hazardous Uses	No	No Comment	Not Applicable
CL46 Radiation Emission Levels	No	No Comment	Not Applicable
CL47 Flood Affected Land	No	The site is not located within, or near to, any identified flood affected land.	Not Applicable
CL48 Potentially Contaminated Land	Yes	The requirements of Clause 48 have been addressed under 'State Environmental Planning Policy No.55 – Remediation of Land'in this report.	Yes
CL49 Remediation of Contaminated Land	No	No Comment	Not Applicable
CL49a Acid Sulfate Soils	No	The site is not located within, or near to, any land categorised as containing acid sulphatesoil.	Not Applicable
CL50 Safety & Security	Yes	The proposed development will provide adequate surveillance. Accordingly, the proposed development is considered to be consistent with the requirements of Clause 50.	Yes
CL51 Front Fences and Walls	No	No front fence is proposed.	Not Applicable
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	No	Clause 52 requires that Development adjacent to parks, bushland reserves and other public spaces, including land reserved for public open space, it to complement the landscape character and public use and enjoyment of that land. The subject site adjoins Middle Creek Reserve (No. 2 Wakehurst Parkway) to the north of the subject site. The proposal will provide adequate separation of the site from the surrounding public open space. The proposal is therefore considered to satisfy the requirements of Clause 52.	Yes

CL53 Signs	No	No Comment	Not Applicable
CL54 Provision and Location of Utility Services	No	No Comment	Not Applicable
CL55 Site Consolidation in 'Medium Density Areas'	No	No Comment	Not Applicable
CL56 Retaining Unique Environmental Features on Site & CL58 Protection of Existing Flora	Yes	The proposal includes modified works industrial/warehouse development are considered to have minimal impact upon the natural environment.	Yes (subject to conditions)
CL57 Development on Sloping Land	No	Not Comment	Not Applicable
CL59 Koala Habitat Protection	Yes	There no koala activities identified on site and therefore the proposed development is consistent with the requirement of this Clause.	Yes
CL60 Watercourses & Aquatic Habitats	Yes	The proposed modified works will have minimal adverse impact upon watercourses and aquatic habitat. The proposed design with a naturalised swale system with macrophyte planting with ensure this clause is satisfied.	Yes (subject to conditions)
CL61 Views	Yes	Given the location of the subject site, the proposed development will achieve compliance with the requirement of this Clause.	Yes
CL62 Access to sunlight	Yes	Given the location of the subject site, the proposed development will achieve compliance with the requirement of this Clause.	Yes
CL63 Landscaped Open Space	Yes	The proposal does not alter the landscaped open space on the site.	Yes
CL63A Rear Building Setback	Yes	The proposal does not alter the approved rear building line.	Yes
CL64 Private open space	No	No comment	Not Applicable
CL65 Privacy	Yes	Given the proximity and use of the adjoining lands from the proposed development no adverse privacy impacts will result from the proposed development.	Yes
CL66 Building bulk	Yes	The works do not exacerbate the bulk of the approved structures.	Yes
CL67 Roofs	No	No comment	Not Applicable
CL68 Conservation of Energy and Water	No	No comment	Not Applicable
CL69 Accessibility – Public and Semi-Public Buildings	No	No comment	Not Applicable
CL70 Site facilities	No	No comment	Not Applicable
CL71 Parking facilities (visual impact)	No	No comment	Not Applicable

CL72 Traffic access & safety	No	No comment	Not Applicable
CL73 On-site Loading and Unloading	No	No comment	Not Applicable
CL74 Provision of Car parking	No	No comment	Not Applicable
CL75 Design of Carparking Areas	No	No comment	Not Applicable
CL76 Management of Stormwater	Yes	A review of the modified stormwater system by Councils Development Engineer and Senior Environmental Officer has considered to have minimal impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake, waterway or the like. Water quality control measures are to be provided in accordance with the Northern Beaches Stormwater Management Plan.	Yes (subject to conditions)
CL77 Landfill	Yes	No landfill is proposed as part of the proposed development and therefore the requirement of this Clause is achieved.	Yes
CL78 Erosion & Sedimentation	Yes	Suitable condition(s) have included by Councils Environmental Officer to ensure any soil erosion and sedimentation is to be managed at the source to prevent any reduction in water quality downstream of the development site.	Yes (subject to conditions)
CL79 Heritage Control	No	No Comment	Not Applicable
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	No	No Comment	Not Applicable
CL81 Notice to Heritage Council	No	No Comment	Not Applicable

CL82 Development in the Vicinity of Heritage Items	Yes	The adjoining land on the northwest of the subject site is identified as Conservation Area. The proposed development does not extend into the Conservation area and therefore, the proposal will have no impact upon the significance of the heritage conversation area. The proposed development is consistent with the requirement of this Clause.	Yes
CL83 Development of Known or Potential Archaeological Sites	Yes	The works are confined to the subject site and will not have an adverse impact in this regard.	Yes

Schedule 8 - Site analysis

Adequate site analysis documentation has been submitted with this application.

Schedule 15 – Statement of Environmental Effects

Clause 15(1) of WLEP 2000 requires that the consent authority must consider a Statement of Environmental Effects prepared in accordance with the criteria listed in Schedule 15. In addition, Clause 15(2) requires the consent authority to consider the findings of an independent public hearing prior to the determination of the application.

The applicant has previously submitted a Statement of Environmental Effects (SEE), prepared by Glendinning Minto & Associates P/L, which addressed Schedule 15 of the WLEP 2000 (this was lodged with the original Development Application (DA2011/0985).

Consideration	Proposed
(1) Summary of the statement of environmental effects	A Statement of Environmental Effects (SEE) has been submitted with the application. Comment: It is considered that the statement submitted adequately addresses the proposal's consistency with all relevant planning controls.
(2) Consistency of the proposal with the Desired Future Character Statement and General Principles of Development Control established by the plan	The applicant has addressed the consistency of the proposal with the desired future character statements for the B2 Locality and the General Principles of Development Control. In summary, the applicant has concluded that the proposal is consistent with DFC statements for the B2 Locality and the development is also consistent with the General Principles as contained in Part of the WLEP 2000. Comment: An assessment of the proposal with all relevant controls in WLEP 2000 is detailed in this report. The assessment has found that the proposal is consistent with the DFC for the B2 Locality and the number of the General Principles as contained within WLEP 2000.
(3) Objectives of the proposed development	The applicant has advised that the primary objectivities of the proposed development are to: <i>"Provide for the re-development of the subject site for the purposes of light industrial/warehouse development in a manner which seeks to lessen the impact of existing development upon the site and surrounding locality and which will provide for a high quality outcome for the site recognising the sites extensive industrial uses which have previously occurred and which will continue to occur absent this application".</i> Comment: The objectives of the development are considered to have been sufficiently discussed and documented that the development will have lessen the impact of the existing development on the site.

<p>(4) An analysis of feasible alternatives including the consequences of not carrying out the development and the reasons justifying the carrying out of the development.</p>	<p>The applicant has provided the following comments in regard to the possibility of feasible alternatives;</p> <p>“(a) The consequences of not carrying out the development</p> <p><i>It is considered that the direct consequence of not carrying out the proposed development is that the existing structures and use of the site will remain. It is considered due to the appearance and nature of these uses that this is not a desirable outcome and that the proposal represents a significant improvement in the current situation.</i></p> <p>(b) The reason justifying the carrying out of the development.</p> <p><i>The primary reasons justifying the carrying out of the proposed development is that it seeks to significantly improve upon the nature and extent of activities currently being undertaken upon the site as well as significantly improving the visual appearance and qualities of the site.</i></p> <p><i>It is considered that the proposal also provides for a significant opportunity to improve upon the environmental qualities for the site particularly in relation to noise, stormwater disposal and water quality and bushland management”.</i></p> <p>Comment: The applicant's comments in regard to the possibility of feasible alternatives, and the consequences of not carrying out the development, are concurred with and the resultant almost completed development is a reflection of this.</p>
<p>(5) Development and context analysis</p>	<p>The applicant has provided a context analysis of the development.</p> <p>Comment: The SEE has provided an appropriate description of the development and an analysis of the context of the site.</p>
<p>(6) The reasons justifying the carrying out of the development in the manner proposed having regard to the biophysical, economic and social considerations and the principles of ecologically sustainable development</p>	<p>The applicant states:</p> <p><i>“ The proposal is considered to be consistent with the principals of ecologically sustainable development for the reason that it seeks to replace a range of industrial activities and which involve the use of heavy machinery and vehicles with a series of new modern buildings to be used for the purpose of light industry and warehousing”</i></p> <p>Comment: Given the long-standing industrial character of the site the development is unlikely to have any significant impact on the biophysical, economic and social environment.</p>

(7) Measures to mitigate any adverse effects of the development on the environment	<p>The applicant within Section 5 of the SEE provides an explanation of the proposed to mitigate any adverse effects of the development on environment.</p> <p>Comment: The measures proposed to mitigate any adverse impacts on the environment are considered satisfactory. If the application was recommended for approval, conditions will be included in the modified consent to minimise the adverse effects of the development on the environment.</p>
(8) Other approvals required	Nil
(1) Summary of the statement of environmental effects	<p>A Statement of Environmental Effects (SEE) has been submitted with the application.</p> <p>Comment: It is considered that the statement submitted adequately addresses the proposal's consistency with all relevant planning controls.</p>

(2) Consistency of the proposal with the Desired Future Character Statement and General Principles of Development Control established by the plan	<p>The applicant has addressed the consistency of the proposal with the desired future character statements for the B2 Locality and the General Principles of Development Control. In summary, the applicant has concluded that the proposal is consistent with DFC statements for the B2 Locality and the development is also consistent with the General Principles as contained in Part of the WLEP 2000.</p> <p>Comment: An assessment of the proposal with all relevant controls in WLEP 2000 is detailed in this report. The assessment has found that the proposal is consistent with the DFC for the B2 Locality and the General Principles as contained within WLEP 2000.</p>
(3) Objectives of the proposed development	<p>The applicant has advised that the primary objectives of the proposed development are to:</p> <p><i>“Provide for the re-development of the subject site for the purposes of light industrial /warehouse development in a manner which seeks to lessen the impact of existing development upon the site and surrounding locality and which will provide for a high quality outcome for the site recognising the sites extensive industrial uses which have previously occurred and which will continue to occur absent this application”.</i></p> <p>Comment: The objectives of the development are considered to have been sufficiently discussed and documented that the development has lessen the impact of the existing development on the site.</p>

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The original proposal (DA2011/0985) was subject to Council's Section 94A Development Contributions Plan. The following monetary contributions were required to provide for additional infrastructure generated from this development;

Warringah Section 94A Development Contributions Plan		
Contribution based on total development cost of		\$7,393,200.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	70,235
S94A Planning and Administration	0.05%	3,697
Total	1.0%	\$73,932

These fees were paid by the owner on 3 April 2018 in accordance with the conditions of the consent prior to the issue of the Construction Certificate.

CONCLUSION

An assessment of the proposed modified development has found the proposal has sufficient merit, has addressed the relevant planning and environmental issues and is a suitable and appropriate development for the site and locality.

The proposed development is assessed as being consistent with the desired future character statement for the B2 Oxford Falls Valley locality and the general principles of development control, as well as relevant SEPPs.

The assessment of this application concludes that the proposal has responded adequately to its context and the elements that make up the existing and Desired Future Character of the site and its locality under the B2 Locality of the WLEP 2000. For these reasons, the proposal is found to be appropriate and suitable development for the site, insofar as it is able to satisfactorily reconcile its impact on the site and the character of the Oxford Falls Valley locality.

RECOMMENDATION - APPROVAL

That Council as the consent authority:

APPROVE THE MODIFICATION TO THE DEVELOPMENT CONSENT subject to:

The following amended and additional conditions detailed within the associated notice of determination;

A. Insert Condition 1a “Modification of Consent - Approved Plans and supporting Documentation” to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Engineering Plans		
Drawing No.	Dated	Prepared By
CC180469 K1 (Issue A)	09 November 2021	ACOR Consultants (CC) Pty Ltd
CC180469 K2 (Issue A)	09 November 2021	ACOR Consultants (CC) Pty Ltd
CC180469 K3 (Issue A)	09 November 2021	ACOR Consultants (CC) Pty Ltd
CC180469 K4 (Issue A)	09 November 2021	ACOR Consultants (CC) Pty Ltd
CC180469 K5 (Issue A)	09 November 2021	ACOR Consultants (CC) Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Statement of Modification	4 August 2021	ACOR Consultants

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Delete Condition 22 – Stormwater Management to read as follows:

DELETED

C. Delete Condition 23 – On-site Stormwater Detention to read as follows:

DELETED

D. Modify Condition 24- Erosion and Sediment Control Plan to read as follows:

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- I North point and scale.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of the receiving environment.

E. Add Condition 30A - Detailed Design of Stormwater Treatment Measures - Major to read as follows:

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the CC180469 K1 – K5 (Issue A) dated 9 November 2021 prepared by ACOR Consultants (CC) Pty Ltd showing the proposed swale along the Northern property boundary and Council's Water Management for Development Policy.

The detail design shall include 6 SPEL stormsacks 900*900 and 11 SPEL stormsacks 600*600 fitted to the stormwater inlet pits network prior connection to the swale.

The Southern catch drain is to be connected to the proposed stormwater swale/flow spreader or be connected to a vegetated flow spreader (sandstone material) located within the lot.

Subject to hydraulics sizing and Council's Water Management for Development Policy.

The certificate shall be submitted to the Certifying Authority prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment.

F. Add Condition 47A - Installation and Maintenance of Sediment and Erosion Controls to read as follows:

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.

G. Add Condition 47B - Substitution of Stormwater Treatment Measures to read as follows:

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

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

H. Delete Condition 51 – Authorisation of Legal Documentation Required for On-site Stormwater Detention to read as follows:

DELETED

I. Delete Condition 52 – Registration of Encumbrances for On-site Stormwater Detention to read as follows:

DELETED

J. Delete Condition 53 – Restriction as to User for On-site Stormwater Detention to read as follows:

DELETED

K. Delete Condition 56 – Positive Covenant for On-site Stormwater Detention to read as follows:

DELETED

L. Add Condition 61A - Certification for the Installation of Stormwater Treatment Measures to read as follows:

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 detail design 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 Certifying Authority prior to the release of the Final Occupation Certificate.

Reason: Protection of the receiving environment.

M. Add Condition 61B - Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures to read as follows:

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 Certifying Authority prior to the issue of the Final 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.

N. Add Condition 61C - Stormwater Treatment Measures Operation and Maintenance Plan to read as follows:

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:

1. 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

2. 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

3. 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 Certifying Authority prior to the release of the Final Occupation Certificate.

Reason: Protection of the receiving environment.

O. Add Condition 61D - Stormwater Treatment Measures Operation and Maintenance Plan to read as follows:

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 Certifying Authority prior to the release of the Final Occupation Certificate.

Reason: Protection of the receiving environment.

P. Add Condition 61E - Works as Executed Drawings - Stormwater Treatment Measures to read as follows:

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 Certifying Authority prior to the release of the Final Occupation Certificate.

Reason: Protection of the receiving environment.

Q. Add Condition 61F - Strata Management Statement to read as follows:

The Strata Management Statement must specifically list the stormwater treatment measures that will be maintained under strata title. The statement must also include the Stormwater Treatment Measure Operation and Maintenance Plan.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Final Occupation Certificate.

Reason: To ensure maintenance of all stormwater management assets and protection of the receiving environment.

R Add Condition 75A - Maintenance of Stormwater Treatment Measures – Major to read as follows:

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.

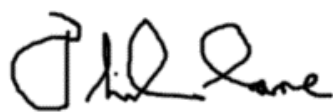
Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

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.

"I am aware of Council's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"



Signed

15 November 2021

Principal Planner – Phil Lane

The application is determined under the delegated authority of:



Signed

15 November 2021

Manager – Rod Piggott