



northern
beaches
council

MEMORANDUM

DATE: 13 May 2024
TO: Development Determination Panel (DDP)
CC: Adam Richardson, Manager Development Assessment
FROM: Brittany Harrison
SUBJECT: Item 3.6, DA2023/0957 – 7 Parr Avenue, North Curl Curl

Dear Panel Members,

Item 3.6 of the DDP meeting of 24 April 2024 was deferred by the Panel, in order to provide the applicant an opportunity to amend the development in a way that responded to the recommended reasons for refusal. The purpose of this memo is to provide a supplementary assessment against the additional information prepared by the applicant. The additional information was received on 6 May 2024.

The additional information includes the following:

- Amended Stormwater Plans prepared by Barrenjoey Consulting Engineers Pty Ltd (dated 3 May 2024).
- An additional Geotechnical Assessment prepared by Crozier Geotechnical Consultants (dated 3 May 2024), referring to the existing dwelling on Lot 1, which is to undergo alterations.
- A Basix Certificate (No. A1746012, dated 3 May 2024) in reference to the existing dwelling's alterations.

Submissions

Seven (7) submissions were received during the process of the application, with the original issues summarised and addressed within the assessment report. However, the consideration and evaluation of the submissions has been altered due to the amended information submitted to respond to the deferral. Accordingly, consideration of the submissions is as follows:

- *Traffic and parking concerns - street is a bus route and a route for the nearby school. Council has removed existing street parking by adding no stooping yellow marked lines. The applicant has sought to address this situation by retaining the single existing driveway as a combined right of way but the doubling of the dwelling density of the site will only exacerbate the existing problem as evidenced by frequent parking of existing vehicles on the footpath in front of their property and No. 5 Parr Avenue. ROW will prevent the residents of the new allotments to park in their driveway.*

Comment

Council's Development Engineer has reviewed the proposal and additional documentation provided and is now in support of the development and has no further concerns in relation to



northern
beaches
council

stormwater and vehicle access. Council's Development Engineer did not raise concern with on-street parking issues, as the proposed dwelling provides the required two (2) minimum parking spaces (within double garage) and consists of only one (1) driveway crossover.

- *Substantial loss of views as a result of the proposed future dwelling designs and location (being assessed under separate applications). The subject site has a narrow frontage, subdivision down the centre of the site, will provide for two (2) extremely narrow allotments, the bulk of these dwellings will need to be in the middle and rear sections of each subdivision site (where views are currently obtained from multiple properties - No. 1, No. 3 and No. 5 Parr Avenue and no. 123 Headland Road). Applicant submitted inaccurate view loss analysis.*

Comment

A view loss inspection was conducted at No. 1, No. 3 and No. 5 Parr Avenue, in addition to No. 123 Headland Road. Refer to 'Clause D7 Views' for further detail. The proposed dwellings (which are the proposals which would create issues in relation to view loss are proposed under separate applications) also include a detailed view loss analysis conducted by Council, which includes height poles. As such the issues are aligned to those applications.

- *Non-compliance with Clause C1 Subdivision - lot widths (13.0m minimum) – creating narrow shaped allotments and will in turn create an over-development of the sites. Over half of the site lengths will be non-compliant with the width and consist of a street frontage of 5.25m. Currently the houses along the eastern side of Parr Avenue, numbers 1, 3, 5 and 7 have an established building line. This current line allows for an equally shared view for all.*

Comment

Refer to 'Clause C1 Subdivision' for detailed discussion, elsewhere in this report. It is considered that the development is otherwise satisfactory in this regard.

- *Existing boundary walls along the north and west of No. 38 Bellevue Parade, to ensure the integrity of these walls be maintained. Drainage works do not impact No. 38 Bellevue Parade. Request conditions for Dilapidation Reports for affected properties.*

Comment

Any potentially affected/adjoining properties are noted and added to a recommended Dilapidation Report condition.

- *Concerns that the Statement of Environmental Effects (prepared by a consultant who until recently was a senior member of Council's Planning staff) has sought to minimise the social, amenity and economic impacts of the proposal.*

Comment

Under Council's Management of Conflicts of Interest a former staff member (more than 12 months since employment) can be assessed within Council, said staff member has not been employed by Council since their departure (more than 12 months ago). Despite the discussions noted within the Statement of Environmental Effects, a thorough assessment by Council has been undertaken in regard to any social, amenity and economic impacts of the proposal.

- *Building height to be misleading and inaccurate shadow diagrams. Non-compliance to built form controls of the Warringah Development Control Plan 2011 in relation to the future dwelling designs.*



northern
beaches
council

Comment

These concerns relate to the future proposed dwelling design for Lot 1 and Lot 2. These dwelling designs which were assessed under separate development applications. No new dwellings (apart from the alterations to the existing dwelling - located on Lot 1) will occur under this development application. The plans submitted that demonstrate the future dwellings on Lot 1 and Lot 2 in terms of this application are to be considered as indicative only.

- *Non-adjointing/adjacent properties that will be affected were not notified, these being No. 1 and No. 3 Parr Avenue.*

Comment

All processes and assessments have been satisfactorily followed and addressed. As stated within Council's Community Participation Plan (CPP) - at minimum - notification to adjoining property owners and occupiers and property owners and occupiers across a street or road from the subject site shall occur, along with the erection of a sign which has occurred. This application was notified correctly.

- *Proposed future dwelling will result in privacy/overlooking issues.*

Comment

The plans submitted that demonstrate the future dwellings on Lot 1 and Lot 2 under indicative only when assessed under this application. These dwelling designs were assessed under separate development applications. It can be considered that more skillful designs that include appropriate privacy protection elements can achieve acceptable visual privacy to both the occupants and neighbouring properties.

- *Revision to application to now include part of the existing dwelling to remain on Lot 1. No other changes occurred with the subdivision section of the application, concern that the application was not withdrawn or refused after seven (7) months.*

Comment

The application was formally re-notified due to a change in description of works to allow for alterations to the existing dwelling house which will be located on proposed Lot 1. No changes to the subdivision allotment shapes etc. occurred. Council allows for the applicant to review the design and address any issues raised, and to submit amended plans/additional information, this contributed to the processing time of the application.

- *Concerns with Development engineer comments - Council's Low Rise Housing Diversity Code - driveways should be located to maximise on-street parking. Street located near new driveway, may affect TPZ.*

Comment

Council's Development engineer advised for 3.5-metre-wide driveway at boundary and not the layback to the road, the engineer ensured that this would not further impact existing on-street parking arrangements. Council's Landscape Officer has reviewed the proposal and if it were to be approved has included relevant conditions to protect any trees to be retained, including the street tree.

Referrals – Amended



northern
beaches
council

Internal Referral Body	Comments
NECC (Development Engineering)	<i>Supported, subject to conditions.</i> <u>10/05/2024:</u> Updated stormwater plans by Barrenjoey Consulting Engineers Pty Ltd, Job No 230603E, Drawing No SW1 and SW1, dated 03/05/2024 are provided, and seems satisfactory. No objections to approval subject to conditions as recommended.

SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. A1746012 dated 3 May 2024).

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

Warringah Local Environmental Plan 2011

Clause 6.4 Development on sloping land

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

Comment

An additional Geotechnical Report was provided (prepared by Crozier Geotechnical Consultants, dated 3 May 2024). This Geotechnical Assessment is directly referenced to the new alterations to the existing dwelling to be situated on Lot 1.

As such, it is considered that the application now complies with the above.

Warringah Development Control Plan 2011

Clause C1 Subdivision

Component	Requirement	Proposed	Compliant
Lot requirements	R2 Low Density Residential zone requirements.	Lot 1 a) Minimum width: 5.03m - 21.51m b) Minimum depth: 40.31m - 46.825m	No



northern
beaches
council

	Proposed new allotments: a) Minimum width: 13.0m b) Minimum depth: 27.0m c) Minimum building area: 150.0m²	c) Minimum building area: > 150m² Lot 2 a) Minimum width: 5.04m - 46.825m b) Minimum depth: 44.61m c) Minimum building area: > 150m²	
Access	Motor vehicle access to each residential allotment is required from a constructed and dedicated public road. Access for Council service vehicles, emergency vehicles and garbage collection vehicles must be provided. Driveways, accessways, etc., to allotments should have a gradient not exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10. Vehicular ingress/egress points to internal lots may be used as passing/turning bays, subject to extension of a right of carriageway over the passing/turning bay. Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities. Width of accessways is to be as follows: 3.5m (2 lots)	Vehicle access is required via a Right of Carriageway with one (1) driveway crossover off Parr Avenue (public road). Access for Council service vehicles, emergency vehicles and garbage collection vehicles can be provided. Development Engineer supports – subject to conditions.	Yes
Design and construction	All roads, rights of carriageway, drainage design and construction is to be in accordance with Council's policy requirements	Amended Stormwater Plans provided to address original engineer concerns. Supported – subject to conditions. Sensitive designs can provide for protection of solar access for each dwelling by considering factors such	Yes



northern
beaches
council

	including AUSPEC 1 - Council's Specification for Engineering Works, Development Engineering Minor Works Specification, On Site Stormwater Detention (OSD) Technical Specification and Council's Water Sensitive Urban Design Policy. Additionally, internal roads must be designed in accordance with the relevant Australian Standards. Subdivision design needs to maximise and protect solar access for each dwelling by considering factors such as orientation, shape, size and lot width.	as orientation, shape, size, and lot width	
Drainage	Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system. The topography of the land should not be altered to adversely affect the natural drainage patterns. Stormwater should drain directly to a Council approved drainage system and not via adjoining properties unless via a formalised interallotment drainage system. The proposed allotments are to be drained to the direction of the natural fall of the land. Interallotment drainage easements will be required through adjoining properties to adequately drain land to	Amended Stormwater Plans provided to address original engineer concerns. Supported – subject to conditions.	Yes



northern
beaches
council

	Council's downstream system.		
Restrictions	Any easement, right-of carriageway, or other restriction that is placed on the title of any land as a requirement of the approval of the subdivision is to be protected by a positive covenant or like instrument with the Council nominated as a party		Yes
Environmentally constrained land	In areas subject to constraints such as flooding, tidal inundation, threatened species, landslip risk, bushfire or any other matter, adequate safe area for building, where the risk from hazard is minimised, is to be provided within an allotment. Where possible, lot boundaries should utilise natural land features such as creeks, escarpments and rock outcrops.	Geotechnical Report is provided for the subdivision of land and for the alterations to existing dwelling.	Yes
Bushfire	Subdivision should be designed to minimise the risk from potential bushfire. Asset protection zones should be contained within the property boundaries of the new subdivision.	Subject site is not located within Bushfire Prone Land	N/A

The required minimum width of a new allotment to be created which is specified by the DCP is 13.0m. The proposed allotments in the subdivision provide the widths as noted in the above table, where a partial non-compliance to the numerical requirements results. It is important to recognise that the existing allotment is of an irregular shape with the northern boundary line (front) providing for a shorter length and curved arc shape when compared to the larger southern boundary line, due to it being located on the bend of Parr Avenue. The proposed allotment widths due to the irregular shape widen from non-compliance to compliance when travelling further south down the site. Objections have indicated that the rear of these sites where the compliant allotment dimensions would be located is also the area of the view corridor that the northern properties obtain.

It is important that the subdivision pattern is fairly consistent in the area (rectangular shapes) however it does include various allotments of irregular size and battle-axe shapes. The area also consists of



northern
beaches
council

allotments with street frontages/widths of both lesser and more than 13.0m, which supports the notion that built form can be comfortably situated and positioned upon sections of the site that have lesser than 13.0m in width (Refer to Figure 2 below). This means that future development of these sites do not need to be wholly located within just the rear (area of compliant dimensions) but also in areas that have a variation with the allotment width requirement.

The proposed subdivision will allow for allotment depths in excess of the minimum requirement, in addition, the topography of the land slopes downward from north to south. The sites therefore can accommodate dwelling houses, subject to the dwellings being designed to appropriately overcome their constraints and step down the site and fit in with the overall context of the allotment shape and surrounding area.



Figure 2: Aerial view of immediate area - purple shading demonstrates sites with frontages less than 13.0 metres or irregular shaped allotments. Blue outline is subject site- indicative only.

Merit Consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- **To regulate the density of development.**



northern
beaches
council

Comment

The proposed shaped allotments will still allow for development density that will contribute to the existing streetscape character, this being one (1) dwelling per allotment with areas that comply with the WLEP 2011 and that are consistent with site areas within the vicinity.

- ***To limit the impact of new development and to protect the natural landscape and topography.***

Comment

Lot 2 will consist of rock outcrops toward the rear of the site the indicative plans indicate that dwelling houses could be built around these topographical features which should be preserved. More sensitive designs could further demonstrate the protection of natural landscape and topography.

- ***To ensure that any new lot created has sufficient area for landscaping, private open space, drainage, utility services and vehicular access to and from the site.***

Comment

The indicative plans demonstrate that new dwellings on each lot could provide for compliant landscaping and private open space areas that align with the requirements under the Warringah Development Control Plan 2011. Additional information to satisfactorily assess impacts (i.e. drainage and access) have been provided, refer to amended Council's Development Engineer Referral Response' in this memorandum.

- ***To maximise and protect solar access for each dwelling.***

Comment

The proposal is for the subdivision of one (1) lot into two (2) lots, and as such the construction of dwelling houses is not included under this application but are rather subject to future/separate applications. The proposal does, however, include alterations to an existing dwelling, which will not adversely impact solar access to adjoining properties. Subject to acceptable future dwelling designs, it is considered that acceptable solar access could be provided to the sites, and adjoining sites. Future dwellings would be assessed under the Warringah Development Control Plan 2011 in relation to Clause D6 Access to Sunlight.

- ***To maximise the use of existing infrastructure.***

Comment

The proposal can utilise existing infrastructure where necessary and provide for new upgraded infrastructure.

- ***To protect the amenity of adjoining properties.***

Comment

The specific indicative plans that accommodate the proposal indicate that view loss and privacy issues could occur to surrounding properties. It can be considered that despite the areas of lot width non-compliance, a 'skillful' design (including a lesser height, bulk and scale) which sensitively responds to the site topography, context and surrounding properties (in consideration of existing view corridors) could overcome the view loss concerns. Privacy elements and



northern
beaches
council

appropriate orientation of the dwellings can overcome any privacy issues. Future dwellings would be subject to separate applications, where view loss and privacy would be assessed to comply with the objectives of the Warringah Development Control Plan 2011.

- ***To minimise the risk from potential hazards including bushfires, land slip and flooding.***

Comment

Subject site is not located within Bushfire Prone Land. Council's Flooding Team have reviewed the proposal and do not have any objections in regard to flooding impacts. The application was accompanied by a Geotechnical Report for the subdivision and an additional report referencing the existing dwelling undergoing alterations. The recommendations made in those reports (if any) are to be adhered to via a condition of consent.

Having regard to the above assessment, it is concluded that (based on the provided additional information) the outcomes of the control can be achieved. As such, the proposal is supported on a merit basis.

Clause C2 Traffic, Access and Safety

Council's Development Engineer originally advised that the proposed ROW arrangement is wider than required and requested that the ROW carriageway be reduced to allow 3.5m wide at boundary and further tapering into each lot, like a triangle.

Council's Engineer has revised the referral comments and included conditions to ensure that the application complies with the outcomes of this clause. Refer to amended Council's Development Engineer Referral Response in this memorandum.

In this regard, Council is satisfied the proposed development now meets the requirements of this clause.

Clause C4 Stormwater

Clause C4 Stormwater requires the following:

- *Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake or waterway or the like.*
- *The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.*

Amended Stormwater Plans have been provided (prepared by Barrenjoey Consulting Engineers Pty Ltd, dated 3 May 2024) which address original concerns raised by Council's Development Engineer. Refer to amended Council's Development Engineer Referral Response in this memorandum.

In this regard, Council is satisfied the proposed development now meets the requirements of this clause.

Clause E10 Landslip Risk

For land identified as being in Area B or Area D:

A preliminary assessment of site conditions prepared in accordance with the Checklist for Council's



northern
beaches
council

assessment of site conditions (see Notes) must be carried out for development. The preliminary assessment must be prepared by a suitably qualified geotechnical engineer/ engineering geologist and must be submitted with the development application.

The original assessment noted that a Geotechnical Report prepared by Crozier Geotechnical Consultants dated 20 January 2023 was provided which related to the subdivision and future dwellings (assessed under separate applications). However, no Geotechnical Assessment had been provided that related to the new alterations to the existing dwelling to be situated on Lot 1.

An additional Geotechnical Assessment has now been provided that references the existing dwelling to be situated on Lot 1.

In this regard, Council is satisfied the proposed development now meets the requirements of this clause.

Reasons for Refusal

The original reasons for refusal will be addressed below in reference to the additional information provided by the applicant.

1. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted in support of the application.

Particulars

i) The Stormwater Plan prepared by Barrenjoey Consulting Engineer Pty Ltd has been designed to indicate the complete demolition of the structures on Lot 1, with building footprints for the proposed new dwellings on both lots.

ii) As this application seeks approval for subdivision and alterations and additions of the existing dwelling only. An amended Stormwater Plan prepared in accordance with Council's 'Water Management for Development Policy' is required that caters for the proposed alterations and additions to the existing dwelling on proposed Lot 1.

iii) The proposed Right of Carriageway arrangement is shown wider than required, unreasonably burdening each lot. This is to be amended to allow 3.5m wide at boundary and further tapering into each lot.

iv) No Geotechnical Assessment has been provided which relates to alterations to the existing dwelling to be situated on Lot 1, in conjunction with subdivision.

v) As the proposal is located on Landslip Risk B - A preliminary assessment of site conditions, prepared by a suitably qualified, practicing and experienced geotechnical engineer is necessary and must be relevant to the current application.

vi) A BASIX certificate is required for the alterations and additions to the existing dwelling house.

Comment

The applicant has provided an amended stormwater plan to address 'particulars i) and ii)', which is supported by Council's Development Engineer subject to conditions. Council's Engineer can address 'particular iii)' via a condition of consent. The applicant has also provided a Geotechnical Assessment which relates to alterations to the existing dwelling to be situated on Lot 1, in conjunction



northern
beaches
council

with subdivision, therefore addressing 'particulars iv) and v)'. A Basix Certificate for the alterations and additions to the existing dwelling house has now been provided, satisfying 'particular vi)'. Considering the above, these reasons for refusal can be removed.

2 Pursuant to Section 4.15(1)(a)(i) & (iii) Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with SEPP (Sustainable Buildings) 2021; Clause 1.2 Aims of the Plan and Clause 6.4 Development on sloping land of the Warringah Local Environmental Plan 2011; Clause C1 Subdivision; C2 Traffic, Access and Safety; Clause C4 Stormwater; Clause E10 Landslip Risk of the Warringah Development Control Plan 2011.

Particulars:

i) Subject to the lack of sufficient Stormwater Plans, vehicle access design and preliminary Geotech assessment of site conditions relevant to the current application and the absence of a Basix Certificate, the proposed development cannot satisfy the objectives of the above.

Comment

An amended Stormwater Plan and additional Geotechnical Report and Basix Certificate have been provided and are considered to be satisfactory. Councils' Development Engineer has dealt with the concern in relation to vehicle access via a condition of consent. Considering the above, these reasons for refusal can be removed.

Conclusion

The application is now supported by additional information which seeks to overcome the recommended reasons for refusal. It is considered that the additional information addresses the original reasons for refusal.

The additional information provided has been reviewed by relevant interdepartmental officers who are in support, subject to recommended conditions.

On balance and considering the preceding supplementary assessment of the application (as above), it is considered that the proposed allotments are capable of accommodating dwelling houses, subject the dwellings being designed to appropriately overcome site constraints and sensitively respond to the topography and overall context of the allotment shape and surrounding area.

It is considered that the proposed development satisfies the appropriate controls and has satisfactorily addressed Council's concerns (i.e. lack of sufficient information) by providing amended supporting documents such as a BASIX Certificate, additional Geotechnical Assessment and amended Stormwater Plans. Accordingly, the application is referred to the DDP with a recommendation for approval via deferred commencement.

Reason for Determination

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

Recommendation

THAT Council as the consent authority grant deferred commencement Development Consent to DA2023/0957 for Demolition works and the alterations and additions to the existing dwelling house,



northern
beaches
council

including the subdivision of one lot into two. on land at Lot 91 DP 14113, 7 Parr Avenue, NORTH CURL CURL, subject to the conditions printed below:

Terms and Reasons for Conditions

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

DEFERRED COMMENCEMENT CONDITIONS

1. Stormwater Drainage Easement (Creation & Construction)

As the natural fall of the land is towards the rear of the site the disposal of stormwater drainage is to be in accordance with the drainage plan submitted by Barrenjoey Consulting Engineers Pty Ltd, Job No 230603E, Drawing No SW1 and SW1, Dated 03/05/2024.

The easement is to be created and the pipeline to be constructed burdening Lot 81, DP 14113 and benefitting proposed Lot1 & Lot2 under Sections 46 and/or 46A of the Real Property Act 1900 No 25 or under Sections 88B and/or 88K of the Conveyancing Act 1919. The applicant must provide Council with evidence of the created easement on title in order to activate the consent.

Stormwater drainage plans are to be submitted to Council for written approval detailing disposal of stormwater from the site in accordance with Council's Water Management for Development Policy.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

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

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

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

GENERAL CONDITIONS

2. Approved Plans and Supporting Documentation

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA-01	B	Subdivision Work Plan	Gartner Trovato	29 January 2024

DA-02	B	Proposed Plan of Subdivision	Gartner Trovato	29 January 2024
DA-06	B	Existing Ground Floor Plan for Subdivision	Gartner Trovato	29 January 2024
DA-07	B	Existing First Floor & Landscape Plan for Subdivision	Gartner Trovato	29 January 2024
DA-08	B	Existing House Elevations & Sections for Subdivision	Gartner Trovato	29 January 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Arboricultural Impact Assessment	-	Treeism Arboricultural Services	December 2022
Waste Management Report	-	-	-
BASIX Certificate (No. A1746012)	-	Mr Sean Gartner	3 May 2024
Geotechnical Assessment of Subdivision Plans to approved works at 7 Parr Avenue, North Curl Curl (Ref. 2022-289)	-	Crozier Geotechnical Consultants	3 May 2024
Report on Geotechnical Site Investigation for Subdivision and Construction of new dwellings (Ref. 2022-289)	-	Crozier Geotechnical Consultants	20 January 2023

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

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

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

3. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response - Overhead Cables	28 June 2023
Ausgrid	Ausgrid Referral Response - Underground Cables	28 June 2023

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

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

4. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.

- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

5. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$2,700.00 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 (as amended).

The monetary contribution is based on a development cost of \$270,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

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

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

7. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any

damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier 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).

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

8. Erosion and Sediment Control Plan

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

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

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

Reason: Protection of the receiving environment.

9. Detailed Design of Stormwater Treatment Measures

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the Stormwater plan and servicing lot 1 and lot 2, job 230603, rev DA-A dated 03.05.24 and Council's Water Management for Development Policy.

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

Reason: Protection of the receiving environment.

10. Boundary Identification Survey

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

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

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

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

11. Compliance with Standards

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

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

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

12. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

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

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

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

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

13. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

14. Utilities Services

Prior to the issue of the Subdivision Works Certificate, written evidence of the following service

provider requirements must be provided to the Principal Certifier:

- a) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity,
- b) a response from Sydney Water as to whether the proposed works subject to this consent would affect any Sydney Water infrastructure, and whether further requirements need to be met, and
- c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

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

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

15. **Vehicle Crossings Application**

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Standard vehicle crossing profile and in accordance with Section 138 of the Roads Act 1993.

Note, driveways are to be in plain concrete only.

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

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

Reason: To facilitate suitable vehicular access to private property.

16. **Subdivision Works**

The Applicant is to submit a Subdivision Works Certificate application for approval of the Subdivision Works within the property. Engineering plans for the new development works within the property are to be submitted to the Certifier for approval under the provisions of Section 6.13 of the Environmental Planning and Assessment Act 1979. Civil Engineering plans for the subdivision works are to be designed in accordance with the Council's specification for engineering works – AUS-SPEC #1. The plans shall be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering. The design must include the following information:

1. Design of the internal driveway for proposed Lot1 and proposed Lot2 in accordance with Council's standard vehicle crossing profile
2. Interallotment drainage line burdening proposed Lot1 and benefitting proposed Lot2
3. Interallotment drainage line burdening Lot 81, DP 14113 and benefitting proposed Lot1 & proposed Lot2

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

17. **Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the below adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Properties:

- No. 38 Bellevue Parade, North Curl Curl.
- No. 40 Bellevue Parade, North Curl.
- No. 9 Parr Avenue, North Curl Curl

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

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

DURING BUILDING WORK

18. **Protection of Rock and Sites of Significance**

All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

19. Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree(s) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

20. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all trees within the site,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all trees and vegetation within the road reserve.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with the recommendations of the Arboricultural Impact Assessment dated December 2022 prepared by Treeism and AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
 - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
 - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
 - vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,

- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

21. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

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

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

Reason: Protection of the receiving environment.

22. **Removing, Handling and Disposing of Asbestos**

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

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

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

23. Geotechnical Requirements

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

24. Demolition Works - Asbestos

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

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

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

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

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

25. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

26. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

27. **Certification for the Installation of Stormwater Treatment Measures**

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the plans prepared by Barrenjoey Consulting engineering job 230603 rev A-A, dated 27. 11. 2023. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifier prior to the release of an Occupation Certificate.

Reason: Protection of the receiving environment.

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

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

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

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

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

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

29. **Stormwater Treatment Measures Operation and Maintenance Plan**

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

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

1. Detail on the stormwater treatment measures:
 - a) Work as executed drawings

- b) Intent of the stormwater treatment measures including modelled pollutant removal rates
 - c) Site detail showing catchment for each device
 - d) Vegetation species list associated with each type of vegetated stormwater treatment measure
 - e) Impervious area restrictions to maintain the water balance for the site
 - f) Funding arrangements for the maintenance of all stormwater treatment measures
 - g) Identification of maintenance and management responsibilities
 - h) Maintenance and emergency contact information
- 2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:
 - a) Activity description, and duration and frequency of visits

Additionally for vegetated devices:

 - b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
- 3. Maintenance schedule and procedure - ongoing
 - a) Activity description, and duration and frequency of visits
 - b) Routine maintenance requirements
 - c) Work Health and Safety requirements
 - d) Waste management and disposal
 - e) Traffic control (if required)
 - f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
 - g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

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

Reason: Protection of the receiving environment.

30. **Works as Executed Drawings - Stormwater Treatment Measures**

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

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

Reason: Protection of the receiving environment.

31. Post-Construction Dilapidation Report

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

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

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

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

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

32. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management.

33. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

34. Geotechnical Recommendations

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

35. Easement Creation

The Applicant shall create an interallotment drainage easement burdening proposed Lot 1 and benefitting proposed Lot 2 (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s).

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the

issue of the Subdivision Certificate.

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

36. Provision of Services for Subdivision

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

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

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

37. Right of Carriageway

The Applicant shall create a right of carriageway with reciprocal rights (under the provisions of Section 88B of the Conveyancing Act)

- burdening proposed Lot1 and benefitting proposed Lot 2
- benefitting proposed Lot1 and burdening proposed Lot 2

on the final plan of subdivision and accompanying 88B instrument, to include all vehicular access and maneuvering areas.

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

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

38. Sydney Water Compliance Certification

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and fees to be paid. Please make early contact with the coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

39. Subdivision Certificate Application

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted

to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

40. **Title Encumbrances**

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

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

Reason: To ensure proper management of land.