

JRPP No:	2011SYE011
DA No:	DA2010/2089
PROPOSED DEVELOPMENT:	Community Title Subdivision to create 47 Lots, construction of private roads, infrastructure and transfer of land
APPLICANT:	Office Of Strategic Lands C/- Proust & Gardner Consulting P/L
REPORT BY:	Peter Robinson – Acting Director of Strategic and Development Services for Warringah Council

Supplementary Assessment Report and Recommendation

Address/Property Description: Lot 5 in DP 514039, Lot 6 in DP 514039, Lot 11 in DP 244797, Lot 2 in DP 526613, Lot A in DP 347637, Lot 38 in DP 238042, Lot 39 in DP 238042, Lot 33 in DP 222330, Lot 13 in DP 587071, Lot 3 in DP 534463, Lot 12 in DP 225340, Lot 52 in DP 819308, Lot 5 in DP 260080, Forest Way, Pringle Avenue, Everton Road and Elm Avenue, Belrose

Development Proposal: Community Title Subdivision to create 47 Lots, construction of private roads, infrastructure and transfer of land

Development Application No: DA2010/2089

Amended Plans: YES (engineering plans)

Applicant: Office of Strategic Lands
C/- Proust & Gardner Consulting P/L

Owner: The Minister Administering the Environmental Planning and Assessment Act 1979, the Commissioner for Roads & Traffic Authority and the Crown

SUMMARY

Previous Recommendation: Refusal due to outstanding assessment

Current Recommendation: **Approval** – subject to conditions

PURPOSE OF THIS REPORT

The purpose of this report is to supplement the original Development Assessment Report prepared for Development Application No.DA2010/2089.

Under the initial assessment of the Development Application, additional information was submitted by the Applicant in response to the matters raised by Council's Natural Environment Unit and Development Engineering Section.

The assessment of the additional information could not be completed within the timeframe set down for reporting this matter to the Panel and so was outstanding at the time of writing the initial assessment report.

Council's Natural Environment Unit and Development Engineering Section have now reviewed the additional information and have provided final comments and conditions. Accordingly, a complete and thorough assessment has been able to be undertaken for the development proposal and this supplementary report provides the outcome of that assessment, which relates to previously outstanding components.

AMENDMENTS TO THE PLANS

Subdivision Plans

On 8/4/2011, Council received revised subdivision plans for each of the 4 sectors. The primary change relates to Sector 4 with the removal of the proposed pedestrian access pathway from within the eco-corridor to be located within the proposed drainage corridor.

Subsequently, the allotments within Sector 4 were reconfigured with an associated re-distribution of areas which affects allotment sizes.

Stormwater Drainage Plans

On 27/4/2011, Council received revised stormwater drainage plans for each of the 4 sectors, which incorporate the comments and requirements of Council's Development Engineering Section.

PUBLIC EXHIBITION

Discussion in relation to the resident's submission issues as they relate to the outstanding assessment matters is provided as follows:

i) Impact on Flora and Fauna

The following specific concerns were raised in relation to the impact on flora and fauna as a result of the proposed development:

- *Destruction of natural bushland;*
- *Destruction of wildlife habitats and corridors;*
- *Loss of tree preservation;*
- *Destruction of native vegetation;*
- *Destruction of wildlife food source.*

Response: The DCP notes that the Belrose Road Corridor is environmentally sensitive with respect to flora and fauna and contains specific provisions in relation to

providing eco-corridors, a Bushland Management Plan, revegetation and landscape plans and details of fencing which is to allow for the movement of fauna.

Council's Natural Environment Unit have now completed their review of the application and raise no objections to the proposed subdivision with regards to the impact on flora and fauna, subject to conditions which have been included in the recommendation at the end of this report.

iv) Flooding Issues

The following specific concerns were raised in relation to the impacts of flooding as a result of the proposal:

- *Insufficient flood impact management;*
- *An increase in overland flow of stormwater;*
- *Inadequate stormwater drainage / disposal;*
- *Insufficient management of stormwater from Corridor Creek which is a creek and not a ditch drain; and*
- *Insufficient concern and regard for development within flood prone land.*

Response: The DCP contains specific requirements with respect to flooding, including the provision of flood mitigation measures. In this regard, the supplementary stormwater drainage plans were referred to Council's Natural Environment Unit and Development Engineering section for their review.

Council's Floodplain Engineer within the Natural Environment Unit and the Development Engineer have completed their review of the proposal. The additional information submitted satisfies the previous concerns raised by Council's Natural Environment Unit and Development Engineers.

Accordingly, no objections are raised to the proposed subdivision on the grounds of flooding, subject to general and special conditions of consent which have been included in the recommendation at the end of this report.

REFERRALS

A summary of the relevant comments is provided as follows:

Internal Referrals

a) Development Engineers

Council's Development Engineers have reviewed the additional information which was submitted by the Applicant on 8/4/2011 and 27/4/2011.

Subsequently, Council's Development Engineers have advised that they have no objections to the proposed subdivision, subject to general and special conditions which have been included in the recommendation at the end of this report.

b) Natural Environment Unit

Council's Natural Environment Unit has reviewed the additional information which was submitted by the Applicant on 8/4/2011 and 27/4/2011.

Subsequently, the following comments were provided:

'Biodiversity

The proposed relocation of the pathway through the Eco Corridor is not compatible due to potential fragmentation of the corridor, reduction in the size and functionality of the eco-corridor and maintenance issues with the proposal extending into private property. However, a condition addressing this issue has been recommended.

Waterways and Riparian Lands

NEU staff note the differing view of the nature of the water/drainage features to that of the applicants consultants and the NSW Office of Water. Despite this, recommended conditions have been provided.

Floodplain Management

This referral response has been prepared in response to information submitted by the Applicant on 30/03/11.

This referral response does not include a review of information submitted to Council on 27/04/11.

The Stormwater Management Strategy utilised 1D modelling (HEC-RAS) rather than the 2D overland flow model for Frenchs Creek Flood Study (DHI, 2010). There is limited explanation as to why a 1D model was applied.

It should be noted that underground detention tanks are now not considered current best practice for flood management. These tanks will need to ensure a strict maintenance schedule is adhered too in order to reduce the risk of flooding to both existing and proposed properties. The Water Cycle Management objectives within the Belrose Road Corridor DCP state that "flood mitigation measures generally in accordance with those detailed in Webb McKeown report...alternative flood mitigation options may be considered". There is no evidence that other options have been considered.

It should also be noted that events larger than the 100yr (plus 15% for climate change factor) may occur and the risk these events pose to residents is significant. While the 100yr event is the NSW Government standard for planning, the NSW Government for flood management has instructed Councils to manage the flood risk to life up to the PMF. As a result of this development, Council will now have additional flood risk to manage.

Specific comments include:

Sector 1

- *Comments noted.*

Sector 2

- *There is to be no increase to flooding to residents of Winani Close and Calool Crescent for all design flood events.*
- *The attenuation of flows into Corridor Creek and Frenchs Creek due to the provision of a Detention Basin and three (3) Underground Detention Tanks will result in an overall improvement in terms of flooding along and downstream of*

Corridor Creek and hence of the adjoining areas as well (JWP Report Section 6.8 Page 24).

- *Comments Noted. JWP have not addressed this for all design events, it has only been considered up to the 100yr event. The Water Cycle Management objectives within the DCP for Belrose Road Corridor do not state up to the 100yr event, it mentions risk to life and property. The assessment of the risk to life and property is needed to adequately assess the proposals with respect to flooding, as required in a Flood Risk Assessment. There is significant risk should these tanks and basin fail or in flood events larger than 100yr.*
- *Channels are to be adequately designed to prevent water leaving the channel.*
- *Corridor Creek in Sector 2 will be left intact (JWP DA Dwg. 9073/DA202A).*
- *Page 25 of the Stormwater Management Strategy states "The Corridor Creek channel that runs from Sector 2 to Sector 4 has the capacity to convey 1 yr ARI flows". There was discussion at the site meeting of 15 March 2010 regarding the proposals to increase the channel capacity to discharge the 20yr flows. It is assumed this is not occurring anymore as it is not mentioned in the DA. The applicant and community strata management should be aware that flooding of the channel is predicted to occur in any flood event larger than a 1yr. Subsequent risk to life has not been considered in these DA proposals.*
- *Flood modification options are to be considered as stated in the Floodplain Development Manual.*
- *There will be no modification works that will impact on the flood behaviour in Corridor Creek (JWP DA Dwg. 9073/DA202A).*
- *The applicant has not understood the requirement to consider flood modification options. The Floodplain Development Manual, 2005 (Appendix J4) states the purpose of flood modification options is to modify the behaviour of the flood by reduced flow, velocities or peak levels e.g. dams, retarding basins, levees. The applicant has stated no modification works, however they are proposing an underground detention tank which will reduce the peak flow and velocities in the creek for in this Sector.*

Sector 3

- *Comments noted.*
- *It is not clear from the DA whether the channel capacity is being increased to convey the 20yr flows and where the 100yr overland flow path is located, as stated in Stormwater Management Strategy Appendix A, Point 10 "The watercourse will have the capacity to convey at the minimum the 20 yr flows and up to the 100 yr flows as required by Council. Flooding within the watercourse in both the 20 yr and 100 yr events is classified as High Hazard. Climate Change was incorporated in the analysis."*

Sector 4

- *A desktop analysis by JWP of the PMF overland flooding along the new roads found PMF flows to be safe for pedestrians and no threat to buildings and structures which will be located on the fringes of the floodway. JWP Report Attachment A (Response Matrix Table).*

- *Evacuation for flash flooding can be via shelter in place providing the building can withstand the hydraulic forces of the floodwater. The applicant has stated buildings will be located within fringes of floodway, however they are still within the floodway. It is common practice for buildings NOT to be developed within the floodway due to the velocities and hazard within these areas. However, the applicant has stated "The houses in the affected lots should be built and made of materials that could withstand the forces resulting from the PMF flooding".*
- *Irrespective of the above, the two main concerns with respect to flood risk are the long term management of the detention basins and the risk to life should an event larger than the 100yr occur. This should have been addressed in the requested flood risk assessment.*

Bearing in mind the above, NEU have recommended a number of special conditions to address matters where there are remaining issues.'

Accordingly, the draft conditions of consent provided by NEU have been included in the recommendation at the end of this report.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

STATUTORY CONTROLS

Warringah Local Environment Plan 2000 (WLEP 2000)

Clause 21 – Can Land be Subdivided?

The following table demonstrates the proposal's compliance with Clause 21 of WLEP 2000.

Clause	Requirement	Proposed	Complies
21(3)	Land can be subdivided on the basis that the Consent Authority is satisfied that the proposed development is consistent with the provisions of Schedule 7 (Matters for Consideration in a Subdivision of Land) before approving an application for consent to subdivide land.	The proposal's consistency with the provisions of Schedule 7 <i>Matters for Consideration in a Subdivision of Land</i> is discussed later in this report.	YES, for the reasons discussed later in this report.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The following selected General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are relevant to the supplementary assessment of the proposed development:

General Principles	Applies	Comments	Complies
CL47 Flood Affected Land	YES	<p>The subject site is identified as flood affected land. The DCP contains specific requirements with respect to flooding, including the provision of flood mitigation measures.</p> <p>Council's Floodplain Engineer and Development Engineer have reviewed the final set of engineering plans and reports for the proposal and have raised no objections to the subdivision on flooding grounds, subject to general and special conditions of consent which have been included in the recommendation attached to this report.</p>	YES subject to conditions

General Principles	Applies	Comments	Complies
		Accordingly, the proposed development satisfies the requirements of this General Principle.	
CL56 Retaining Unique Environmental Features on Site	YES	<p>The Belrose Road Corridor land contains significant and unique environmental features, including rock outcrops, watercourses, remnant bushland vegetation, threatened species and critical habitat.</p> <p>Council's Natural Environment Unit and Landscape Officer have reviewed the proposed subdivision and its impacts on the sensitive environmental features of the site and raise no objections to the proposed development, subject to conditions of consent which have been included in the recommendation attached to this report.</p> <p>Accordingly, the proposed development satisfies the requirements of this General Principle.</p>	YES Subject to conditions
CL58 Protection of Existing Flora	YES	<p>The Belrose Road Corridor contains portions dense bushland which warrant protection and preservation. The subdivision proposes the removal of some vegetation to accommodate internal private roads, drainage and pedestrian corridors.</p> <p>The DCP contains specific provisions which require the provision of an "Eco-corridor" to allow for the movement of fauna through the site from east to west.</p> <p>It is noted that trees are proposed for removal in each of the 4 sectors (refer to Landscape Plans and Tree Removal Plans); however individual tree removal within the residential allotments will be considered at the time of assessment of DA's for future housing. However, it is accepted that trees within the indicative building envelopes on each lot will be removed as part of future dwelling construction.</p> <p>Council's Natural Environment Unit and Landscape Officer have reviewed the proposed subdivision and raised no objection to the proposed tree removal as part of the subdivision works, subject to conditions of consent to ensure the protection and management of trees which are to be retained.</p> <p>Accordingly, the proposed development satisfies the requirements of this General Principle.</p>	YES Subject to conditions
CL60 Watercourses & Aquatic Habitats	YES	<p>The Belrose Road Corridor contains watercourses which traverse the corridor in numerous locations.</p> <p>Council's Natural Environment Unit have reviewed the proposed subdivision and have raised no objections to the impact and management of waterway and riparian lands, subject to conditions of consent which have been included in the recommendation at the end of this report.</p> <p>Accordingly, the proposed development satisfies the requirements of this General Principle.</p>	YES Subject to conditions
CL76 Management of Stormwater	YES	<p>Council's Development Engineers and Natural Environment Unit have reviewed the application and raise no objections on the grounds of stormwater management, subject to the imposition of conditions of consent which have been included in the recommendation at the end of this report.</p>	YES subject to conditions

SCHEDULES

Schedule 7 - Matters of consideration in a subdivision of land

The relevant components of Schedule 7 – Matters of Consideration in a Subdivision of Land have been addressed as part of the supplementary assessment in the following table:

Component:	Requirement	Proposed	Complies
Design and Construction	All design and construction is to be in accordance with the Council's Specification for Engineering works and On-site Stormwater Detention policy and technical specifications.	Council's Development Engineers have reviewed the proposed development and raised no objections in principle, subject to conditions of consent to ensure compliance with Council's technical specifications for engineering works and on-site stormwater detention.	YES
Drainage	Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system.	Council's Development Engineers and Natural Environment Unit have reviewed the application and raised no objections on the grounds of stormwater management for each allotment, subject to the imposition of conditions of consent which have been included in the recommendation at the end of this report.	YES subject to conditions
Environmentally Sensitive / Constrained Land	Subdivision should have regard to environmentally sensitive and constrained land.	<p>Environmental constraints identified on the subject site consist of the existing remnant bushland vegetation.</p> <p>In addition, the site is identified as land affected by bushfire risk and has been addressed and considered satisfactory by the relevant authorities.</p> <p>Council's Natural Environment Unit has reviewed the proposed subdivision. Specifically, the proposed pedestrian pathway within the eco-corridor of Sector 4 was not supported. However, amended plans were received on 8/4/2011 which propose the relocation of the pedestrian pathway from within the eco-corridor to within the drainage corridor of Sector 4.</p> <p>Overall, Council's Natural Environment Unit has raised no objections to the proposed subdivision, subject to conditions of consent which have been included in the recommendation at the end of this report.</p>	YES Subject to conditions

DEVELOPMENT CONTROL PLANS

Warringah Development Control Plan – Belrose Road Corridor

Compliance with the relevant requirements of the DCP have been reviewed as part of this supplementary assessment as follows:

Element	Numerical control / requirement	Proposed Development
<i>Public Domain</i>		
3.1 Open Space	a) A minimum of 3ha of public open space is to be provided within the Belrose Road Corridor and will be transferred to Council at no cost. The land allocated	<p>Public open space is accommodated within the subdivision.</p> <p>Sector 2 proposes an area equating to</p>

Element	Numerical control / requirement	Proposed Development
	<p>for public open space will be identified with the initial development application for subdivision of the land and transferred to Council with execution of the consent for subdivision. The public open space is to be located generally in accordance with Figure 2</p> <p>b) Prior to the public open space being dedicated to Council, the land is to be restored or revegetated in accordance with an adopted Bushland Management Plan for public open space.</p> <p>The land is also to be appropriately remediated in accordance with SEPP 55 and in accordance with the environmental safeguards specified in the Bushland Management Plan.</p> <p>Revegetation in non-vegetated areas or in areas that cannot be restored using bush regeneration methods will use vegetation that as far as possible represents the original 1750 vegetation community.</p> <p>Guidelines for the preparation of the Bushland Management Plan including revegetation details will be provided by Council. The Bushland Management Plan will apply to the land that is to be dedicated as public open space and is to be prepared by the applicant and submitted as part of any future subdivision development application.</p>	<p>7,345sqm which is generally consistent with the configuration set out in Figure 2 of the DCP (6,360sqm) and a riparian / buffer zone area (985sqm).</p> <p>An area between Sectors 3 and 4 proposes an area equating to 1.103ha. Although not directly in accordance with the configuration and alignment of the public open space as shown on Figure 2 of the DCP, the area of public open space will align with that of the existing Hews Reserve and provide more appropriate integration with this existing reserve. The realignment also accommodates for the additional retention of vegetation which has been identified as a superior quality to the vegetation in the western section of the Figure 2 parcel. Council's Strategic Planning division have raised no objection to the proposed reconfiguration and accept that it results in an improved planning outcome.</p> <p>Sector 4 proposes an area equating to 1.6161ha.</p> <p>In total, the subdivision will accommodate an area of 3.4540ha for the establishment of public open space. It is also proposed that these areas will be transferred to Council at no cost which is consistent with the requirements of the DCP.</p> <p>Council's Natural Environment Unit support the proposal, subject to conditions of consent which have been included in the recommendation at the end of this report.</p> <p>Accordingly, the proposal is consistent with this requirement of the DCP.</p>
3.2 Pedestrian and Road Network	<p>1) New roads are to be located generally in accordance with Figure 3.</p> <p>2) New roads (public or private) are to be designed in accordance with Council's standard specifications for engineering works (AUSPEC 1).</p> <p>3) As part of any future subdivision DA, a traffic impact assessment is to be</p>	<p>New roads are proposed for each of the four sectors and are generally in accordance with the layout and configuration, established in Figure 3 of the DCP.</p> <p>The new roads are 'private access roads' under the provisions of the Community Title legislation. It is proposed that a Community Scheme will operate independently in respect of each of the four sectors.</p> <p>Engineering design drawings accompany the application, which detail the roadway design. Council's Development Engineers generally support the proposed roadway design and location subject to conditions of consent to ensure compliance with Council's standard specifications for engineering works. The conditions of consent have been included in the recommendation at the end of this report.</p> <p>A Road Safety Audit has been prepared in respect of design proposals by Craig Hazell</p>

Element	Numerical control / requirement	Proposed Development
	<p>submitted to Council confirming compliance with the above specifications, in particular, with respect to road geometry and gradients. The assessment is to also address the impact of any additional traffic on local streets.</p> <p>4) Publicly accessible pedestrian access is to be provided linking Garigal National Park, Hews Reserve and Forest Way.</p> <p>The access is to be a minimum of 1.2m wide and be designed in accordance with Australian Standard 1428:1-4.</p>	<p>of Traffic Solutions Pty Ltd. This report concludes that there are no deficiencies in the preliminary design plans, and makes the following recommendations:</p> <ol style="list-style-type: none"> 1) <i>The existing speed hump located on Elm Avenue, south of proposed Road No.31 is to be relocated to avoid the possibility of vehicle scraping when entering or exiting Road No.31.</i> 2) <i>Double white centrelines are to be provided around the bend in Forest Glen Close on the approach to the proposed Road No.41.</i> <p>Council's Traffic Engineer has reviewed the application and generally supports the proposal, subject to conditions. The recommendations of the Road Safety Audit will be incorporated into conditions of consent if this application is recommended for approval.</p> <p>The engineering design drawings provide for a publicly accessible access footway 1.2m wide which links Garigal National Park, Hews Reserve and Forest Way. The subdivision plans demonstrate that the proposed pedestrian access has been adapted to the topographical conditions of the site.</p> <p>The subdivision initially proposed a pedestrian access route within the eco-corridor of Sector 4. Amended plans have been received which subsequently relocate the pedestrian access route to within the drainage corridor which is a Community lot. This reconfigured location reduces the safety and security concerns of visual concealment between properties and also improves connectivity.</p> <p>Accordingly, the proposal is consistent with this requirement of the DCP.</p>
Environmental Management		
4.1 Vegetation Retention and Rehabilitation	<ol style="list-style-type: none"> 1) A Tree Survey Plan is to be submitted as part of any future subdivision development application. <p>The Plan is to identify the location, type and condition of all existing trees and is to indicate those trees proposed to be removed and those to be retained.</p> <ol style="list-style-type: none"> 2) The existing remnant vegetation shown at Figure 4 is to be retained and restored within public open space or within private allotments. Where existing remnant vegetation is to be retained within a private allotment, a restrictive covenant is to be placed on the title requiring the ongoing retention and rehabilitation of the vegetation and the restriction of use of the affected area. 	<p>The application is accompanied by a Tree Survey together with an Aboricultural Report, prepared by Stuart Pittendigh.</p> <p>Overlays have been prepared in respect of each of the four sectors which indicate the site topography, trees and trees which are proposed for removal.</p> <p>The remnant vegetation shown in Figure 4 of the DCP that exists within the proposed public open space areas in Sectors 2, 3 and 4, will be retained and restored within those public lands.</p> <p>Council's Landscape Officer and Natural Environment Unit have reviewed the Tree Survey and Aboricultural Report and generally raised no objections, subject to</p>

Element	Numerical control / requirement	Proposed Development
		conditions to ensure the protection of trees which have been identified for retention.
	3) A corridor that is at least 10m wide is to be provided in accordance with Figure 4 and 5 . The corridor shall be planted and maintained in accordance with revegetation guidelines provided by Council.	An eco-corridor with a width of 10.0m wide has been provided in accordance with Figures 4 and 5 of the DCP. The corridors will be planted and maintained in accordance with the Revegetation and Landscape Plans, prepared by Stuart Pittendrigh.
	4) The corridor may be within private or communal ownership. In either situation, a restrictive covenant or similar mechanism is to be placed on the title requiring the ongoing retention and management of the vegetated corridor.	<p>Generally, the eco-corridor is in part private and part communal ownership.</p> <p>In Sector 1, the corridor will remain within Lots 2 – 9 in private ownership.</p> <p>In Sector 2, the corridor will remain within Lots 2 – 9 in private ownership.</p> <p>In Sector 3, the corridor will remain within Lot 13 Drainage Reserve which will be transferred to Council and thus be held in public ownership.</p> <p>In Sector 4, the corridor will remain within Lots 5 – 9 in private ownership.</p> <p>A Restrictive Covenant or similar mechanism is proposed on the Titles of Lots 2 – 9 in Sector 1 and Lots 2 – 6 in Sector 2. The Restrictive Covenant will require the ongoing retention and management of the vegetated corridors.</p>
	5) Potential fauna movement along the corridor is not to be restricted through fencing, driveways or other structures. Concept details of all fencing is to be submitted as part of the subdivision development application.	The Landscape Plan prepared by Stuart Pittendrigh illustrates concept detail of fencing across the vegetated eco corridors, however it is noted that there is no fencing proposed as part of the subdivision and the suitability of fencing will be considered under the assessment of all future Development Applications for individual allotments.
	6) Any fencing fronting Winani Close is to utilise high quality materials and is to include low landscaping between the fence and the kerb line. Examples of appropriate fencing styles are shown at Figure 6 .	<p>The Landscape Plan prepared by Stuart Pittendrigh provides indicative fencing details for the erection of fencing along Winani Close which will generally utilise high quality materials and will include low landscaping between the fence and the kerb line.</p> <p>The Statement of Environmental Effects prepared by Proust & Gardner indicates that detail of fencing will be provided to Council for approval prior to construction.</p> <p>A condition of consent is recommended to require the erection of fencing along Winani Close as part of the subdivision works and to be erected prior to the issue of any Subdivision Certificate.</p>
	7) A restrictive covenant or similar mechanism is to be placed on all residential allotments preventing the	The Statement of Environmental Effects prepared by Proust & Gardner indicates that a restrictive covenant or similar

Element	Numerical control / requirement	Proposed Development
	<p>owning of cats or dogs.</p> <p>8) A detailed Bushland Management Plan for private allotments is to be submitted as part of any future subdivision development application. The Plan is to apply to areas of remnant vegetation that are to be retained within private allotments and the proposed Eco-Corridors. The Plan is to be prepared in accordance with guidelines provided by Council and is to address ongoing management, weed control, environmental education and awareness and monitoring.</p>	<p>mechanism preventing the owning of cats and dogs will be incorporated in the Section 88B Instrument related to each Title.</p> <p>A detailed Bush Management Plan has been prepared by Chris Brogan of Earth Repair and Ecology Pty Ltd which provides recommendations for bush management of the remnant vegetation which is to be retained within both private allotments and eco-corridor.</p> <p>Council's Natural Environment Unit have reviewed the plan and generally support the proposal, subject to conditions of consent which have been included in the recommendation at the end of this report.</p> <p>Accordingly, the proposal is consistent with this requirement of the DCP.</p>
4.2 Watercycle Management	<p>1) All development is to incorporate water sensitive urban design (WSUD). A stormwater management plan incorporating WSUD principles is to be submitted as part of a development application for subdivision of the land. The plan is to include watercycle management measures generally in accordance with the 'Water Quantity and Quality Assessment' prepared by Webb, McKewon and Associates Pty Ltd (May 2002) as shown at Figure 7. Alternate watercycle management measures that meet the above objectives may be considered by Council.</p> <p>On site stormwater detention is to be provided in accordance with the Council's "On Site Stormwater Detention Technical Specification". Council will not accept responsibility for the ongoing maintenance of water quality/detention basins. A development application for subdivision of the land shall include arrangements to Council's satisfaction that address ongoing maintenance of these facilities.</p> <p>(2) Water Quality monitoring to be carried out before, during and after development works (for a period of 12 months following completion of each stage) in accordance with ANZECC and ARMCANZ (2000) <i>Australian Guidelines for Water Quality Monitoring and Reporting (No.7) – Chapter 3 – Study Design</i> or from an appropriately qualified person.</p>	<p>The application is accompanied by design drawings prepared by J.Wyndham Prince Pty Ltd. The plans incorporate water sensitive urban design principles.</p> <p>Water quality and detention basins are to be constructed on Community lots, Lot 1 in each of the four sectors. The proposed Community Management Scheme for each sector will provide for the ongoing maintenance of these facilities, which will be the responsibility of the proprietors of the lots created in each Community Management Scheme.</p> <p>Council's Development Engineers have provided conditions of consent to ensure the proposed stormwater drainage infrastructure complies with Council's technical specifications. The conditions of consent have been included in the recommendation at the end of this report.</p> <p>The Statement of Environmental Effects prepared by Proust & Gardner states:</p> <p><i>'Water quality monitoring program has been carried out by Worley Parsons Consulting Engineers Urban Infrastructure on brief from the Department of Planning and will be ongoing. Submission 'Belrose Road Corridor Development AUSRIVAS Monitoring, prepared by Worley Parsons dated June 2010 is attached'.</i></p> <p>Comment: Council's Natural Environment Unit have reviewed the additional information and generally support the proposal, subject to conditions of consent</p>

Element	Numerical control / requirement	Proposed Development
	<p>3) Flooding impacts on new development within the corridor land, adjoining and downstream properties are to be minimised. To this end, flood mitigation measures generally in accordance with those detailed in the 'Water Quantity and Quality Assessment', prepared by Webb, McKeown and Associates Pty Ltd (May 2002) are to be implemented. Alternate flood mitigation measures that meet the above objectives may be considered by Council.</p>	<p>which have been included in the recommendation at the end of this report.</p> <p>The Statement of Environmental Effects prepared by Proust & Gardner states:</p> <p><i>'The issue of flooding impacts on new development within the corridor land, adjoining and downstream properties has been addressed in the strategies initiated in work undertaken by J.Wyndham Prince Pty Ltd Consulting Engineers and incorporated in the design work subsequently completed.'</i></p> <p>Comment: Council's Floodplain Engineer (NEU section) has reviewed the additional information and generally supports the proposal, subject to conditions of consent which have been included in the recommendation at the end of this report.</p> <p>Accordingly, the proposal is consistent with this requirement of the DCP.</p>
4.4 Remediation	<p>1) As part of any future subdivision development application, a detailed Environmental Site Assessment (ESA) and Remedial Action Plan (RAP) is to be submitted to Council. The reports are to be prepared by a suitably qualified and experienced Contaminated Land Consultant in accordance with relevant NSW EPA guidelines.</p> <p>2) The site, specifically the areas of localised contamination identified in the <i>Preliminary Environmental Site Investigation</i> prepared by Coffey Pty Ltd dated September 2004, shall be remediated in accordance with <i>SEPP 55 - Remediation of Land</i> and made suitable for the uses proposed.</p>	<p>The Statement of Environmental Effects prepared by Proust & Gardner states:</p> <p><i>'A detailed Environmental Site Assessment Work and Remedial Action Plan (RAP) has been undertaken by Coffey Environments Pty Ltd. The RAP addresses the Preliminary Environment Site Assessment prepared by Coffey Environments Pty Ltd, dated September 2004 and details a remediation and validation strategy..'</i></p> <p>Comment: Council's Environmental Health and Protection division have reviewed the RAP and raised no objections, subject to conditions of consent which have been included in the recommendation at the end of this report.</p> <p>Accordingly, the proposal is consistent with this requirement of the DCP.</p>
4.5 Soil and Water Management	<p>1) All development must incorporate soil conservation measures to minimise soil erosion and siltation during construction and following completion of development.</p> <p>2) A Soil and Water Management Plan, prepared in accordance with Council's <i>Specification for Erosion and Sediment Control</i> and <i>Design and Specification Manuals for Engineering Works</i> is to be submitted with each development application.</p> <p>3) All sediment and erosion controls are to be installed prior to the commencement of any construction works and maintained throughout the course of construction until disturbed areas have been revegetated/ established. The</p>	<p>The Statement of Environmental Effects prepared by Proust & Gardner states:</p> <p><i>'Soil and Water Management Plans have been prepared by J.Wyndham Prince Pty Ltd, Consulting Engineers, as part of the package of engineering design drawings for road and drainage works and watercycle management.'</i></p> <p><i>'All sediment and erosion controls will be installed prior to the commencement of any construction works, maintained throughout the course of construction, certified as required and lodged with Council prior to construction.'</i></p>

Element	Numerical control / requirement	Proposed Development
	<p>applicant will be required to present certification to this effect, to be lodged with Council prior to construction.</p> <p>4) A Construction Management Plan is to be submitted with each development application. The Plan is to demonstrate that the construction site will not unreasonably impact on the surrounding community, pedestrian or road safety, or the natural environment.</p>	<p><i>'Construction Planning is inherent in the detailed design work completed by J.Wyndham Prince Pty Ltd'.</i></p> <p>Comment: Council's Development Engineers have reviewed the additional information and raised no objections, subject to conditions of consent which have been included in the recommendation at the end of this report.</p> <p>Accordingly, the proposal is consistent with this requirement of the DCP.</p>

OTHER MATTERS FOR CONSIDERATION

a) Threatened Species Conservation Act 1995

Assessment for Significant Effect on Threatened Species, populations or ecological communities, or their habitats (Section 5A EPA Act 1979) is required to be carried out.

For the purposes of this Act and, in particular, in the administration of Sections 78A, 79B, 79C, 111 and 112, the following must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats:

<i>Matter for consideration</i>	<i>Assessment Comments</i>
(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction	<p>Council's Natural Environment Unit have undertaken a detailed assessment of the proposed development and raised no objections to the proposed development with regards to the potential, likely or actual impacts on known threatened species within the Belrose Road Corridor site.</p> <p>Accordingly, the proposed development satisfies the requirements of the Threatened Species Conservation Act 1995.</p>
(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction	
<p>(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:</p> <p>(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or</p> <p>(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,</p>	

<i>Matter for consideration</i>	<i>Assessment Comments</i>
<p>(d) in relation to the habitat of a threatened species, population or ecological community:</p> <p>(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and</p> <p>(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and</p> <p>(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,</p>	
(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),	
(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,	
(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.	

b) Development by the Crown

This development application is made by the Crown. In accordance with Section 116C of the Environmental Planning and Assessment Act 1979, a consent authority in respect of a development application made by or on behalf of the Crown must not impose a condition of its consent except with the approval of the Minister or the applicant.

In accordance with Section 226 of the Environmental Planning and Assessment Regulation 2000 a public authority is a person prescribed by the regulations to be the Crown for the purposes of Section 116B of the regulations. The definition of 'Public Authority' in the EP&A Act includes a Government Department.

Accordingly, the recommendation requires the concurrence of the Minister of the applicant before the application is approved.

Pursuant to Section 81A(6) of the EP&A Act, a Crown authority is exempt from the need to obtain a Construction Certificate as the work will be certified internally as complying with the Building Code of Australia in accordance with Section 116G. A Crown authority is also not required to obtain occupation certificates pursuant to Section 109M (2)(d) of the EP&A Act. As such, the conditions in the recommendation do not require either a Construction Certificate or an Occupation Certificate to be obtained. A condition has however been included to require the work to be certified by on or behalf of the Crown.

CONCLUSION

At the time of writing the initial assessment report for the Development Application, assessment of stormwater management and environmental considerations had not been completed due to the late arrival of additional information which was being prepared by the applicant in response to several meetings between Council's and the applicants representatives after the initial assessment comments were provided. Hence, there was outstanding assessment.

This supplementary report has considered the additional information which has been submitted by the applicant in response to the stormwater drainage and environmental issues raised by Council's Natural Environment Unit and Development Engineers.

Accordingly, a complete and thorough assessment has now been undertaken and concluded.

The proposed subdivision is essentially the same in quality and quantum as originally proposed, with the exception of Sector 4 which has resulted in a re-distribution of lot sizes with a subsequent re-configuration to accommodate the revised location of the pedestrian pathway as required by the DCP for this site. The degree of compliance with the DCP has not been altered as a result.

The issues raised in the public submissions which are relevant to the issues the subject of this supplementary report have each been considered and have been addressed within this report.

The proposal is consistent with the subdivision provisions of Clause 21(3) of WLEP 2000 and so the consent authority can be satisfied on this basis and can consent to the application.

Consequently, the proposed development is now considered to be consistent with all of the relevant General Principles of Development Control, the provisions of Development Control Plan – Belrose Road Corridor and the relevant Schedule 7 'Matters for Consideration in a Subdivision of Land' of WLEP 2000.

Accordingly, the proposed development is recommended for approval.

RECOMMENDATION (APPROVAL)

- A. The draft conditions of consent below to be forwarded to the Minister or applicant to gain written approval to impose the conditions on the consent.
- B. The Director Strategic and Development Services be given delegation to determine the application, subject to concurrence of the Minister or applicant including any changes made by the Minister or applicant for Development Application No.DA2010/2089 for Community Title Subdivision to create 47 Lots, construction of private roads, infrastructure and transfer of land, at Lot 5 in DP 514039, Lot 6 in DP 514039, Lot 11 in DP 244797, Lot 2 in DP 526613, Lot A in DP 347637, Lot 38 in DP 238042, Lot 39 in DP 238042, Lot 33 in DP 222330, Lot 13 in DP 587071, Lot 3 in DP 534463, Lot 12 in DP 225340, Lot 52 in DP 819308, Lot 5 in DP 260080, Forest Way, Pringle Avenue, Everton Road and Elm Avenue, Belrose.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

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:

Subdivision Plans - Endorsed with Council's stamp			
Drawing No.	Dated	Titled	Prepared By
Sector 1			
7/1	05/04/2011	Community Scheme Subdivision	Proust & Gardiner
7/6	Undated	Subdivision / Utility Services	Proust & Gardiner
7/2	Undated	Subdivision / Topography	Proust & Gardiner
7/3	Undated	Subdivision / Trees	Proust & Gardiner
7/4	Undated	Subdivision / Detail	Proust & Gardiner
7/5	Undated	Subdivision / Trees to be removed	Proust & Gardiner
Sector 2			
8/1	05/04/2011	Community Scheme Subdivision	Proust & Gardiner
8/6	Undated	Subdivision / Utility Services	Proust & Gardiner
8/2	Undated	Subdivision / Topography	Proust & Gardiner
8/3	Undated	Subdivision / Trees	Proust & Gardiner
8/4	Undated	Subdivision / Detail	Proust & Gardiner
8/5	Undated	Subdivision / Trees to be removed	Proust & Gardiner
Sector 3			
9/1	05/04/2011	Community Scheme Subdivision	Proust & Gardiner
9/6	Undated	Subdivision / Utility Services	Proust & Gardiner
9/2	Undated	Subdivision / Topography	Proust & Gardiner
9/3	Undated	Subdivision / Trees	Proust & Gardiner
9/4	Undated	Subdivision / Detail	Proust & Gardiner
9/5	Undated	Subdivision / Trees to be removed	Proust & Gardiner
Sector 4			
10/1 1 of 2	05/04/2011	Community Scheme Subdivision	Proust & Gardiner
10/1 2 of 2	05/04/2011	Community Scheme Subdivision	Proust & Gardiner
10/2	05/04/2011	Subdivision / Topography	Proust & Gardiner
10/3	05/04/2011	Subdivision / Trees	Proust & Gardiner
10/4 1 of 2	05/04/2011	Subdivision / Detail	Proust & Gardiner
10/4 2 of 2	05/04/2011	Subdivision / Detail	Proust & Gardiner
10/5	05/04/2011	Subdivision / Trees to be removed	Proust & Gardiner
10/6	Undated	Subdivision / Utility Services	Proust & Gardiner

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Sector 1		
9073/DA102 D	26/04/2011	J.Wyndham Prince
9073/DA103 D	26/04/2011	J.Wyndham Prince
9073/DA104 D	26/04/2011	J.Wyndham Prince
9073/DA105 B	08/04/2011	J.Wyndham Prince
9073/DA106 D	26/04/2011	J.Wyndham Prince
9073/DA107 D	26/04/2011	J.Wyndham Prince
9073/DA108 D	26/04/2011	J.Wyndham Prince
9073/DA109 C	26/04/2011	J.Wyndham Prince
9073/DA110 B	08/04/2011	J.Wyndham Prince
9073/DA111 C	26/04/2011	J.Wyndham Prince

Engineering Plans - Endorsed with Council's stamp		
9073/DA112 B	08/04/2011	J.Wyndham Prince
Sector 2		
9073/DA202 D	26/04/2011	J.Wyndham Prince
9073/DA203 C	26/04/2011	J.Wyndham Prince
9073/DA204 C	26/04/2011	J.Wyndham Prince
9073/DA205 B	08/04/2011	J.Wyndham Prince
9073/DA206 C	26/04/2011	J.Wyndham Prince
9073/DA207 C	26/04/2011	J.Wyndham Prince
9073/DA208 B	08/04/2011	J.Wyndham Prince
9073/DA209 C	26/04/2011	J.Wyndham Prince
9073/DA210 B	08/04/2011	J.Wyndham Prince
Sector 3		
9073/DA302 C	26/04/2011	J.Wyndham Prince
9073/DA303 B	08/04/2011	J.Wyndham Prince
9073/DA304 B	08/04/2011	J.Wyndham Prince
9073/DA305 B	08/04/2011	J.Wyndham Prince
9073/DA306 C	26/04/2011	J.Wyndham Prince
9073/DA307 C	26/04/2011	J.Wyndham Prince
9073/DA308 C	26/04/2011	J.Wyndham Prince
9073/DA309 C	26/04/2011	J.Wyndham Prince
9073/DA310 B	08/04/2011	J.Wyndham Prince
9073/DA311 B	08/04/2011	J.Wyndham Prince
Sector 4		
9073/DA401 C	08/04/2011	J.Wyndham Prince
9073/DA402 C	26/04/2011	J.Wyndham Prince
9073/DA403 B	08/04/2011	J.Wyndham Prince
9073/DA404 C	26/04/2011	J.Wyndham Prince
9073/DA405 C	26/04/2011	J.Wyndham Prince
9073/DA406 C	26/04/2011	J.Wyndham Prince
9073/DA407 D	26/04/2011	J.Wyndham Prince
9073/DA408 C	26/04/2011	J.Wyndham Prince
9073/DA409 C	26/04/2011	J.Wyndham Prince
9073/DA410 B	08/04/2011	J.Wyndham Prince

Reports / Documentation		
Report No. / Page No. / Section No.	Dated	Prepared By
Stormwater Management Strategy Report	April 2011	J.Wyndham Prince
Earth Repair 2010 Bushland Management Plan for Belrose Road Corridor Lands	February 2010	Earth Repair Ecology Pty Ltd
Flora and Fauna Assessment Report	November 2010	Conacher Environmental Group
Vegetation and Habitat Management	December 2010	Conacher Environmental Group
Analysis of Building Opportunity within 'Vegetation to be retained' area. Figure 12	Undated	Proust & Gardiner

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

Landscape Plans - Endorsed with Council's stamp			
Drawing No.	Dated	Titled	Prepared By
Sector 1			
LP01 7/7	November 2010	Landscape Plan	Stuart Pittendrigh
Sector 2			
LP02 8/7	November 2010	Landscape Plan	Stuart Pittendrigh
Sector 3			
LP03 9/7	November 2010	Landscape Plan	Stuart Pittendrigh
Sector 4			
LP04 10/7	November 2010	Landscape Plan	Stuart Pittendrigh

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
Energy Australia	Response Energy Aust Referral	6 January 2011
Aboriginal Heritage Office	Response Aboriginal Heritage Office	7 January 2011
NSW Rural Fire Service	Response Rural Fire Service	2 March 2011
National Parks and Wildlife Service	Response National Parks and Wildlife Service	2 February 2011

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (DACPLB02)

3. Prescribed Conditions

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

- (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. (DACPLB09)

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 is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) 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.
- (d) 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.

- (e) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (h) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

5. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan		
Contribution based on total development cost of		\$ 8,866,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
S94A Levy	0.95%	\$84,227.00
S94A Planning and Administration	0.05%	\$4,433.00
Total	1.0%	\$88,660.00

Details demonstrating payment are to be submitted to the Certifying Authority.

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACPLC01)

6. 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 Certifying Authority.

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

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'**
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

***Note:** The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

****Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.

7. Bonds

(a) Security Bond

A bond (determined from cost of works) of \$20,000 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.

(b) Construction, Excavation and Associated Works Bond (Road)

A Bond of \$10,000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.

(c) Construction, Excavation and Associated Works Bond (Drainage)

A Bond of \$900,000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

(d) Construction, Excavation and Associated Works Bond (Crossing / Kerb)

A Bond of \$300,000 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.

(e) Construction, Excavation and Associated Works Bond (Pollution)

A Bond of \$50,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

(f) Construction, Excavation and Associated Works Bond (Failure to Remove Waste)

A bond of \$100,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

(g) Construction, Excavation and Associated Works Bond (Maintenance for civil works)

The developer/applicant must lodge with Council a Maintenance Bond of \$100,000 for the construction of drainage, footpath and road infrastructure that will revert to Council's care and control. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council.

(NOTE: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate or Subdivision Certificate.)

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/bank guarantees and fees shall be deposited with Council, details demonstrating payment are to be submitted to the Certifying Authority.

Reason: To ensure adequate protection of Council infrastructure. (DACENC01)

8. 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 rock anchors are to be used within Council land.

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

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENC05)

9. 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 all private access roads, interallotment drainage lines, detention structures and water quality devices 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 and or Council's Minor Works Policy.

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

Reason: To ensure compliance with Council's specification for engineering works. (DACENC08)

10. Structures Located Adjacent to Council Pipeline or Council Easement

All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason: Protection of Council's Infrastructure. (DACENC09)

11. Sydney Water (Fire Hydrant System)

Subdivisions involving the creation of private roads are to be serviced with fire hydrant systems to ensure that coverage of no less than 90 metres is maintained to all areas of the development.

(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.)

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

Reason: NSW Fire Brigades Requirement. (DACENC11)

12. Vehicle Crossings Application Formwork Inspection

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

Reason: To facilitate suitable vehicular access to private property. (DACENC12)

13. Utilities Services

Evidence is to be submitted to the Certifying Authority that

- (a) A letter from the telecommunications service provider confirming that satisfactory arrangements have been made for the provision of underground telecommunications for the approved development have been made; and
- (b) Evidence that notification has been received from an Electricity Service Provider of electricity supply requirements for the development can be provided.

Reason: To ensure that services have been provided as required by this consent. (DACENC15)

14. Submission of Engineering Plans for Civil Works in the Public Road Reserve

Engineering plans are to be submitted to Council for approval under the provisions of Section 138 of the Roads Act 1993. The submission is to include four (4) copies of Civil Engineering plans for the design of drainage infrastructure that is to revert to Council's care and control, public footpaths and traffic devices, line marking and sign posting which are to be generally in accordance with the Development Application and

Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Specification.

The fees associated with the assessment, approval of the plans and inspection are to be in accordance with Council's Fees and Charges.

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

Reason: Ensure engineering works are constructed in accordance with relevant standards. (DACENC17)

15. 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 Certifying Authority.

Reason: Safety. (DACENC19)

16. Waste / Recycling Requirements to Comply with Policy

Details demonstrating compliance with Warringah Council's Policy Number PL 850 - Waste, including the required 'Waste Management Plan' are to be submitted to the Certifying Authority.

Note: If the proposal, when compliant with Warringah Council's Policy Number PL 850 - Waste, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans a modification(s) to the development may be required.

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

17. Traffic Calming Devices

Detailed plans are to be submitted to Council for approval showing the repositioning of the speed hump in Elm Avenue at the intersection of proposed Road No.3 and Elm Avenue.

Reason: Traffic safety and management.

18. Landscaping

All plants used in the landscaping for this development must be grown from local provenance seed and cuttings as per the species list for Silvertop Ash-Brown Stringy Bark Forest and Bloodwood Scribbly Gum Woodland available on Council's Website [http://www.warringah.nsw.gov.au/plan_dev/VegetationCommunitySpeciesList.aspx]

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

Reason: To ensure compliance with Council's Local Habitat Strategy (DACNEC01)

19. Trees and / or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

(a) Plans

Where applicable, plans must include reference to:

- (i) Trees to be removed coloured or shaded in the colour red
- (ii) Trees to be retained coloured or shaded in the colour green
- (iii) Trees to be pruned coloured or shaded in the colour blue
- (iv) Trees to be transplanted coloured or shaded in the colour yellow

(b) Existing trees which must be retained

All trees not indicated as removed on Landscape Plan - Endorsed with Council's stamp

Drawing Numbers	Dated	Prepared By
LP 01, 02, 03, 04	November 2010	Stuart Pittendrigh

(c) Planting

Planting as indicated on the following Landscape Plans is to be undertaken prior to issue of final certificates:

Drawing Numbers	Dated	Prepared By
LP 01, 02, 03, 04	November 2010	Stuart Pittendrigh

Reason: To provide environmental amenity.

20. Kerb Construction within Private Access Roads

All kerbs adjacent to proposed concrete footpaths within the private access roads are to be 150mm high.

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

Reason: To ensure the safety of pedestrians. (Special Condition)

21. Barrier Construction within Private Access Roads

All turning heads at the ends of the private access roads that have a drop in excess of 600mm are to provide a barrier in accordance with Section 2.4.5 of AS/NZS 2890.1:2004.

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

Reason: Ensure engineering works are constructed in accordance with relevant standards. (Special Condition)

22. Kerb Outlet Construction within Private Access Roads

All kerbs adjacent to proposed lots on the high side of the private access roads are to include a kerb outlet on the low side of the lot with a pipe stub connection extending within the lot.

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

Reason: To ensure adequate provision is made for the discharge of stormwater from the proposed lots. (Special Condition)

23. Proposed Relocation of the Speed Hump in Elm Avenue

The applicant is to provide engineering plans for the proposed relocation of the existing speed hump within Elm Avenue. The applicant must ensure the new location is designed in accordance with Council's requirements and is to ensure there is suitable lighting. The applicant must undertake all the necessary public consultation and submit the design to Council for approval by Council's Traffic Committee.

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

Reason: To ensure the safety of road users. (Special Condition)

24. Proposed Headwall Reconstruction in Pringle Avenue

The applicant is to provide a structural engineer's report to Council for assessment addressing the structural integrity of the existing concrete headwall on the western side of Pringle Avenue prior to submitting structural details for the modification of the wing to accept the new box culvert and pipeline.

If the report concludes that the existing structure is inadequate then the structure is to be reconstructed as part of the works with all costs associated to be borne by the applicant.

All recommendations of the report are to be included in the design of the modification to the headwall.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure the structural integrity of Council's infrastructure. (Special Condition)

25. Intersection of Proposed Road No.31 with Pringle Avenue

The applicant is to provide revised engineering plans for the intersection of proposed road no. 31 with Pringle Avenue to ensure it is perpendicular to Pringle Avenue between the boundary and the kerb in Pringle Avenue.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure road design is in accordance with relevant standards. (Special Condition)

26. Proposed Pedestrian Refuge Island in Pringle Avenue

The applicant is to provide engineering plans for the proposed pedestrian refuge island within Pringle Avenue. The applicant must ensure the location is designed in accordance with Council's requirements and is to ensure there is suitable lighting. The applicant must undertake all the necessary public consultation and submit the design to Council for approval by Council's Traffic Committee.

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

Reason: To ensure the safety of road users. (Special Condition)

27. Proposed Flood Wall

The applicant is to provide engineering calculations and plans for the proposed flood wall within Sectors 2 and 3. The wall is to provide a minimum freeboard of 500mm to the proposed lot levels in each Sector for the 1 in 100 year ARI storm event.

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

Reason: To protect the site from flooding in accordance with Council and NSW Government policy. (Special Condition)

28. Proposed Pipeline and Overland Flow Path within Sectors 1 and 4

The applicant is to provide engineering calculations and plans for the proposed drainage line and overland flow path within Sectors 1 and 4. The drainage line is to be sized to cater for post climatic change 1 in 100 year ARI flows with a 20% allowance for blockages of the drainage line and the overland flow path is to be sized to provide the greater flow conveyance associated with either:

- (a) A 100mm deep 'V' depression over the width of the required Council easement or
- (b) 10% of the post climatic change 1 in 100 year ARI flow.

The applicant is to provide minimum site levels of all adjacent proposed lots to ensure a minimum freeboard of 500mm to the post climatic change 1 in 100 year ARI is achieved.

Details demonstrating compliance are to be submitted to Council.

Reason: To protect the site from flooding in accordance with Council and NSW Government policy. (Special Condition)

29. Proposed Inlet Headwall within Proposed Lot 10 of Sector 4

The applicant is to provide engineering plans for the proposed inlet headwall within proposed lot 10 of Sector 4 adjacent to proposed road no. 42. The details are to include any retaining structures and any structures required to direct the proposed flows through the culvert.

Details demonstrating compliance are to be submitted to Council.

Reason: To protect the site from flooding in accordance with Council and NSW Government policy. (Special Condition)

30. Proposed Visitor Parking Spaces within Sector 4

The applicant is to provide revised engineering plans to include 2 visitor parking spaces within proposed road no. 42. The positions of the spaces are to be generally in accordance with drawing Figure 10/1 Issue B dated 05/04/11.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure road design is in accordance with relevant standards. (Special Condition)

31. Proposed Road No. 42 within Sector 4

The applicant is to provide revised engineering plans to ensure proposed road no. 42 is a minimum of 5 metres wide for the carriageway and 8 metres wide for the road reserve.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure road design is in accordance with relevant standards. (Special Condition)

32. Proposed Bin Store Area within Sector 4

The applicant is to provide revised engineering plans to include a bin storage area within proposed road no. 42. The positions of the areas are to be generally in accordance with drawing Figure 10/1 Issue B dated 05/04/11.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure road design is in accordance with relevant standards. (Special Condition)

33. Proposed Interallotment Drainage Line for Proposed Lot 18 within Sector 1

The applicant is to provide engineering plans for the interallotment drainage line require for proposed Lot 18 through proposed lot 17 within Sector 1.

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

Reason: To ensure adequate provision is made for the discharge of stormwater from the proposed lot. (Special Condition)

34. Proposed Headwall Details within Sector 1

The applicant is to provide engineering details for the headwall and associated scour protection adjacent to the western boundary of Sector 1.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure adequate provision is made for the discharge of stormwater from the proposed subdivision. (Special Condition)

35. Road Cross Section Details within Sector 1

The applicant is to show the location of Council's proposed pipeline within all the cross sections for proposed road no. 11 within Sector 1.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure road design is in accordance with relevant standards. (Special Condition)

36. Proposed Junction Pit Details within Sector 1

The applicant is to provide engineering details for the junction pit on the southern boundary of Sector 1 within proposed lot 15. The details are to include a minimum of 2 cross sections of the pit.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure adequate provision is made for the discharge of stormwater from the proposed subdivision. (Special Condition)

37. Proposed Interallotment Drainage Line within Sector 1

The applicant is to provide engineering details for a piped connection in favour of the properties fronting Camira Close (Lots 7, 8, 9, 10 and 11, DP 239569) through proposed Lots 1, 10, 11, 12 and 13 with a connection to proposed pit 6/7. The pipeline must ensure all existing connections from the private lots are catered for and any future connections via junction pits and stub connections at the low point of each existing lot.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure adequate provision is made for the discharge of stormwater from the upstream properties of the proposed subdivision. (Special Condition)

38. Proposed Interallotment Drainage Line within Sector 1

The applicant is to provide engineering details for a piped connection in favour of the properties fronting Maple Place (Lots 34, 36, 37 and 38, DP 227852 and Lots 1 and 2, DP 839811) through proposed Lots 14, 15, 16 and 18 with a connection to proposed pit 1/7. The pipe line must ensure all existing connections from the private lots are catered for and any future connections via junction pits and stub connections at the low point of each existing lot.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure adequate provision is made for the discharge of stormwater from the upstream properties of the proposed subdivision. (Special Condition)

39. Proposed Interallotment Drainage Line within Sector 2

The applicant is to provide engineering details for a piped connection in favour of the properties fronting Kew Close (Lots 7, 9 and 10 DP 236931 and Lots 1 and 2 DP 1005596) through proposed Lot 12 with a connection into the open channel. The pipe line must ensure all existing connections from the private lots are catered for and any future connections via junction pits and stub connections at the low point of each existing lot.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure adequate provision is made for the discharge of stormwater from the upstream properties of the proposed subdivision. (Special Condition)

40. Proposed Interallotment Drainage Line within Sector 2

The applicant is to provide engineering details for a piped connection in favour of the properties fronting Birru Place (Lots 5, 6 and 7 DP 224500) through proposed Lots 7 and 12 with a connection into the open channel. The pipe line must ensure all existing connections from the private lots are catered for and any future connections via junction pits and stub connections at the low point of each existing lot.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure adequate provision is made for the discharge of stormwater from the upstream properties of the proposed subdivision. (Special Condition)

41. Proposed Interallotment Drainage Line within Sector 3

The applicant is to provide engineering details for a piped connection in favour of the properties fronting Devere Avenue (Lots 31, 32, 33, 34, 35, 36, and 37 DP238042) through proposed Lots 2 – 12 with a connection to proposed pit 2/A. The pipeline must ensure all existing connections from the private lots are catered for and any future connections via junction pits and stub connections at the low point of each existing lot.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure adequate provision is made for the discharge of stormwater from the upstream properties of the proposed subdivision. (Special Condition)

42. Proposed Interallotment Drainage Line within Sector 4

The applicant is to provide engineering details for a piped connection in favour of the properties fronting Forest Glen Crescent (Lots 4, 5 and 8 DP 219335) through proposed Lot 11 with a connection into the open channel. The pipe line must ensure all existing connections from the private lots are catered for and any future connections via junction pits and stub connections at the low point of each existing lot.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure adequate provision is made for the discharge of stormwater from the upstream properties of the proposed subdivision. (Special Condition)

43. Proposed Interallotment Drainage Line within Sector 4

The applicant is to provide engineering details for a piped connection in favour of the properties fronting Forest Glen Crescent (Lots 1 and 2 DP 227221, Lots 9, 10 and 11 DP225340 and Lots 1, 2 and 3 DP 219335 and Lot 51 DP 819308) through proposed Lots 10 and 11 with a connection into the existing piped connection to Council's pit in Forest Glen Close. The pipeline must ensure all existing connections from the private lots are catered for and any future connections via junction pits and stub connections at the low point of each existing lot.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure adequate provision is made for the discharge of stormwater from the upstream properties of the proposed subdivision. (Special Condition)

44. Proposed Line Marking in Forest Glen Crescent

The applicant is to provide engineering plans for the proposed line marking at the intersection of proposed road no. 41 and Forest Glen Crescent within Sector 4. The applicant must ensure the line marking is designed in accordance with Council's requirements. The applicant must undertake all the necessary public consultation and submit the design to Council for approval by Council's Traffic Committee.

Details demonstrating compliance are to be submitted to Council.

Reason: To ensure the safety of road users. (Special Condition)

45. Proposed Drainage Connections for Proposed Lots 2 and 10 within Sector 4

The applicant is to provide engineering plans for the drainage connection of proposed lots 2 and 10 within Sector 4.

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

Reason: To ensure adequate provision is made for the discharge of stormwater from the proposed lot. (Special Condition)

46. Bushland Covenant

Bushland is to be protected, conserved, rehabilitated and managed through the use of a Section 88B (Conveyancing Act 1919) Instrument in which Warringah Council shall be named as the sole authority to release or modify the restriction.

The instrument is to be written and registered on the title so that the owners are bound to manage and protect the area in perpetuity according to the Bushland Management Plans and Vegetation and Habitat Management plan prepared for the approved development. This instrument is to be approved by Councils Natural Environment Unit prior to lodgement with the NSW Department of Lands.

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

Reason: Management and protection of bushland (DACNEC05)

47. Preparation of Biodiversity Management Plans for each Residential Allotment

Prior to the commencement of work, Biodiversity Management Plans prepared for each one of the residential allotments (including the eco-corridors) are to be prepared by the Project Ecologist and submitted to Council for approval.

The plans should be prepared in accordance with Councils guidelines and will include:

- (a) Figures showing vegetation to be retained;
- (b) Figures showing areas of revegetation within the "Eco corridor" on each lot;
- (c) Figures showing trees to be retained/removed;
- (d) Provide specificity in terms of permanent and non-permanent fencing, including;
- (e) proposed construction materials and dimensions;
- (f) Provide a list of appropriate species for revegetation work;
- (g) Provide for the timing and staging of works;
- (h) Identify management responsibilities; and
- (i) Will contain copies of the proposed wording for the Section 88B instruments.

The plans should be prepared in accordance with the DCP and make reference to the Bushland Management Plan for the Belrose Road Corridor (Earth Repair Ecology Pty Ltd) and the Vegetation and Habitat Management Report 2010 (Conacher Environmental Group Pty Ltd).

Reason: To ensure consistency with the DCP.

48. Compliance Certificate for Water Quality Modelling

The applicant is to provide a compliance certificate issued by an accredited civil engineer in hydraulics stating that the water quality devices as incorporated in the stormwater drainage design submitted by JW Prince meet the targets set down in the

Northern Beaches Stormwater Management Plan dated July 1999. Additionally the accredited engineer is to check that the MUSIC model provided is satisfactory in achieving the above water quality objectives.

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

Reason: To ensure adequate provision is made for the discharge of stormwater from the proposed lot. (Special Condition)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

49. Certification of Development

In accordance with Section 116(G) of the Environmental Planning and Assessment Act 1979, prior to the commencement of work, the works are to be certified by or on behalf of the Crown to comply with the technical provisions of the State's Building Laws.

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.

50. Bushland Protection Fencing

Prior to the commencement of any onsite building works or commencement of vegetation clearance/modification, the boundary between the Vegetation to be retained and the subject allotments area as shown in Figure 11 of the SEE which- is to be surveyed and marked clearly on the ground.

A temporary 2.0 metre steel mesh fence is to be erected on the surveyed boundary between the vegetation to be retained and the construction area for the duration of construction work.

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

Reason: To ensure that the vegetation in the restricted development area is protected during and after construction. (DACNED01)

51. 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 \$10 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 Warringah 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. (DACEND01)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

52. Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland and riparian protection measures are carried out according to the conditions of consent.

The Project Ecologist will provide certification that conditions relating to the Bushland Management Plan are carried out. The Project Ecologist will ensure that all conditions relating to biodiversity management are fully implemented. The Project Ecologist is to be a vegetation management specialist and to have at least 4 years experience in the management of native bushland in the Sydney region and have at least a TAFE Certificate III in Bush Regeneration or Conservation and Land Management – Natural Area Restoration.

Reason: To ensure bushland management (DACNEC07)

53. Weeds

No noxious or environmental weeds, as listed on Warringah Councils website are to be imported on to the site.

Any noxious weeds or environmental weeds on the site are to be managed continuously.

Details prepared by the project ecologist in writing demonstrating compliance is to be submitted to the Principal Certifying Authority.

Reason: To ensure bushland and riparian management (DACNEE02)

54. Bushland Management During Construction

The procedures, targets and recommendations detailed in the *Bushland Management Plan* must be followed in full to ensure that the remaining bushland on the site is conserved and restored in the appropriate manner by appropriately qualified people. The work outlined in this Plan must be started as soon as site works commence.

The Project Ecologist is to be responsible for ensuring that the works are carried out in accordance with the Plan.

The Project ecologist is to certify that this condition has been complied with and provide the PCA with compliance certificates in the form of bush regeneration reports each three months, copies are to be immediately forwarded to Warringah Council.

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 site.

Details prepared by the project ecologist in writing demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: Management of bushland. (DACNEE07)

55. Installation and Maintenance of Sediment Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and in accordance with the Soil and Water Management Plan.

Techniques used for erosion and sediment control on site 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 the site is sufficiently stabilised with vegetation.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

56. 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 Certifying Authority for the following stages of works.

- (a) Silt and sediment control facilities
- (b) Laying of stormwater pipes and construction of pits
- (c) Sub-grade trimmed and compacted **
- (d) Base-course laid and compacted **
- (e) Kerb and gutter construction
- (f) Pavement
- (g) Landscaping and vegetation
- (h) Clean-up of site, and of adjoining Council roadway and drainage system.

(**To be tested by a recognised N.A.T.A. approved laboratory).

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

Reason: To ensure compliance of civil works with Council's specification for engineering works (see www.waringah.nsw.gov.au). (DACENE02)

57. Stormwater Pipeline Construction

Where connection to Council's nearest stormwater drainage system is required the applicant shall construct the pipeline in accordance with Council's specification for engineering works (see www.waringah.nsw.gov.au) and shall reconstruct all affected kerb and gutter, bitumen reinstatements, adjust all vehicular crossings for paths, grass verges and household stormwater connections to suit the kerb and gutter levels. All works shall be undertaken at the applicant's cost, and upon completion certified by an appropriately qualified and practicing Civil Engineer.

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

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENE03)

58. Vehicle Crossings

The provision of 4 vehicle crossings 12.5 metres wide at the kerb to 9.5 metres wide at the boundary with transitions to the proposed road width occurring within the boundary in accordance with Warringah Council Drawing No A4-3330/1 Normal 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 Certifying Authority.

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

59. 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 Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

60. Footpath Construction

The applicant shall construct a 1.2 metre wide concrete footpath from the existing footpath on the western side of Forest Way to the boundary of Garigal National Park. Also the applicant shall construct a 1.2 metre wide concrete footpath for the entire frontage of the eastern side of Elm Avenue and the eastern frontage of Pringle Avenue. The works shall be in accordance with the following:

- a) All footpath works are to be constructed in accordance with Council's minor works policy.
- b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath.
- c) The footpath shall not be located within any eco-corridor of any site.

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

Reason: To ensure compliance of footpath works with Council's specification for engineering works. (DACENE07)

61. Layback Construction

The provision of 4 laybacks 12.5 metres wide (excluding the wings) are to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

62. 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. (DACENE09)

63. Notification of Inspections

Council's Development Engineer is to be given 48 hours notice when the works 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;
- (e) Subgrade level / basecourse level;
- (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. (DACENE10)

64. 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 Council's Minor Works Policy and to the satisfaction of the 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. (DACENE11)

65. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour;
- (b) Damaged, crushed or dying roots due to poor pruning techniques;
- (c) More than 10% loss or dieback of roots, branches and foliage;
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches;
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species;
- (f) An increase in the amount of deadwood not associated with normal growth;
- (g) An increase in kino or gum exudation;
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition;
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

66. Requirement to Notify about New Contamination Evidence

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

Reason: To protect human health and the environment. (DACHPE01)

67. Waste / Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled Preliminary Waste Management Plan, prepared by Proust & Gardiner and dated December 2010.

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

68. 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.

69. Off-site disposal of contaminated material

All contaminated material removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with:

- a) *Protection of the Environment Operations Act 1997 (NSW); and*
- b) *Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).*

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

Reason: For protection of environment and human health and to ensure compliance with the legislation.

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

70. Seed and Plant Material Collection, Propagation and Certification

The person responsible for implementing the Bushland Management Plan must certify that planting's (including follow-up planting's) have been carried out using stock propagated from seed or plant material collected only from native plants from the local botanical provenance.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Reason: Environmental Protection, Monitoring and Enhancement (DACNEF04)

71. Waste/Recycling Certificate of Compliance with Policy

The proposal shall be constructed in accordance with Warringah Council's Policy Number PL 850 - Waste

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

Reason: To ensure waste and recycling facilities are provided.

72. Positive Covenant for Waste Services

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgment with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities

73. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (Department of Lands standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

Reason: To create encumbrances on the land. (DACEFaldsd)

74. Neighbourhood Management Statement for Waste Services

Where a development proposes the creation of a neighbourhood scheme, the Neighbourhood Management Statement shall include wording in relation to the provision of waste services in accordance with Council's standard requirements (available from Warringah Council).

Reason: To ensure ongoing access for servicing of waste facilities

75. Environmental Reports Certification

Written certification from a suitably qualified person(s) shall submit to the Certifying Authority and Warringah Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

Remedial Action Plan ENVIRHOD00992AB prepared by Coffey Environments Australia Pty Ltd dated 25 June 2010.

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

Reason: To ensure compliance with standards.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY COMMUNITY TITLE SUBDIVISION OR SUBDIVISION CERTIFICATE

76. Validation for Remediation

Prior to the issue of the Subdivision Certificate, a validation report issued under the Contaminated Land Management Act 1997, must be submitted to the Council within one month from completion of the remediation work certifying that the site is suitable for its intended use.

Reason: To ensure environmental amenity is maintained.

77. Positive Covenant for Drainage Structures

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

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

Reason: To ensure ongoing maintenance of the water quality devices. (DACENH01)

78. Restriction on the Keeping of Animals

No cats, dogs (other than dogs for assistance of vision impaired persons), horses or other animals which fall under the definition of "stock" under the Rural Lands Protection Act 1998 are permitted.

Prior to the issue of a subdivision certificate, a section 88B instrument which includes the restrictive covenant, which prohibits the keeping of said animals, in registrable form, shall be prepared by the owner of the land and produced to Council for approval and execution. The instrument must stipulate that the only person with the right to release, vary or modify the covenant is the Council. All costs associated with the preparation, execution and registration of the instrument are to be borne by the owner of the land.

Reason: To ensure compliance with the DCP

79. Positive Covenant for Drainage Structures

A positive covenant (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument, requiring the proprietor of the land to maintain the trench drain along the southern boundary of proposed lots 13, 14, 15, 16 and 18 of Sector 1 in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Warringah Council.

Warringah Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the water quality devices. (Special Condition)

80. Positive Covenant for On-site Stormwater Detention

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

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENH02)

81. 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 Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure that utility services have been provided to the newly created lots. (DACENH03)

82. Restriction as to User (Drainage Structures)

A restriction as to user shall be created on the title over the water quality devices, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction, (available from Warringah Council), are to be prepared by a registered surveyor to Warringah Council's standard requirements at the applicant's expense. Warringah Council shall be nominated as a party to release, vary or modify such restriction.

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

Reason: To ensure no modification of the water quality devices without Council's approval. (DACENH05)

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

A restriction as to user (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument for the on-site stormwater detention system, restricting any alteration or additions to the system. The terms of such restriction are to be prepared to Council's standard

requirements, which are available from Warringah Council. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure no modification to the on-site stormwater detention structure without Council's approval. (DACENH07)

84. Services

All utilities/services and street lighting is to be installed by the applicant/developer. Certification is to be provided to Council stating the above requirement has been complied with.

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

Reason: Public safety and to ensure services have been provided for the newly created lots. (DACENH09)

85. 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 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. (DACENH10)

86. Council Dedications

All allotments proposed as Council roads and or reserves are to be dedicated to Warringah Council. The subdivision certificate and a certificate of title are to be submitted to Council within one month after registration of the subdivision plan.

Reason: Statutory requirement of the Conveyancing Act 1919.(DACENH11)

87. 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 Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure accurate location of buildings, access and services. (DACENH12)

88. 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>> 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. (DACENH13)

89. 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 Warringah Council as the sole authority empowered to release or modify.

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

Reason: To ensure proper management of land.(DACENH14)

90. Certification of Utility Services

The provision of all utilities/services and/or street lighting are to be certified by the relevant authority(s) and/or authorised contractor.

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

Reason: To ensure services have been provided in accordance with the relevant authorities requirements. (DACENH15)

91. 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 Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919. (DACENH16)

92. Easement to Drain Water - Channel/Floodways

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

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

Reason: To identify flood affected areas on the property title. (DACENH17)

93. 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 Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.(DACENH18)

94. 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 (DACENH19).

95. On-Site Stormwater Detention Compliance Certification

Prior to issue of a subdivision certificate the on-site stormwater detention (OSD) system must be certified by a consulting engineer and include a "works as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Reason: To ensure stormwater disposal is constructed to standard specifications AUSPEC 1. (DACENH21)

96. Certification Civil Works

The Civil Engineer responsible for the supervision of the civil drainage works shall certify that the completed works have been constructed in accordance with this consent. Works as Executed data certified by a registered surveyor prepared in accordance with Council's requirements is to be provided to Council. Full details of the information is to be submitted to Council, as part of the Works as Executed Data, are outlined in Council's 'Guideline for preparing Works as Executed data for Council's stormwater assets' which is available from Council's Natural Environment Unit. The Works as Executed data is to be verified by the Certifying Authority prior to submission of any documentation.

The Works as Executed Data is to include but not limited to the following:

- a. Works as Executed (WAE) Plan,
- b. Spreadsheet Schedule of all stormwater asset attributes and
- c. CCTV Report of the completed pipeline.

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

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

97. Street Numbering

Street numbers are to be displayed on a copy of the linen plan in accordance with Warringah Council's standard requirements. The applicant is to ensure that allocation of these numbers is obtained from Warringah Council prior to issue of the Subdivision Certificate.

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

Reason: Proper identification of properties in accordance with Council's policy. (Special Condition)

98. Operational Manual for the Water Quality Control Pond within Sector 1

A manual for the operation and maintenance of the water quality control pond (WQCP) within Sector 1 is to be submitted to Council for approval prior to the issue of the subdivision certificate.

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

Reason: To minimise the amount of stormwater pollution from entering the downstream catchment. [Special Condition]

99. Water Quality Control Devices

The neighbourhood management statement and section 88B instrument is to incorporate wording for the maintenance of all the water quality control devices by the neighbourhood association. The draft neighbourhood management and 88B instrument is to be submitted to Council for approval prior to the issue of the subdivision certificate.

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

Reason: To provide satisfactory waste collection services. [Special Condition]

100. Water Quality Control Pond within Sector 1

The proposed water quality treatment detention basin within Sector 1 shall be maintained by the applicant as a sedimentation basin for a period of four (4) years from the date of issue of the subdivision certificate, or up until 90% of allotments have been residentially developed, whichever is the lesser period. After this period, the sediment basin is to be converted to a water quality control pond in accordance with the

approved landscaping plans. The applicant is to enter into a legal agreement with Council to maintain the sediment basin during this period. The legal agreement is to be prepared to the satisfaction of Council's solicitor, and all costs associate with this agreement are to be borne by the applicant.

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

Reason: To minimise the amount of stormwater pollution entering the downstream catchment. [Special Condition]

101. Management Statements

Prior to the issuing of any subdivision certificate a draft management statement including all proposed lots as detailed upon the approved plans listed within Condition No 1 of this Notice of Determination shall be prepared for the subdivision. The management statement must be prepared in accordance with the provisions of the Community Land Development Act 1989 and must be prepared and submitted to the satisfaction of the Principle Certifying Authority.

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

Reason: Legislative Requirement (Special Condition)

102. Right of Public Pedestrian Access

A right of public pedestrian access (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 include all public pedestrian footpaths within all proposed Sectors.

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

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

103. Subdivision Certificate Application

Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council. Nine copies of the final plan of subdivision 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. (DACENH24)