



## Memo

### Development Assessments

**To:** Development Determination Panel

**From:** Alex Keller  
Principal Planner

**Date:** 7 November 2019

**Subject:** Development Application No.DA2018/1989 – No.96 -104 Cabarita Road Avalon Beach - Land subdivision of 4 Lots into 2 Torrens Title Lots to create 9 Community Title residential Lots with 1 Community Title access Lot, including landscaping, roadworks, services infrastructure and ancillary site works

**Record Number:** 2019/642175, 2019/63919, 2019/608815, 2019/604874, 2019/604870, 2019/604869, 2019/604875

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### Background

This memo addresses the Development Determination Panel (DDP) consideration of draft conditions of consent for DA2018/1989. This includes matters / comments raised by the Applicant and the review of the applicant's comments as detail the previous Memo to DDP dated 23 October 2019.

### Consideration of Draft Conditions

The proposed changes have been included as detailed within the attached draft conditions of consent and in accordance with the memo to DDP, dated 23 October 2019, and comments by DDP (by email) dated 24 October 2019 with the following exceptions:

#### Condition 86 – Emergency Access

This condition is altered to clarify it only applies if a security gate is installed. The condition is suitable for the applicant / certifier to enable the appropriate means for access.

Note: The condition sequence has been renumbered due to the deletion of four (4) draft conditions for the reasons previously considered by DDP.

the Development Determination Panel (DDP) report considered at the DDP meeting of 23 October 2019 and draft Conditions of Consent therein for the subject development application.

### References

Documents references include:

1. Letter from Holding Redlich, dated 22 October 2019
2. Letter from Ingham Planning, dated 22 October 2019

3. Letter from GIS Environmental Consultants, dated 18 October 2019
4. DDP Report (including draft conditions and plan references), dated 16 October 2019 for DDP meeting of 23 October 2019
5. Applicant mark up of Changes to Conditions V3, received 22 October 2019.
6. Land identified as Lot 8 DP 629464, Lot 14 & 15 DP 858130, Lot 9 DP 629464.

## **Review of Applicant's Submission**

Consideration of the applicant's notations for the draft conditions are addressed sequentially below.

### Condition 1 - Approved Plans / Reports.

The proposed notation under "Report / Documents" may be provided in summary form at the end of the table in Condition 1 by footnote reference.

Change to include "Ongoing Maintenance Manual" (OMM) is **acceptable**. The OMM relates to the Community Management Statement (CMS) and applies to community land with practical baseline requirements for the subdivision occupants.

Change to delete ecologist letter is **acceptable** as no restriction is applied to Torrens Lot 2 as considered by DDP and ecology issue are addressed by other referenced documents.

Footnote reference is **acceptable** to clarify "that minor amendment will be made by applicant to address conditions of consent". The CMS is under the heading "generally in accordance with" so may be subject to some revisions.

### Conditions 6 to 9 - Security Bonds

Condition 7 - Change to engineering condition is **acceptable**. Reduce selected bond from \$100,000 to \$50,000 due to cost advice and less footpath works.

Change to condition 6 to 9 is **acceptable** to include "Bank Guarantee" words to clarify the same.

### Condition 10 – Public Road Reserve Landscaping

Part i – Change to condition is **acceptable**. Existing lines along Cabarita are on poles and there is a narrow concrete footpath toward the west bus stop. Recommend only that this section be made safe where the shoulder is uneven. No new pathway to the west.

Part ii – change to condition is **acceptable**.

Part iii – change to condition is **acceptable**

Part iii)- change to condition is **acceptable**

### Condition 14 Amendment to Plans

Part A – change to conditions **acceptable**

Part B – change to condition is **acceptable** as the document the same.

Part C – change to delete condition **acceptable** - Lot 2 (Torrens) subject to future application for the PSGF EEC. Figure 3.1 and Figure 5.2 & 5.3 show the tree location habitat. There is no tree removal within Lot 2.

### Condition 17 – Water Hydrants

Change to condition is **acceptable** as there are 3 options available including private hydrants, sprinkler systems and dedicated water tanks. Details are suitable for CC stage and PCA.

#### Condition 23 – Construction Management Plan

Change to delete condition **acceptable**. Plans already referenced in condition 1 and detailed in condition 13.

#### Condition 26 – Tree protection plan

Change to wording **acceptable**. Amendment to condition is to include “The identified Environmental Protection Area and the eastern edge of the foreshore access pathway adjacent Lot 2 (Torrens) as indicated within....

#### Condition 27 – Restricted Development Area

Change to delete condition **acceptable**, as considered by DDP.

#### Condition 41 – Native Vegetation Protection Covenant

Change to delete condition **acceptable**, as considered by DDP.

#### Condition 42 – Amend Biodiversity Management Plan

Change to delete condition **acceptable**, as considered by DDP.

#### Condition 44 – Construction Traffic Management Plan

Change to delete condition **acceptable** as the reference to basement is irrelevant for the subdivision.

#### Condition 46 – Project Arborist

Change to condition **acceptable** as tree 103 is in poor health and “the” word appears twice in reference to the certifying authority.

#### Condition 47 – Temporary Fencing (New condition inserted)

“A temporary fence is to be erected during construction on the western boundary between proposed Lot 2 and proposed Lot 1 of the Torrens Title Subdivision for the full length of the pedestrian access to the foreshore. The project Ecologist is to approve fence structure before commencement of works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to commencement of works.

Reason: Protect trees and vegetation”

#### Condition 48 – Approved Tree Removal

Change to condition **acceptable** as tree 136A not native. Adequate tree replacements are proposed.

#### Condition 62 – Site Entry Access way

Change to condition **acceptable** to shorten stabilised area during construction. The entry point is a crest.

#### Condition 68 – Tree and Vegetation Protection

Change to delete condition is **acceptable**. These works are addressed by previous condition No. 46 (being “prior to commencement” the work condition is already activated and operating.)

#### Condition 86 – Emergency Access

Change to condition applies to ambulance, police, SES or any other emergency service that should not be subject to a locked gate. Recommend delete reference to NSW to clarify is not applicable to Tanker (appliance) Guidelines.

An **acceptable** condition change is to be *“If a vehicle security gate is to be installed for access from Cabarita Road the gate entry shall include intercom to a 24 hour monitored security reception to enable access for emergency services personnel / Police / ambulance or the like, with minimal delay.”*

#### Condition 100 – Internal Driveway Compliance

Change to condition is **clarified** by Development Engineering that it applies to the private roadway within proposed Lot 1 (Community Lot) only and not the individual house lots. Note the print edge has removed “1” from condition “100” from the page margin.

Minor wording change to clarify:

*“Internal Access Road Compliance Certification*

*The internal roadway for Lot 1 (Community Title) must be certified by a qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Private Certifying Authority that the internal private road has been constructed in accordance with the approved plans and relevant conditions of Development Consent.*

*Reason: To ensure internal roadway is constructed to standard specifications.”*

#### Condition 101 – Subdivision Certificate

Change to condition is **acceptable**. Note should be included for PCA

“Note: No CC is required prior to the lodgement of the Torrens Title Subdivision.”

#### Condition 108 – Completion of bio-retention basin

Change to condition is **acceptable** for bank guarantee.

#### Condition 110 – Garbage and Recycling Facilities

Change to condition is **acceptable**. The new (enlarged) bin room design is included with the approved plans list condition 1. Delete reference to “Warringah” replace with “Northern Beaches”.

#### Condition 111 – Retained Vegetation

Change to condition is **acceptable** for clarity to be “the site ecologist”

#### Condition 112 – Subdivision Tree Planting

Change to condition is **acceptable** to clarify numbered tree reference.

### Condition 117 – Public Domain Works

Change to condition is **acceptable**. Appropriate for path only to east (south) as toward the west the footpath edge would require landfilling in the embankment. Detailed design is also subject to separate approval under Roads Act.

### **Conclusion**

The above changes and clarification of conditions sought by the applicant have been considered and recommended to be adopted as detailed in the attached draft consolidated conditions of consent.

### **Recommendation**

That the Development Determination Panel of Council **adopt the attached draft consolidated conditions** as detailed for DA2018/1989, being the land subdivision of 4 Lots into 2 Torrens Title Lots to create 9 Community Title residential Lots with 1 Community Title access Lot, including landscaping, roadworks, services infrastructure and ancillary site works at No.96 -104 Cabarita Road Avalon Beach.



Alex Keller  
**Principal Planner**



Anna Williams  
**Manager Development Assessments**

## Attachment - Draft Consolidated Conditions

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

**1. Approved Plans and Supporting Documentation**

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

**a) Approved Plans**

| <b>Subdivision Plans - Endorsed with Council's stamp</b>                                                        |                       |                                |
|-----------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------|
| <b>Drawing No.</b>                                                                                              | <b>Dated</b>          | <b>Prepared By</b>             |
| Administration Sheets 1 to 2                                                                                    | Received October 2019 | Paul Barry<br>Byrne Surveyor   |
| Proposed Torrens Title Subdivision Plan<br>Proposed Lot 1 and Lot 2 (Sheet 1 of 1)                              | Received October 2019 | Paul Barry<br>Byrne Surveyor   |
| <b>Community Title Subdivision of Proposed Lot 1 - Endorsed with Council's stamp</b>                            |                       |                                |
| Administration Sheets 1 to 3                                                                                    | Received October 2019 | Paul Barry<br>Byrne Surveyor   |
| Proposed Community Title Subdivision<br>Location Diagram<br>Proposed Community Scheme (Sheet 1 of 3)            | Received October 2019 | Paul Barry<br>Byrne Surveyor   |
| Proposed Community Title Subdivision<br>Detail Plan<br>Proposed Community Scheme (Sheet 2 of 3)                 | Received October 2019 | Paul Barry Byrne Surveyor      |
| Proposed Community Title Subdivision<br>Neighbourhood Property Plan<br>Proposed Community Scheme (Sheet 3 of 3) | Received October 2019 | Paul Barry Byrne Surveyor      |
| A002 B Building Footprint Plan*                                                                                 | September 2019        | Mark Hurcum Design<br>Practice |

\*Concept outlines, subject to separate development approvals for Community Lots 2 to 10.

| <b>Engineering Plans</b>                            |              |                             |
|-----------------------------------------------------|--------------|-----------------------------|
| <b>Drawing No.</b>                                  | <b>Dated</b> | <b>Prepared By</b>          |
| SK06 Council Footpath Concept                       | 20.6.2019    | Northern Beaches Consulting |
| C01 to C06 Road and Driveway Access (Sheets 1 to 6) | 28.11.2018   | Northern Beaches Consulting |
| C07 to C13 Longitudinal Sections (Sheets 1 to 7)    | 28.11.2018   | Northern Beaches Consulting |
| D01 Site Stormwater Drainage                        | 6.12.2018    | Northern Beaches Consulting |
| D02 Catchment Plan                                  | 6.12.2018    | Northern Beaches Consulting |
| D03 Stormwater Drainage Notes                       | 6.11.2018    | Northern Beaches Consulting |
| D04 Stormwater Drainage Details Sheet 1             | 6.11.2018    | Northern Beaches Consulting |
| D05 Stormwater Drainage Details Sheet 5             | 6.11.2018    | Northern Beaches Consulting |
| D06 Soil and Water Management Plan                  | 6.12.2018    | Northern Beaches Consulting |
| D07 Soil and Water Management Sheet 1               | 4.12.2018    | Northern Beaches Consulting |
| D08 Soil and Water Management Sheet 2               | 4.12.2018    | Northern Beaches Consulting |
| B01 Road and Driveway Access Plan                   | 15.11.2018   | Northern Beaches Consulting |
| B02 Road and Driveway Access Plan                   | 15.11.2018   | Northern Beaches Consulting |
| B03 Road and Driveway Access Plan                   | 15.11.2018   | Northern Beaches Consulting |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |                     |                               |
|-----------------------------------------------------------------------------------------|---------------------|-------------------------------|
| <b>Report No. / Page No. / Section No.</b>                                              | <b>Dated</b>        | <b>Prepared By</b>            |
| Draft Section 88B Subdivision (Terms of easements / restrictions / covenants intended)  | Received 19.12.2018 | Applicant                     |
| Biodiversity Management Plan - Ongoing Maintenance Manual                               | 5.4.2019            | GIS Environmental Consultants |
| Biodiversity Management Plan - Sheet 1 (Part 1a) - Ecological Works During Construction | 5.4.2019            | GIS Environmental Consultants |

|                                                                                                                        |            |                               |
|------------------------------------------------------------------------------------------------------------------------|------------|-------------------------------|
| Biodiversity Management Plan - Sheet 2 (Part 1a) - Ecological Works During Construction (Including Attachment A and B) | 5.4.2019   | GIS Environmental Consultants |
| Geotechnical Risk Assessment 31842BMrpt Rev2                                                                           | 30.11.2018 | JK Geotechniks                |
| Biodiversity Development Assessment Report Recommendations Section 7.3 and 7.4                                         | 14.12.2018 | GIS Environmental Consultants |
| Estuarine Risk Management Report Recommendations Section 7                                                             | 10.12.2018 | Horton Coastal Engineering    |

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

c) The development is to be undertaken generally in accordance with the following:

| <b>Landscape Plans</b>                                       |                     |                                |
|--------------------------------------------------------------|---------------------|--------------------------------|
| <b>Drawing No.</b>                                           | <b>Dated</b>        | <b>Prepared By</b>             |
| SK2019 A/P1 Foreshore Access Stairs and Boatshed Plan Detail | September 2019      | Mark Hurcum Design Practice    |
| Sht 101 Landscape Masterplan                                 | 28.11.2018          | Jamie King Landscape Architect |
| Sht 111 Landscape Masterplan                                 | 28.11.2018          | Jamie King Landscape Architect |
| Sht 112 Landscape Masterplan                                 | 28.11.2018          | Jamie King Landscape Architect |
| Sht 113 Landscape Masterplan                                 | 28.11.2018          | Jamie King Landscape Architect |
| Sht 402 Landscape Masterplan Materials Palette               | 28.11.2018          | Jamie King Landscape Architect |
| Sht 101 Landscape Masterplan Plant Palette                   | 28.11.2018          | Jamie King Landscape Architect |
| <b>Construction, Waste management or Other Documents</b>     |                     |                                |
| <b>Document / Plan No/Title.</b>                             | <b>Dated</b>        | <b>Prepared By</b>             |
| Construction and Site Management Plan                        | November 2018       | Applicant                      |
| Construction Traffic Management Plan 152-17 (CTMP)           | November 2018       | Urban Research and Planning    |
| Waste Management Plan*                                       | Received 19.12.2018 | Mark Hurcum Design Practice    |
| SK208 Removed Canopy                                         | November 2018       | Mark Hurcum Design Practice    |
| SK209 Replacement Canopy Plan                                | November 2018       | Mark Hurcum Design Practice    |
| SK210 Waste Management Site Plan*                            | November 2018       | Mark Hurcum Design Practice    |



|                                               |                  |                             |
|-----------------------------------------------|------------------|-----------------------------|
| SK211 / B Waste Storage Area*                 | 15.7.2019        | Mark Hurcum Design Practice |
| A004 Demolition Plan                          | November 2018    | Mark Hurcum Design Practice |
| A005 / B Site Plan                            | September 2019   | Mark Hurcum Design Practice |
| A006 / B Driveway Plan                        | September 2019   | Mark Hurcum Design Practice |
| A007 Site Services Plan                       | November 2018    | Mark Hurcum Design Practice |
| Community Management Statement**<br>2952260_3 | 12 December 2018 | Applicant                   |

\*Refer to conditions for changes required by conditions for the construction certificate.

\*\* The CMS is a draft and generally subject to final review to address any minor changes required prior to the issue of the Subdivision Certificate.

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.

2. **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     |
|----------------------------------------|-------------------------------------------------------|-----------|
| Aboriginal Heritage Office             | Referral Response Aboriginal Heritage Office          | 14.1.2019 |
| Natural Resources Access Regulator     | General Terms of Approval (Water Management Act 2000) | 6.5.2019  |

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's.

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) Where applicable to the subdivision, 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 Certifying Authority for the work, and

- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Where applicable to the subdivision, Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- (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

#### 4. **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) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Subdivision Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) 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.
- (d) 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.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) 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.

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

## **FEES / CHARGES / CONTRIBUTIONS**

### **5. Policy Controls**

#### **Northern Beaches 7.12 Contributions Plan 2019**

A monetary contribution of \$21,906.60 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$2,190,660.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

### **6. Security Bond**

A Bond or Bank guarantee (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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 or bank guarantees and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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](http://www.northernbeaches.nsw.gov.au)).

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

7. **Construction, Excavation and Associated Works Bond (Drainage)**  
A Bond or Bank Guarantee of \$50,000 as security against any damage or failure to complete the construction of stormwater drainage works that reverts to Council's care and control as part of this consent.
- Reason: Protection of Council's Infrastructure
8. **Construction, Excavation and Associated Works Bond (Crossing / Kerb)**  
A Bond or Bank Guarantee of \$30,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.
- Reason: Protection of Council's Infrastructure
9. **Construction, Excavation and Associated Works Bond (Maintenance for civil works)** The developer/applicant must lodge with Council a Maintenance Bond or Bank Guarantee of \$10,000 for the construction of drainage infrastructure works. The Maintenance Bond or Bank Guarantee will only be refunded on completion of the six month Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council.
- The maintenance bond or bank guarantee is to be paid / lodged prior to Council issuing practical completion and may be exchanged for the works bond or bank guarantee.
- Reason: To ensure adequate protection of Council infrastructure.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

10. **Public Road Reserve Landscaping and Infrastructure**  
Details are to be provided to demonstrate the following road reserve landscaping and infrastructure requirements will be completed as part of the proposed roadworks:
- i) A 1.2m wide footpath, for the road reserve and extended to the existing bus stop fronting No. 110 Cabarita Road, is required in accordance with Council specifications. Detailed design documents shall be provided indicating the nature of construction, surface finish, and proposed levels, to minimise impact on existing vegetation located within the road reserve and adjoining properties.
  - ii) Pier footing construction techniques shall be applied in the vicinity of existing where necessary determined by an AQZ level 5 arborist with qualifications in horticulture / arboriculture.
  - iv) An Arboricultural Impact Assessment shall be submitted as part of the Construction Certificate indicating suitable locations for pier footings, where these are deemed necessary.
  - vi) All remaining areas within the road reserve shall be turfed with Couch species (weed free) and finished with an even grade to a maximum 4% grade.
  - vii) All work within the road reserve is subject to a Section 139 approval (Roads Act 1993) being made from Council.
- Reason: To enable the long term retention of the desired streetscape amenity.

11. **Stormwater Disposal**

Stormwater from the site shall be disposed of to the existing piped Council drainage system burdening the site in accordance with Northern Beaches Council's Pittwater 21 DCP 2014 Clause B5.10.

A certificate of compliance and drainage plans are to be provided to the Certifying Authority with the Construction Certificate application by a qualified experienced practicing Civil Engineer, with Corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a Corporate member and has appropriate experience and competence in the related field for the drainage system.

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

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

12. **Geotechnical Report Recommendations Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by JK Geotechnics, Report Number 31842BMrpt dated 30 November 2018 are to be incorporated into the construction plans. Prior to issue of the Construction 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 Certifying Authority prior to the issue of the Construction Certificate for the Community Title Subdivision.

Reason: To ensure geotechnical risk is mitigated appropriately.

13. **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 *Roads and Maritime Service* 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.

14. **Amendments to the Approved Plans**

The following additional positive covenants are to be shown on the subdivision plans:

Foreshore Protection - Easement

A) An easement, variable width, between the between mean high watermark boundary and 2.0 metres (m) from the landward side of the existing sandstone sea wall is to be provided. The easement is to be freely accessible from proposed Lot 1 Community Lot (boat storage area) across proposed Lots 6, 7, 8 & 9, benefiting Community Title Lot 1. The terms of the easement shall limit fencing, landfill, boat ramps and works that would hinder access in ensuring ease of access and maintenance of the sandstone seawall.

Reason: Access, maintenance and protection of the seawall from stormwater erosion and sea level impacts.

Environmental Protection Area

B) An easement for restriction on use is to be provided for the "Environment Protection Area" (1,125 square metres across Community Title Lots 2,3,4 and 5) as outlined on Figure 1.5 of the *Biodiversity development assessment report*, drawn by GIS Consultants, dated 29.11.2018. The

terms of the easement shall limit the construction of domestic structures (including any exempt and complying development) land filling, excavation or the removal of any native trees that is not in accordance with the conditions of this development consent.

Reason: Conservation of foreshore and Pittwater and Wagstaff Spotted Gum Forest from key threatening processes.

15. **Service Infrastructure**

Details of provisions to comply with service infrastructure requirements are to be provided to accompany the Construction Certificate plans for roadworks within Community Lot 1, including *NSW Guidelines for fire hydrants for minor residential development*, services for electricity, water, gas and telecommunications, as applicable.

Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate for road works within Community Lot 1.

Reason: Integration of essential services during construction.

16. **Submission of Engineering Plans**

Engineering plans including specifications and details of the internal driveway, utility services, inter-allotment drainage system and the stormwater quality treatment system which are to be generally in accordance with the civil design approved with the Development Application, Pittwater 21 DCP 2014, Council's specification for engineering works - AUS-SPEC #1 and any relevant service authority guidelines are to be submitted to the Certifying Authority with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with the above requirements.

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

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

17. **Sydney Water (Fire Hydrant System)**

Details demonstrating compliance with NSW Guidelines for fire hydrants for minor residential development (as at 18.12.2018) are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. This may include the provision of fire hydrants within the road reserve adjoining the site.

(Note: The fire hydrants are to be installed in accordance with all relevant Australian Standards and the requirements of the Sydney Water Authority and the NSW Fire Brigades.)

Reason: NSW Fire Brigades Requirement.

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

An Application for Works to be approved within Council Roadway, including engineering plans is to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of the footpath including any retaining walls through the nature strip, kerb and gutter with a suitable designed barrier and/or deflective kerb and the driveway crossing which are to be generally in accordance with the Development Application and Council's specification for engineering works

- AUS-SPEC #1 and Pittwater 21 DCP 2014. The plans and details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the field, confirming that the plans/details comply with the above requirements.

The design must include the following information:

1. 1.2 metre wide footpath at the back of the kerb along the frontage of the site and up to the existing bus stop fronting No. 110 Cabarita Road to the east of the frontage.
2. Kerb and Gutter reconstruction along the frontage of the site. The design shall include some form of deflection to prevent vehicles mounting along the curved section and include any pedestrian barrier as required.
3. Any pier and beam or retaining wall details for the proposed footpath construction.
4. Concrete access path from the bin area to the proposed footpath.
5. 6 metre wide driveway crossing.
6. A *Disability Discrimination Act* compliant bus stop.

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 Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure works in the road reserve are designed in accordance with Council's specifications.

19. **Vehicle Driveway Gradients**

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradients in accordance with AS/NZS 2890.1:2004. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent.

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

Reason: To ensure suitable vehicular access to private property.

20. **Utilities Services**

Prior to the issue of the Construction Certificate, evidence is to be submitted to the Certifying Authority that

- (a) A letter from the utility provider confirming that satisfactory arrangements have been made for the approved development; and
- (b) Evidence that notification has been received from a utility provider that requirements for the development can be provided.

Reason: To ensure that services can be provided as required by this Consent

21. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and



(b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

**22. Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings.

Council approval is required if temporary ground anchors are to be used within Council land. A Temporary Ground Anchors (Road Reserve) Application is to be submitted with Council for assessment and approval subject to Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

**23. Design of the bio-retention basin**

The design of the bio-retention basin must be revised to incorporate a splitter in the upstream pit that spreads upstream flows to all three basins.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. Certification is to be provided by a suitably qualified and experienced Water Engineer.

Reason: To reduce the necessity for frequent maintenance of the basin.

**24. Stormwater Drainage Application**

A Stormwater drainage application under Section 68 of the Local Government Act 1993 is to be submitted to Council for the proposed trunk drainage system within the site. The submission is to include four (4) copies of Civil Engineering plans, specifications and details of the drainage system 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 design is to include the following:-

1. The minimum pipe size of the drainage system is to be 675mm diameter.
2. The pipeline is to be Concrete Rubber Ring Jointed with a minimum Class of 3.
3. All pipe joints are to include bulk heads.
4. Where the outlet is to be replaced the design is to be in accordance with the design principles in Controlled Activities on Waterfront Land: Guideline for outlet structures on waterfront land (NSW Office of Water, July 2012)
5. Pit details for cast insitu style pits.
6. A drainage easement 2.5 metres wide centrally placed over the new drainage line.

The form can be found on Council's website using the following link.  
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/stormwaterdrainage-approval/4022-stormwater-drainage-approval.pdf>

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 Certifying Authority prior to the issue of the Construction Certificate.

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

**25. Tree Protection Plan**

a) Tree Protection Plan prepared by a AQZ Level 5 Arborist with qualifications in arboriculture/horticulture shall be submitted to the Certifying Authority prior to the release of the Construction Certificate for civil works for the community title subdivision documenting the following:

- i) layout of the development and location of all trees identified for retention,
- ii) location of tree protection fencing, ground and trunk protection in accordance with AS2470-2009,
- iii) general tree protection measures

b) The identified Environmental Protection Area as indicated within the Biodiversity

Development Assessment Report prepared by GIS Environmental Consultants shall be fenced with 1.8m high standard chain wire construction fencing at the commencement of works and shall remain in place until all landscape works are complete. The only works permitted within the fencing area is approved tree removal and the works described in the Biodiversity Management Plan and tree planting. The Arborist shall determine the alignment of the protection fencing in consideration of site gradients, setbacks from existing trees, and a setback to facilitate future lot development.

- c) Any existing tree proposed for retention between the protection fencing and the future lot development footprint, if unable to be included within the fencing, shall be protected by trunk and ground protection measures in accordance with AS2470-2009.
- d) Certification shall be provided to the Certifying Authority prior to Construction Certificate that the Tree Protection Plan addresses all tree protection measures to ensure the preservation of the existing trees nominated for retention.
- e) The proposed canopy tree planting within the Environmental Protection Area shall be undertaken under the supervision of an Arborist or Ecologist.
- f) Tree protection measures identified on the Tree Protection Plan are to be in place prior to commencement of works.

Reason: to retain and protect significant planting on the site.

**26. Compliance with Ecologist's Recommendations – Pre-construction**

All pre-construction biodiversity-related measures specified in the approved Biodiversity Development Assessment Report (GIS Environmental December 2018), Biodiversity Management Plan (GIS Environmental April 2019) and these conditions of consent are to be implemented at the appropriate stage of the development. Compliance with pre-construction measures is to be certified by the project ecologist prior to issue of the Construction Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls (DACNECPCC1)

**27. Like for like credit retirement conditions - Species credit retirement conditions**

Prior to issue of the relevant construction certificate the class and number of species credits in Table 3 must be retired to offset the impacts of development.

The requirement to retire credits outlined in Table 3 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 3 requirements must be provided to the Manager Bushland & Biodiversity of Northern Beaches Council prior to release of construction certification.

**Table 3 Species credits required to be retired – like for like**

| Impacted species credit species               | Number of species credits | IBRA sub-region |
|-----------------------------------------------|---------------------------|-----------------|
| Chalinolobus dwyeri/<br>Large-eared Pied Bat  | 11                        | Pittwater       |
| Myotis macropus/<br>Southern Myotis           | 7                         | Pittwater       |
| Syzygium paniculatum /<br>Magenta Lilly Pilly | 2                         | Pittwater       |

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme

28. **Variation rule credit retirement conditions - Species credit retirement conditions** Prior to issue of the relevant construction certificate the class and number of species credits in Table 4 must be retired to offset the impacts of development.

Evidence of the retirement of credits in satisfaction of Table 4 requirements is to be provided to the Manager Bushland & Biodiversity of Northern Beaches Council prior to release of construction certification.

**Table 4 Species credits required to be retired – variation rules**

| Impacted species credit species              | Number of species credits | IBRA sub-region               |
|----------------------------------------------|---------------------------|-------------------------------|
|                                              |                           |                               |
|                                              |                           |                               |
| Chalinolobus dwyeri/ Large-eared Pied Bat    | 11                        | Pittwater, Cumberland, Sy     |
|                                              |                           | Cataract,                     |
|                                              |                           | Wyang and Yengo.              |
| Myotis macropus/<br>Southern Myotis          | 7                         | Pittwater, Cumberland, Sydney |
|                                              |                           | Cataract,                     |
|                                              |                           | Wyang and Yengo.              |
| Syzygium paniculatum/<br>Magenta Lilly Pilly | 2                         | Pittwater                     |
|                                              |                           |                               |

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme

29. **Notification of determination to which the Biodiversity Offset Scheme applies**

The applicant, or Project Ecologist on behalf of the applicant, must download and complete the "Biodiversity Offsets Scheme – Notification of Determination" form.

The completed form and attachments, including a copy of the determination and any conditions of approval, must be emailed to NSW DPIE <bam.support@environment.nsw.gov.au>. The Department arranges for determination outcomes to be recorded in the Biodiversity Offset and Agreement Management System (BOAMS).

Council's Manager Bushland & Biodiversity and the Principal Certifying Authority must be copied into the notification email to confirm compliance.

Reason: To ensure the NSW Department of Planning, Industry and Environment are notified of determinations where the Biodiversity Offsets Scheme applies, and Council are notified for compliance.

30. **Like for like credit retirement conditions - Ecosystem credit retirement conditions** Prior to issue of the relevant construction certificate the class and number of ecosystem credits in Table 1 must be retired to offset the impacts of the development.

The requirement to retire credits outlined in Table 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to the Manager Bushland & Biodiversity of Northern Beaches Council prior to release of construction certification.

**Table 1 Ecosystem credits required to be retired – like for like**

| Impacted Plant Community Type                                                                            | TEC                                                                      | Number of ecosystem credits | Cont. HBT |
|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-----------------------------|-----------|
| 1214-Spotted Gum - Grey Ironbark open forest in the Pittwater and Wagstaffe area, Sydney Basin Bioregion | Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion | 7                           | YES       |

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

31. **Variation rule credit retirement conditions - Ecosystem credit retirement conditions** Prior to issue of the relevant construction certificate the class and number of species credits in Table 2 must be retired to offset the impacts of development.

Evidence of the retirement of credits in satisfaction of Table 2 requirements is to be provided to the Manager Bushland & Biodiversity of Northern Beaches Council prior to release of construction certification.

**Table 2 Ecosystem credits required to be retired – variation rules**

| Impacted plant community type | Number of ecosystem credits | of | IBRA sub-region | Approved variation plant community type(s) that be used to offset the impacts from development |
|-------------------------------|-----------------------------|----|-----------------|------------------------------------------------------------------------------------------------|
|                               |                             |    |                 |                                                                                                |

|                                                                                                        |   |  |                                                                                                                           |                                                                                                                     |
|--------------------------------------------------------------------------------------------------------|---|--|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| 1214-Spotted Gum Grey Ironbark open forest in the Pittwater and Wagstaffe area, Sydney Basin Bioregion | 7 |  | Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo.<br><br>or<br><br>From a location within 100km of the impact site | Any PCT from Wet Sclerophyll Forests (Grassy subformation), Tier 3 or higher, containing HBT (including artificial) |
|--------------------------------------------------------------------------------------------------------|---|--|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme

### 32. **Estuarine Hazard Design Requirements**

The following applies to all development:

All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes; they will not reduce access to or diminish the amenity of adjoining public foreshore land.

Reason: To minimise potential risk associated with estuarine hazards for development in the coastal zone.

### 33. **Estuarine Planning Level Requirements**

An Estuarine Planning Level (EPL) of RL 3.2m AHD has been independently derived for the subject site as outlined in the approved Estuarine Risk Management Report, prepared by Horton Coastal Engineering Pty Ltd dated 10 December 2018, and shall be applied to all development proposed below this level as follows:

All structural elements below RL 3.2m AHD shall be of flood compatible materials; All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above RL 3.2m AHD or waterproofed to this level; and  
The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below RL 3.2m AHD.

Reason: To ensure aspects of the development that may be affected by estuarine processes are built at the appropriate level.

### 34. **Compliance with Estuarine Risk Management Report**

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Horton Coastal Engineering Pty Ltd, dated 10 December 2018, including the recommendation to repair the existing seawall to rectify voids and prevent migration of soil through the wall, and these recommendations are to be incorporated into construction plans and engineering specifications as necessary.

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

Reason: To minimise potential risk associated with estuarine hazards for development in the coastal zone.

35. **Structural Engineering Design for the Repair of the Existing Seawall**

Structural engineering design for the repair of the existing seawall shall be prepared by a civil or structural engineer, with input as necessary from a specialist coastal engineer who is a registered engineer with chartered professional status and coastal engineering as a core competency, to ensure that the repaired seawall is able to withstand likely loadings and wave impact/over-topping forces for its intended design life.

Reason: To ensure that structural engineering design and specifications are prepared by appropriately qualified professionals

36. **Engineers Certification of Structural Engineering Plans**

The structural design for the seawall repairs shall be prepared by and each plan/sheet signed by, a registered professional civil or structural engineer with chartered professional status (CP Eng) who has an appropriate level of professional indemnity insurance and shall be submitted to the Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure structural engineering design and specifications are prepared by an appropriately qualified professional

37. **Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland biodiversity protection measures are carried out according to the conditions of consent, BDAR (GIS Environmental) and the Biodiversity Management Plan Parts 1 and 2 (GIS Environmental April 2019).

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 assessor accreditation under the NSW Biodiversity Conservation Act 2016 (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Employment of a project ecologist is to be certified by the Principal Certifying Authority Prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

38. **Implementation of Biodiversity Management Plan**

All requirements in the Biodiversity Management Plan (GIS Environmental dated 5 April 2019) are to be implemented prior, during and post construction.

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

Reason: Biodiversity/Vegetation Conservation and Management.

39. **Compliance with Standards**

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

40. **Construction Traffic Management Plan.**

As a result of the site constraints, limited vehicle access and parking, the submitted Construction Traffic Management Plan (CTMP) and report shall be reviewed by an RMS accredited person and submitted to and approved by the Certifying Authority prior to issue of the Construction Certificate for any civil works for the Community Title subdivision.

The CTMP must be revised to address the following (where not already included):-

- The proposed phases of construction works on the site, and the expected duration of each construction phase;
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken; Make provision for all construction materials to be stored on site, at all times; The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed; 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;
- Provision for on site parking shall be made for all construction vehicles (as practicable), and building contractors during subdivision site works.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent; Proposed protection for Council and adjoining properties;
- The location and operation of any on site crane; and

- 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.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. Confirming appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner’s property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The CTMP 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. (DACTRCPC1)

#### 41. **Submission of Engineering Plans**

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of:

- Footpath Construction along the site frontage connecting to the nearest Bus Stop toward the south-east.
- Upgrade of the Bus Stop to the south-east to be DDA compliant.

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 Certifying Authority prior to the issue of the Construction Certificate for the community title subdivision.

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

Note: This condition does not require footpath construction to the west (refer to condition 1) in order to minimize tree removal impacts that would occur along the supporting road frontage infrastructure / retaining wall.

Reason: To ensure compliance with Council’s specification for engineering works.  
(DACTRCPC2)

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### 42. **Project Arborist**

A Project Arborist with AQZ Level 5 qualification in horticulture/arboriculture is to be appointed to provide tree protection measures recommendations on site to any subdivision works in the vicinity of the following trees that are proposed for retention by the Tree Assessment and Development Impact Report prepared by *Growing My Way* and the *Biodiversity Development Assessment Report* prepared by GIS Environmental Consultants, including trees numbered as follows:

1, 2, 3D, 3E, 3F, 3G, 3H, 4, 4B, 7C, 7D, 7F, 8, 11, 11B, 20, 21A, 27, 27A, 31, 36, 40, 41, 45, 46, 47, 49, 54, 55, 56, 61, 62C, 66, 69A, 69E, 69i, 70A, 82A, 89K, 90A, 90B, 91, 92, 95, 96, 97, 100, 101, 102, 102A, 104, 104A, 104D, 104E, 118, 119, 119B, 128C, 129, 130, 130B, 131, 133, 134B, 139B, 140, and the following cabbage tree palms UN1, UN3 and UN4,



all existing trees proposed for retention within the 'Environmental Protection Area', as nominated in the *Biodiversity Development Assessment Report* prepared by GIS Environmental Consultants.

Details including field reports and photos are to be submitted to satisfaction of the Certifying Authority.

Note: The Project Arborist is to be appointed at the commencement of the works and shall demonstrate that their attendance on site has occurred as required to provide such recommendations.

43. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

44. **Approved Tree Removal**

Approval is granted for the removal of the following existing trees as assessed by the *Tree Assessment and Development Impact Report* prepared by Growing My Way and the *Biodiversity Development Assessment Report* prepared by GIS Environmental Consultants, as follows:

3, 3b, 3c, 7g, 22, 22B, 22C, and 22E, 44, 47A, 67A, 67B, 69C, 69D, 71C, 84B, 86, 89F, 90, 92A, 93, 94, 94A, 94B, 95A, 95B, 95C, 116, 117, 118A, 136A 138, 139, stag 1, and stag 2.

all existing trees proposed for removal within the Environmental Protection Area, as nominated in the Biodiversity Development Assessment Report prepared by GIS Environmental Consultants.

all Exempt Species including: 1b, 3i, 5b, 22A, 49D, 62, UN, 68B, 69, 70B, 71, 71B, group of 91A to E, 91F, 101B, UN5, the numerous Phoenix palms, and the two large clumps of *Strelitzia nicolai*; and

all priority weed species under the Biosecurity Act and shall be removed to prevent its spread, including UN2 and 7G (African Olive).

Reason: Assessed tree removal works.

45. **Bushland Protection Fencing and Signage**

Prior to the commencement of any onsite building works or commencement of vegetation clearance/modification, the boundary between the *Conservation Management Areas* and the construction area as shown on *Biodiversity Management Plan* (BMP) Part 1a (GIS Environmental 5/4/19) - is to be surveyed and marked clearly on the ground.

A temporary 1.8 metre steel mesh fence (or similar), incorporating BMP signage, is to be erected on the surveyed boundary between the Conservation Management Areas and the construction area for the duration of construction work.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to commencement of works.

Reason: To ensure that the vegetation in the restricted development area is protected during and after construction.

46. **Protection Fencing**

Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in the Arborist Report and/or Bushland Management Plan. Protection measures are to be maintained for the duration of the works. Protection fencing that is no longer required is to be removed once all works are completed.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to commencement of works.

Reason: Environmental Protection

47. **Temporary Fence**

A temporary fence is to be erected during construction on the western boundary between proposed Lot 2 and proposed Lot 1 of the Torrens Title Subdivision for the full length of the pedestrian access to the foreshore. The project Ecologist is to approve fence structure before commencement of works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to commencement of works.

Reason: Protect trees and vegetation (DACPLDPC2)

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

48. **Progress Certification (Road & Subdivision)**

Written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Principal Certifying Authority for the following stages of works. (a)

Silt and sediment control facilities

(b) Laying of stormwater pipes and construction of pits

(c) Proof Roll - AUSPEC Standard

(d) Sub-grade trimmed and compacted \*\*

(e) Base-course laid and compacted \*\*

(f) Kerb and gutter construction

(g) Pavement

(h) Landscaping and vegetation

(i) Clean-up of site, and of adjoining Council roadway and drainage system. (j) All layers of the road formation are to be proof rolled to Council's satisfaction (\*\*To be tested by a recognised N.A.T.A. approved laboratory).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

49. **Civil Works Supervision**

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority

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

50. **Notification of Inspections for Public Drainage and Road Works**

Council's Development Engineer is to be given 48 hours notice when the works for the trunk drainage line and works within the road reserve reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter, footpath and driveway crossing
- (e) Subgrade level / basecourse level / subbase
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: To ensure new Council infrastructure is constructed to Council's requirements.

51. **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/businessindustry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Principal Certifying 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

52. **Vehicle Crossings**

The provision of one vehicle crossing 6.0 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 NL and specifications.

An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

53. **Maintenance of Road Reserve**

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

Reason: Public Safety.

54. **Excavation and Erosion Control**

The following measures shall be implemented in the sequence given below, to minimise soil erosion:

Approved runoff and erosion controls shall be installed before site vegetation is cleared (other than that associated with the construction of the controls). These shall be as shown on an

excavation and sediment control plan (ESCP) approved by Council for drainage to public land. Topsoil shall be stripped only from approved areas and stockpiled for re-use during site rehabilitation and landscaping. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, waters, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned.

All stockpiled materials are to be retained within the property boundaries. Uncontaminated runoff shall be intercepted up-site and diverted around all disturbed areas and other areas likely to be disturbed. Diversion works shall be adequately stabilised. Runoff detention and sediment interception measures shall be applied to the land. These measures will reduce flow velocities and prevent topsoil, sand, aggregate, or other sediment escaping from the site or entering any downstream drainage easements or waters. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to conform to the specifications and standards quoted and to any conditions of approval of those measures.

Measures shall be applied, to the satisfaction of council, to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development. Measures required in permits issued under the *Rivers and Foreshores Improvement Act* shall be implemented. This Act requires that people obtain approval for any proposed excavation or fill in or within 40 metres of a watercourse. Permits should be sought from the *Department of Natural Resources*.

Reason: To minimise soil erosion

55. **Safety Fencing of Excavation and/or demolition**

The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

Reason: To ensure private and public safety

56. **Temporary Sediment**

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

Reason: To reduce erosion and prevent sediment runoff into public assets

57. **Maintenance of Sediment**

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

58. **Erosion and Sedimentation Responsibilities**

Personnel with appropriate training, or demonstrated knowledge and experience in erosion and sediment control shall be responsible for supervising the installation and maintenance of approved erosion and sediment control measures – during and after construction and until the site has been restored to the satisfaction of council.

Reason: To ensure sediment and erosion controls comply with standards

59. **Site Entry Access**

An all-weather access way at the front of the property consisting of 50-75 millimetres (mm) aggregate or similar material at a minimum thickness of 200 millimetres and 5 metres long, laid

over geotechnical fabric, is to be constructed prior to commencement of works and maintenance during the works period.

Reason: To reduce sediment being taken offsite

60. **Cleaning of Vehicles Leaving Site**

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

Reason: To reduce sediment being taken offsite

61. **Noise and Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations

Reason: To ensure the amenity of the surrounding area for residents.

62. **Protection of Adjoining Property - Excavation**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.

Reason: To ensure private and public safety

63. **Site filling - Virgin Excavated Natural Material (VENM) Where**  
site fill material is necessary, fill materials must:

- i. be Virgin Excavated Natural Material (VENM) only, as defined in: the *Protection of the Environment Operations Act 1997*;
- ii. be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted;
- iii. Certification is to be provided to the Principal Certifying Authority by a N.A.T.A. approved laboratory.

Reason: To ensure protection of the natural environment.

64. **Soil and Water Management Plan Implementation**

All site drainage and sediment and erosion control works and measures as described in the *Soil and Water Management Plan*, the *Construction and Site Management Plan* and any other pollution controls as required by these conditions must be implemented prior to commencement of any work at the site and maintained until all development activities, including those for individual dwellings, have been completed and the site is sufficiently stabilised.

Reason: Protection of the receiving environment.

65. **Tree Hollow Inspection by Ecologist**

During any vegetation clearance for Asset Protection Zones and construction works the Project Ecologist is to be physically present to re-locate any displaced fauna that may be disturbed during this activity.

All tree hollows proposed for clearing are to be inspected by the project ecologist prior to removal. Inspection of tree hollows is to be facilitated by a qualified and experienced tree climber or arborist with the use of an elevated work platform where necessary.

Details prepared by the project ecologist in writing demonstrating compliance are to be submitted to the Principal Certifying Authority prior to commencement of tree removals

Reason: To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016 and relevant Natural Environment LEP/DCP controls.

66. **Compliance with Ecologist's Recommendations – During Construction**

All biodiversity-related measures are to be implemented during construction, as specified in the approved ecological report (BDAR GIS Environmental December 2018), Biodiversity Management Plan (GIS Environmental April 2019) and these conditions of consent.

Compliance with these measures is to be certified by the project ecologist in writing to the Principal Certifying Authority.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls (DACNEEDW1)

67. **Fencing for Wildlife Passage**

Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

Reason: Management of wildlife corridors.

68. **Vegetation Clearing Protocols**

Clearing of native vegetation is to be undertaken in accordance with the protocols and recommendations specified in the approved Biodiversity Management Plan.

Details confirming compliance are to be certified by the project ecologist and submitted to the Principal Certifying Authority.

Reason: To protect native vegetation in accordance with relevant Natural Environment LEP/DCP controls. (DACNEEDW2)

69. **Traffic Management**

Traffic management procedures and systems must be in place and practiced during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Consent Authority.

Reason: To ensure pedestrian safety and continued efficient network operation. (DACTREDW1)

70. **Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan prepared by *Mark Hurcum Design Practice* dated 12.12.2018

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided. (DACWTE01)

71. **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.  
(DACWTE02)

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

72. **Maintenance of Tree Planting**

Tree planting works shall be maintained for a minimum period of 12 months following practical completion. If any tree required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

73. **Environmental and priority Weed Control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: preservation of environmental amenity.

74. **Maintenance of Stormwater Quality System**

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

Reason: Protection of the receiving environment.

75. **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds)

Reason: Weed management.

76. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

77. **Aboriginal Heritage**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the *Aboriginal Heritage Office* (AHO) and *Office of Environment and Heritage* (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

78. **Dead or Injured Wildlife**

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

Reason: To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016

79. **Domestic Animals Exclusion**

For the life of the development, cats are to be kept in a cat run and/or inside the dwelling such that they are prevented from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on surrounding properties.

Reason: Wildlife protection

80. **Fencing for Wildlife Passage**

Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

Reason: Management of wildlife corridors

81. **Existing Outbuildings**

The existing outbuildings identified as the "Boatshed", adjacent two-storey fibro building and "Careel Chale", shown on the survey plans are not to be used as habitable dwellings without any lawful development consent for residential use.

Reason: Prevent unauthorized use of outbuildings for habitable purposes. (DACPLGOG1)

82. **Entry Gate**

If a vehicle security gate is to be installed for access from Cabarita Road the gate entry shall include intercom to a 24 hour monitored security reception to enable access for emergency services personnel / Police / ambulance or the like, with minimal delay.

Reason: Safety (DACPLGOG2)

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE**

83. **Certification of Council Drainage Works and Works as Executed Data within Private Land**

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

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



84. **Certification of Civil Works and Works as Executed Data on Council Land**

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction 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 Certifying Authority for approval prior to the issue of the Subdivision Certificate.

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

85. **Provision of Services for Subdivision**

The applicant is to ensure all services including, water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

86. **Right of Carriageway**

A right of carriageway (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument to include all vehicular access and manoeuvring areas. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

87. **Restriction as to User for Vehicular Access**

A restriction as to user shall be incorporated in the title of Lots 2, 3, 4 and 5 of the community title subdivision that shall preclude those lots from utilising their frontage for vehicular traffic except for the section created as a Right of Carriageway. The wording of the restriction of use is to be prepared by a surveyor, with terms acceptable to Council.

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

Reason: To ensure compliance with Council policy for vehicular access.

88. **Certification of Stormwater Management System (New Subdivision)**

A Certificate is to be submitted by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifying Authority that the stormwater management system has been constructed in accordance with the plans nominated on the Development Consent and relevant conditions of Development Consent. The Subdivision Certificate will not be released until this certification has been submitted and the Principal Certifying Authority has confirmed that this condition has been satisfied.

Reason: To ensure the Stormwater Management System has been built to the appropriate standards.

89. **Stormwater Drainage and Utility Services Plan**

A plan of subdivision identifying the location of water, gas, telephone, electricity and stormwater drainage in relation to boundaries and/or relevant easements, prepared by a registered surveyor

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

Reason: To ensure that services have been provided with appropriate easements as required by the Conveyancing Act 1919

90. **Survey Plan - Construction Identification**

A declaration by a registered surveyor shall be provided to Council as evidence that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. This shall be in the form of a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure accurate location of buildings, access and services

91. **Sydney Water Compliance Certification**

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) <<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 Certifying Authority prior to the issue of the Subdivision Certificate.

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

92. **Easement for Drainage**

An easement for drainage (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision the accompanying 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s). Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

93. **Easement to Drain Water - Channel/Floodways**

An easement to drain water 2.5 metres wide in favour of Council centrally located over the trunk drainage line traversing the site. The easement is to be detailed on the final plan of subdivision.

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

Reason: To identify Council drainage infrastructure on the property title.

94. **Easement for Services**

An easement for services (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and the accompanying 88B instrument to ensure all utility services are located within the appropriate easement(s).

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

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

95. **Electrical Substations**

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

Reason: To comply with statutory requirements of the energy authority

96. **Internal Road Compliance Certification**

The internal road (within Community Lot 1) must be certified by a qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field. Certification is to confirm to the satisfaction of the Certifying Authority that the internal private road has been constructed in accordance with the approved plans and relevant conditions of Development Consent.

Reason: To ensure internal driveways are constructed to standard specifications.

97. **Subdivision Certificate Applications**

The proposed subdivision is phased (staged) in two parts. The first stage / phase involves the subdivision of existing lots 8 and 9 in D.P.629464 and Lots 14 and 15 in D.P.858130 to create two Torrens Title lots. This first stage requires no physical works (i.e. no Construction Certificate). The second stage / phase involves the re-subdivision of lot 1 created in stage 1 into a Community Title subdivision creating 10 lots.

(Note: references to 'subdivision certificate' will therefore defer to the Community Title Subdivision Certificate works where appropriate)

Stage / Phase 1 Application

The applicant shall submit a completed Subdivision Certificate form, a final plan of subdivision, administration sheet and associated 88b instrument prepared in accordance with the requirements of the Conveyancing Act 1919. Four copies of the final plan of subdivision and two copies of the administration sheet and 88b instrument are to be submitted. 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.

Stage / Phase 2 Application

The applicant shall provide evidence of the creation of the subdivision certificate application for Stage 1.

The applicant shall submit a completed Subdivision Certificate form, a final plan of subdivision, administration sheet and associated 88b instrument and community management statement

prepared in accordance with the requirements of the *Conveyancing Act 1919* and *Community Land Management Act 1989*. Four copies of the final plan of subdivision and two copies of the administration sheet, 88b instrument and community management statement are to be submitted. 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* and *Community Land Management Act 1989*.

98. **Geotechnical Certification Prior to Subdivision Certificate**

Prior to issue of the Subdivision Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

99. **Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Quality System**

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

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

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 Community Subdivision Certificate.

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

100. **Certification for the Installation of Stormwater Quality Management System**

A certificate from a Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) must be provided, stating that the stormwater quality management system has been installed in accordance with the plans prepared by NB Consulting Engineers.

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

Reason: Protection of the receiving environment.

101. **Works as Executed Drawings - Stormwater Quality System**

Works as Executed Drawings for the stormwater quality system must be prepared.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Community Subdivision Certificate.

Reason: Protection of the receiving environment.

102. **Stormwater Quality Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater quality system remains effective.

The Plan must contain the following:

- a) Maintenance schedule of all stormwater quality treatment devices
- b) Identification of maintenance and management responsibilities
- c) Maintenance requirements for establishment period
- d) Routine maintenance requirements
- e) Inspection and maintenance record and reporting
- f) Funding arrangements for the maintenance of all stormwater quality treatment devices
- g) Vegetation species list associated with each type of vegetated stormwater treatment device h) Waste management and disposal
- i) Traffic control measures (if required)
- j) Maintenance and emergency contact information
- k) Renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices
- l) Work Health and Safety requirements

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

Reason: Protection of the receiving environment.

103. **Community Management Statement**

The Community Management Statement must specifically list under the definition of 'Community Property' the stormwater system and all its parts ie. basins, GPT, filter baskets etc that will be maintained under community title. The statement must also include an operation and maintenance plan for the stormwater infrastructure.

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

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

104. **Completion of bio-retention basin(s)**

Installation of filter media and planting of the bio-retention basin(s) (series of three basins on common property) must not be completed until one of the following is met: construction on the individual lots of the subdivision is 90 percent complete, or four years after the subdivision certificate is issued.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority for approval. Certification is to be provided by a suitably qualified and experienced Water Engineer.

The applicant is to lodge a bond or Bank guarantee with Council of \$50,000 as security to ensure the basin is completed as designed under this approval and its conditions. Details demonstrating payment of the bond are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: Protection of bio-retention basin(s)/water quality infrastructure from the impacts of sediment.

105. **Title Encumbrances**

All easements, rights of carriageway, positive covenants and restrictions as to user as indicated on the plans and required by this consent are to be created on the title naming Northern Beaches Council as the sole authority empowered to release or modify. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate

Reason: To ensure proper management of land

106. **Garbage and Recycling Facilities**

The proposal shall be constructed in accordance with Warringah Development Control Plan – Part C9 Waste Management with the following requirements:

i) Suitable landscape screen planting shall be provided to substantially screen to bin room and any adjacent service 'kiosk' from the road ii) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning. iii) Prior to the issue of the Community Subdivision Certificate the Neighbourhood / Community Management Statement shall include wording in relation to the provision of waste services in accordance with Council's standard requirements (available from Northern Beaches Council).

Reason: Waste servicing

107. **Retained Vegetation**

The Arborist or site ecologist (with qualifications in horticulture/arboriculture), shall be submit an assessment of the health and impact of trees and vegetation required to be retained as a result of the proposed subdivision civil works undertaken, including the following information:

- i) Compliance to Arborist recommendations for tree protection and excavation works. ii) Extent of damage sustained by vegetation as a result of the construction works. iii) Any subsequent remedial works required to ensure the long term retention of the vegeta

Details to be provided to the Certifying Authority.

Reason: Retain and protect significant planting on development sites.

108. **Subdivision Tree Planting**

Canopy tree planting prior to the issue of a Subdivision Certificate shall be completed in accordance with the tree planting recommendations of the *Biodiversity Development Assessment Report* prepared by GIS Environmental Consultants, under section 5.2.2, including:

- i) Canopy trees (20 *Corymbia maculata*, 3 *Eucalyptus paniculata*, 2 *Eucalyptus umbra* and 2 *Eucalyptus punctata*) to be planted in canopy gaps in the Environmental Protection Area for for screening planting in the Native Revegetation Area, at 150mm pot size under the direction of the Arborist or site ecologist;
- ii) a double row of screen planting tree is to be planted along the western boundary of Lot 5. The first row is to consist of 7 *Elaeocarpus reticulatus* in 75 litre pots planted at 4m centres. The second row in this screening is to consist of 9 *Ceratopetalum apetalum* in 75litres planted at 3m centres,
- iii) the second screening planting area is on the western side of the main access driveway to screen the rear of the house on Lot 2 from the cars entering the site. The screen is to consist of a row of 7 *Elaeocarpus reticulatus* in 75 litre pots planted at 3m centres,

Prior to the issue of the Community Title Subdivision Certificate, a report prepared by an Arborist or Site ecologist shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any site instructions.

Note: This tree planting is separate to the tree planting proposals within the landscape areas as indicated on the Landscape Plans for each Lot developments, which is not part of this subdivision application.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

109. **Weed Removal and Management**

No weeds are to be imported on to the site.

All invasive and priority weeds on the site are to be removed and managed continuously, in accordance with the Biosecurity Act 2015.

Details demonstrating the removal and management of weeds are to be prepared by the project ecologist in writing and submitted to the Principal Certifying Authority prior to the Community Subdivision certificate.

Reason: Weed management and biosecurity

110. **Post Construction Certification by Coastal Engineer**

Post construction certification that all recommended works as relevant, including the seawall repairs, have been constructed in accordance with the intent of the approved Estuarine Risk Management Report (Horton Coastal Engineering Pty Ltd, 10/12/2018) shall be prepared and signed by a specialist coastal engineer, with coastal engineering as a core competency who is a registered professional engineer with chartered professional status (CP Eng), and shall be submitted to Council prior to the issue of the subdivision certificate.

Reason: To ensure development achieves the acceptable risk management criteria for estuarine tidal inundation and wave action defined in P21 DCP (DACNEHPS1)

111. **Compliance with Ecologist Recommendations**

All biodiversity-related measures are to be implemented at the appropriate stage of development, as specified in the approved ecological report, Biodiversity Management Plan Ongoing Maintenance Manual (GIS Environmental April 2019) and these conditions of consent. Satisfactory establishment/initiation of post-construction measures is to be certified by the project ecologist prior to issue of the Community Subdivision Certificate

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

112. **Draft Community Management Statement**

The draft Community Management Statement (CMS) must define the specific Lots to which it applies and whether any particular lots are all parts of the CMS or only a specific part / section for the final subdivision plans. The Schedule plans to accompany the CMS are to be updated to correlate with any changes required by condition of consent.

Reason: Consistency between environmental site management details and the approved plans. (DACPLHPS1)

113. **Public Domain Works**

The applicant is to construct all public domain works, in accordance with the Council Approved Stamped plans, with the exception of the footpath to the west of the main entry crossing, which

is not required. Works are to be installed by the developer at no cost to Council. Works are to be completed prior to the issue of the community title subdivision certificate.

All necessary compliance certificates are to be submitted to Council for review, prior to approving the works. Upon completion of the works, the applicant shall engage Council to attend the site to review the works and provide final sign off.

Final sign off from Council is required prior to the issue of the Community Title Subdivision Certificate pursuant to the *Roads Act 1993*.

Reason: To ensure works are constructed to an acceptable level for hand-over to the road authority (DACPLHPS2)

**114. Provision of Turning Head within Access Road**

The internal access road design shall incorporate an appropriately located turning head within the site to the satisfaction of Council Engineers. A swept path analysis demonstrating the largest truck accessing the site will be able to make the maneuver at the turning area is to be provided to Council for approval prior to the issue of the Community Title subdivision certificate.

Reason: To provide a safe environment within the internal driveway (DACTRHPS1)

**115. Provision of Passing Opportunities**

The provided plans indicate inadequate widths for passing when a truck is utilizing the access road. Passing bay opportunities shall be provided within the access road to enable vehicles to wait to one side whilst the truck maneuvers along the access road.

Details demonstrating compliance are to be provided to Council with the plans for the Community Title subdivision certificate.

Reason: To prevent reversing within the access road and improve safety (DACTRHPS2)