

## Catherine Wiltshire

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**From:** Kristie Debney  
**Sent:** Friday, 25 November 2022 1:38 PM  
**To:** Liz Reeves  
**Cc:** Sara Crighton  
**Subject:** RE: Land sale at 2 Bangaroo - Surveyors onsite along the creek now  
**Attachments:** Full Set Stamped Plans.PDF; Notice of Determination.PDF; MEMO - CEO - 2 Bangaroo St North Balgowlah - concerns raised by Cllr Grattan.DOCX

Hi Liz,

Sara asked me to provide background to the query below from Cllr Grattan. I have trimmed this to you from 2022/756643. If you would like a Cllr Memo with a formal response let me know.

The memo outlines the history of the site and attached are stamped plans which show the creek subdivision and the notice of determination from the DA.

Many Thanks

**Kristie Debney**  
Manager, Property, Commercial & Tourist Assets

Property Commercial & Tourist Assets  
t 02 8495 6382 m 0466 450 827  
kristie.debney@northernbeaches.nsw.gov.au  
northernbeaches.nsw.gov.au



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**From:** Sara Crighton <Sara.Crighton@northernbeaches.nsw.gov.au>  
**Sent:** Friday, 25 November 2022 12:23 PM  
**To:** Kristie Debney <Kristie.Debney@northernbeaches.nsw.gov.au>  
**Cc:** Liz Reeves <Liz.Reeves@northernbeaches.nsw.gov.au>  
**Subject:** FW: Land sale at 2 Bangaroo - Surveyors onsite along the creek now

Hi Kristie

With Campbell away until Tuesday could you please provide an update on the above matter for Ray to advise Cr Grattan.

Thanks  
Sara

**Sara Crighton**

Acting Executive Assistant to Director

Transport & Assets  
t 02 8495 6371 m 0435 195 019  
sara.crighton@northernbeaches.nsw.gov.au  
northernbeaches.nsw.gov.au



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**From:** Sarah Grattan <[Sarah.Grattan@northernbeaches.nsw.gov.au](mailto:Sarah.Grattan@northernbeaches.nsw.gov.au)>  
**Sent:** Friday, 25 November 2022 11:01 AM  
**To:** Ray Brownlee <[Ray.Brownlee@northernbeaches.nsw.gov.au](mailto:Ray.Brownlee@northernbeaches.nsw.gov.au)>  
**Subject:** Fwd: Land sale at 2 Bangaroo - Surveyors onsite along the creek now

Can you please provide an update as to what is going on here. Tha ms.

Get [Outlook for iOS](#)

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**From:** [REDACTED]  
**Sent:** Friday, November 25, 2022 10:01 am  
**To:** Sarah Grattan <[Sarah.Grattan@northernbeaches.nsw.gov.au](mailto:Sarah.Grattan@northernbeaches.nsw.gov.au)>; Candy Bingham <[candy@bingham.com.au](mailto:candy@bingham.com.au)>; terry.leroux <[terry.leroux@bigpond.com](mailto:terry.leroux@bigpond.com)>  
**Subject:** Land sale at 2 Bangaroo - Surveyors onsite along the creek now

[REDACTED]

[REDACTED]

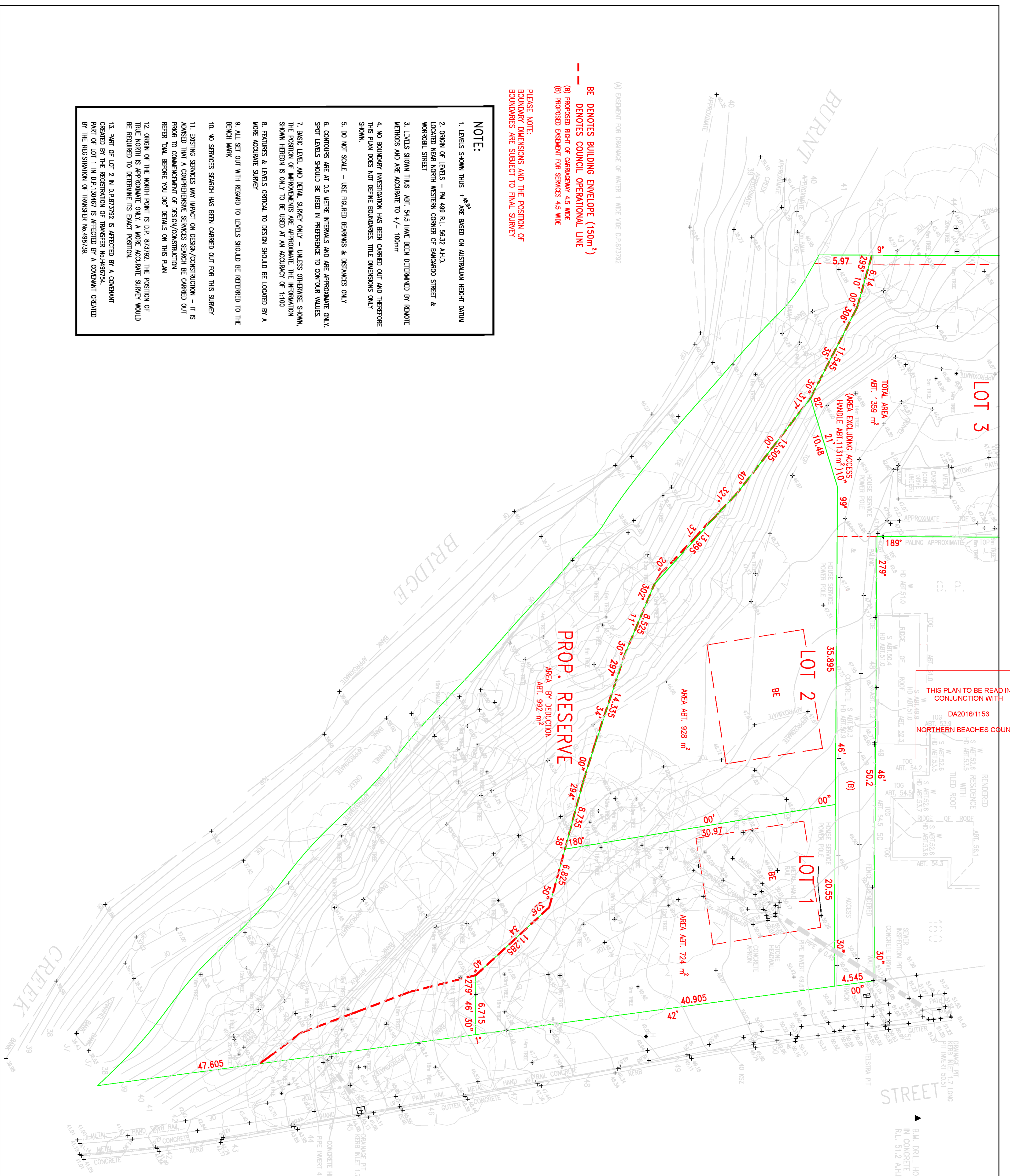
[REDACTED]

[REDACTED]

[REDACTED]

THIS PLAN TO BE READ IN CONJUNCTION WITH  
DA2016/1156  
NORTHERN BEACHES COUNCIL

THIS PLAN TO BE READ IN CONJUNCTION WITH  
DA2015/1156  
WARRINGGAH COUNCIL



BE DENOTES BUILDING ENVELOPE (150m<sup>2</sup>)  
 --- DENOTES COUNCIL OPERATIONAL LINE  
 (B) PROPOSED RIGHT OF CARRIAGEWAY 4.5 WIDE  
 (B) PROPOSED EASEMENT FOR SERVICES 4.5 WIDE

PLEASE NOTE:  
 BOUNDARY DIMENSIONS AND THE POSITION OF BOUNDARIES ARE SUBJECT TO FINAL SURVEY

- NOTE:**
1. LEVELS SHOWN THUS <sup>+</sup> ARE BASED ON AUSTRALIAN HEIGHT DATUM
  2. ORIGIN OF LEVELS - PM 499 R.L. 56.37 A.H.D. LOCATED NEAR NORTH WESTERN CORNER OF BANGAROO STREET & MORROOL STREET
  3. LEVELS SHOWN THUS A.B.T. 54.5 HAVE BEEN DETERMINED BY REMOTE METHODS AND ARE ACQUATE TO +/- 100mm
  4. NO BOUNDARY INVESTIGATION HAS BEEN CARRIED OUT AND THEREFORE THIS PLAN DOES NOT DEFINE BOUNDARIES. TITLE DIMENSIONS ONLY SHOWN.
  5. DO NOT SCALE - USE FIGURED BEARINGS & DISTANCES ONLY
  6. CONTOURS ARE AT 0.5 METRE INTERVALS AND ARE APPROXIMATE ONLY. SPOT LEVELS SHOULD BE USED IN PREFERENCE TO CONTOUR VALUES.
  7. BASIC LEVEL AND DETAIL SURVEY ONLY - UNLESS OTHERWISE SHOWN, THE POSITION OF IMPROVEMENTS ARE APPROXIMATE. THE INFORMATION SHOWN HEREON IS ONLY TO BE USED AT AN ACCURACY OF 1:100
  8. FEATURES & LEVELS CRITICAL TO DESIGN SHOULD BE LOCATED BY A MORE ACCURATE SURVEY
  9. ALL SET OUT WITH REGARD TO LEVELS SHOULD BE REFERRED TO THE BENCH MARK
  10. NO SERVICES SEARCH HAS BEEN CARRIED OUT FOR THIS SURVEY
  11. EXISTING SERVICES MAY IMPACT ON DESIGN/CONSTRUCTION - IT IS ADVISED THAT A COMPREHENSIVE SERVICES SEARCH BE CARRIED OUT PRIOR TO COMMENCEMENT OF DESIGN/CONSTRUCTION REFER TVAL BEFORE YOU DIG - DETAILS ON THIS PLAN
  12. ORIGIN OF THE NORTH POINT IS D.P. 873792. THE POSITION OF TRUE NORTH IS APPROXIMATE ONLY. A MORE ACCURATE SURVEY WOULD BE REQUIRED TO DETERMINE ITS EXACT POSITION.
  13. PART OF LOT 2 IN D.P. 873792 IS AFFECTED BY A COVENANT CREATED BY THE REGISTRATION OF TRANSFER No.4496754. PART OF LOT 1 IN D.P. 130467 IS AFFECTED BY A COVENANT CREATED BY THE REGISTRATION OF TRANSFER No.498729.

**LEGEND**

40KSL	40 KILOMETRE SPEED LIMIT
DL	SCHOOL ZONE SIGN
DL	DECK LEVEL
GFL	GROUND FLOOR LEVEL
H	HORIZONTAL
HD	HEAD
S	SIL
TOE	TOP OF EAVE
TOG	TOP OF GUTTER
TOF	TOP OF ROOF
TOP	UNKNOWN PIT
UNP	UNKNOWN PIT
W	WINDOW

**DIAL 1100**  
BEFORE YOU DIG

**BYRNE & ASSOCIATES** PTY LIMITED  
 CONSULTING SURVEYORS & ENGINEERS  
 63 WATERLOO STREET  
 MARRABEEN 2101  
 Ph: (02) 9913 7110  
 Email: [survey@byrneandassociates.com.au](mailto:survey@byrneandassociates.com.au)

**PLAN OF PROPOSED SUBDIVISION OF LOT 1 IN D.P. 130467 & LOT 2 IN D.P. 873792 No.2 BANGAROO STREET, NORTH BALGOOLAH**

Issue	1	2
DATE	10/05/15	12/00

Plan No. A1 - 1086091

**NOTE:**

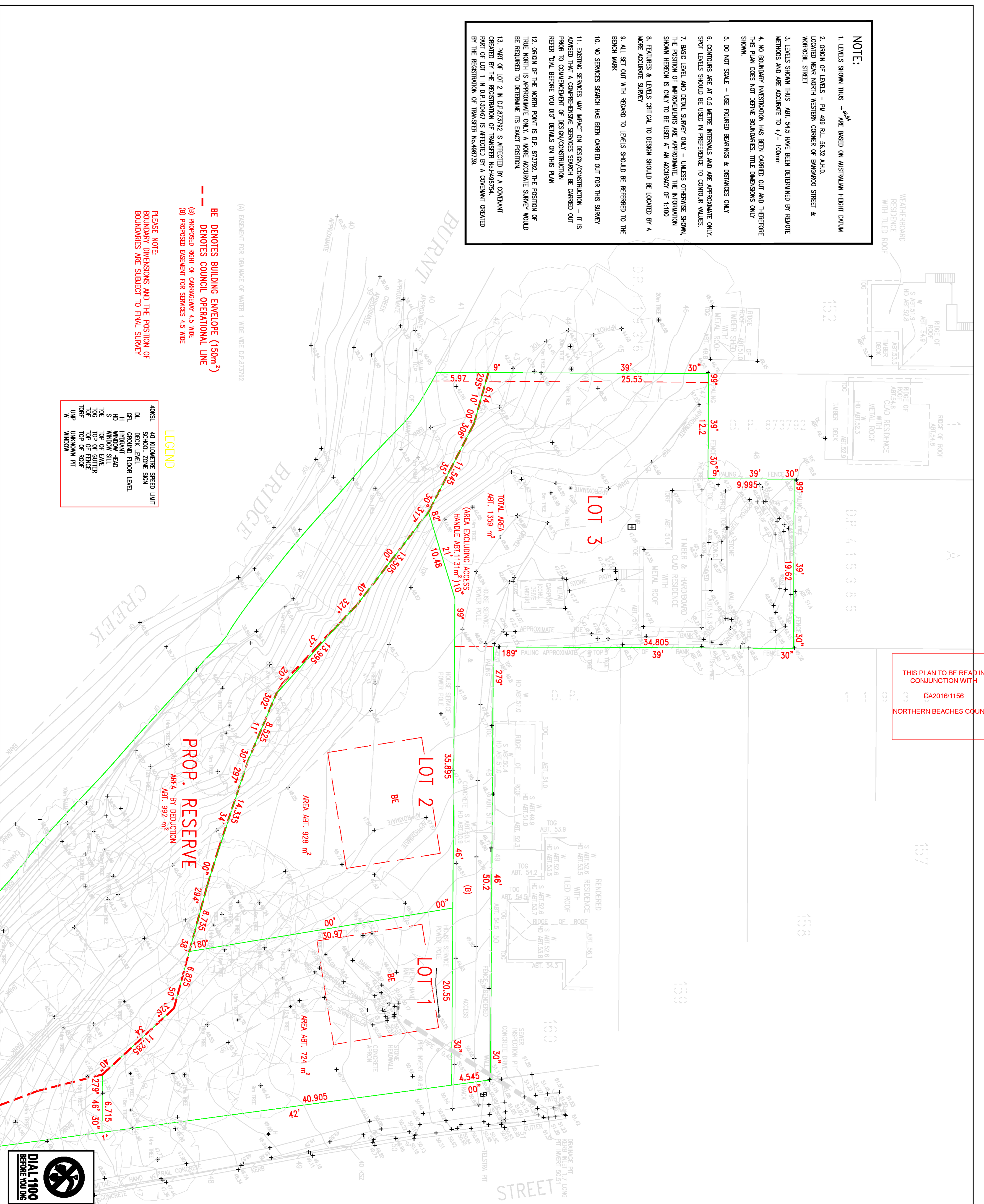
1. LEVELS SHOWN THUS  $+^{NSM}$  ARE BASED ON AUSTRALIAN HEIGHT DATUM
2. ORIGIN OF LEVELS - PW 499 R.L. 56.32 A.H.D. LOCATED NEAR NORTH WESTERN CORNER OF BANGAROO STREET & WOROOL STREET
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11. EXISTING SERVICES MAY IMPACT ON DESIGN/CONSTRUCTION - IT IS ADVISED THAT A COMPREHENSIVE SERVICES SEARCH BE CARRIED OUT PRIOR TO COMMENCEMENT OF DESIGN/CONSTRUCTION REFER TO/L BEFORE YOU DIG" DETAILS ON THIS PLAN
12. ORIGIN OF THE NORTH POINT IS D.P. 873792. THE POSITION OF TRUE NORTH IS APPROXIMATE ONLY. A MORE ACCURATE SURVEY WOULD BE REQUIRED TO DETERMINE ITS EXACT POSITION.
13. PART OF LOT 2 IN D.P. 873792 IS AFFECTED BY A COMMENT ORIGINATED BY THE REGISTRATION OF TRANSFER NO. H498794. PART OF LOT 1 IN D.P. 130467 IS AFFECTED BY A COMMENT CREATED BY THE REGISTRATION OF TRANSFER NO. 498739.

- (A) ESCAPEMENT FOR DRAINAGE OF WATER 1 WIDE WIDE D.P. 873792
- BE DENOTES BUILDING ENVELOPE (150m<sup>2</sup>)
- DENOTES COUNCIL OPERATIONAL LINE
- (B) PROPOSED RIGHT OF CARRIAGEWAY 4.5 WIDE
- (B) PROPOSED ESCAPEMENT FOR SERVICES 4.5 WIDE

PLEASE NOTE:  
BOUNDARY DIMENSIONS AND THE POSITION OF BOUNDARIES ARE SUBJECT TO FINAL SURVEY

**LEGEND**

40KSL	40 KILOMETRE SPEED LIMIT
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HD	HEAD
S	SIDE
TOE	TOP OF EAVE
TOG	TOP OF GUTTER
TOF	TOP OF FLOOR
TOP	TOP OF ROOF
UMP	UNKNOWN PIT
W	WINDOW



THIS PLAN TO BE READ IN CONJUNCTION WITH  
DA2016/1156  
NORTHERN BEACHES COUNCIL

THIS PLAN TO BE READ IN CONJUNCTION WITH  
DA2015/1156  
WARRINGAH COUNCIL



**PLAN OF PROPOSED SUBDIVISION OF LOT 1 IN D.P. 130467 & LOT 2 IN D.P. 873792 No. 2 BANGAROO STREET, NORTH BALGOWLAH**

**BYRNE & ASSOCIATES PTY LIMITED**  
CONSULTING SURVEYORS & ENGINEERS  
63 WATERLOO STREET  
MARRABEEEN 2101  
Ph: (02) 9913 7110  
Email: [survey@byrneandassociates.com.au](mailto:survey@byrneandassociates.com.au)

ISSUE	DESCRIPTION	DATE
B	PROPOSED RESERVE ADDED TO PLAN	16/01/16
A	INITIAL	10/08/15

DATE	BY	SCALE	PLAN NO.
17/12/2014	1	1:1000	DA2015/1156
10/05/15	2	1:1000	DA2015/1156

Vaughan Milligan  


Dear Mr Milligan,

**Application Number:** DA2015/1156  
**Address:** Lot 1 DP 130467 , 1 / 9999 Bangaroo Street, NORTH  
BALGOWLAH NSW 2093  
**Proposed Development:** Subdivision of two (2) lots into three (3) lots

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's eServices website at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on (02) 9942 2111 or via email quoting the application number, address and description of works to [council@warringah.nsw.gov.au](mailto:council@warringah.nsw.gov.au)

Regards,



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Kevin Short  
Development Planner

**NOTICE OF DETERMINATION**

<b>Application Number:</b>	DA2015/1156
<b>Determination Type:</b>	Development Application

**APPLICATION DETAILS**

<b>Applicant:</b>	Vaughan Milligan
<b>Land to be developed (Address):</b>	Lot 1 DP 130467, 1 / 9999 Bangaroo Street NORTH BALGOWLAH NSW 2093
<b>Proposed Development:</b>	Subdivision of two (2) lots into three (3) lots

**DETERMINATION**

**APPROVED**

<b>Made on (Date)</b>	30 May 2016
<b>Consent to operate from (Date):</b>	6 June 2016
<b>Consent to lapse on (Date):</b>	6 June 2021

**Detail of Conditions**

*The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.*

**Note:**

*If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.*

**DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**

**1. Approved Plans and Supporting Documentation**

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

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Sheet 1 of 2 Plan of Proposed Subdivision Issue B	15/01/16	Byrne & Associated Consulting Surveyors & Engineers
Sheet 2 of 2 Plan of Proposed Subdivision Issue B	15/01/16	Byrne & Associated Consulting Surveyors & Engineers

**Reports / Documentation – All recommendations and requirements contained within:**

<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Preliminary Geotechnical Assessment	11 September 2015	White Geotechnical Group
Arboricultural Impact Assessment	21 September 2015	Footprint Green
Flood Risk Management Report	2 October 2015	Northern Beaches Consulting Engineers
Flora & Fauna Assessment	9 October 2015	Footprint Green
Waterway Impact Statement	12 October 2015	Footprint Green

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

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

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

**2. Compliance with Other Department, Authority or Service Requirements**

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

<b>Other Department, Authority or Service</b>	<b>eServices Reference</b>	<b>Dated</b>
Department of Primary Industries - Water	Response Department of Primary Industries - Water Referral	8 January 2016
Aboriginal Heritage Office	Response Aboriginal Heritage Office Referral	9 December 2015

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

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

**3. Prescribed Conditions**

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

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and

(ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(iii) stating that unauthorised entry to the work site is prohibited.

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

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

(i) in the case of work for which a principal contractor is required to be appointed:

- A. the name and licence number of the principal contractor, and
- B. the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:



- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

(i) protect and support the adjoining premises from possible damage from the excavation, and

(ii) where necessary, underpin the adjoining premises to prevent any such damage.

(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (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 and Construction Certificate 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) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following:

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred areas in a manner that does not cause pollution, erosion or run off, is

separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

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

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

(1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.

(2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

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

## FEES / CHARGES / CONTRIBUTIONS

### 5. Policy Controls

#### Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 500,000.00		
<b>Contributions</b>	<b>Levy Rate</b>	<b>Payable</b>
Total Section 94A Levy	0.95%	\$ 4,750.00
Section 94A Planning and Administration	0.05%	\$ 250.00
<b>Total</b>	<b>1%</b>	<b>\$ 5,000.00</b>

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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

Reason: To provide for contributions in accordance with Warringah's Development Contributions Plan.

## 6. Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Councils Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

Reason: To ensure adequate protection of Councils infrastructure.

## 7. Works Bonds

(a) Construction of drainage, Excavation and Associated Works Bond ( Road & Drainage)

A Bond of \$100,000.00 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

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

A Bond of \$3000.00 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.

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

A bond of \$2000.00 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.

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

The developer/applicant must lodge with Council a Maintenance Bond of \$10,000.00 for the construction of drainage The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has ben completed in accordance with the approved plans 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 and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

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

#### **8. Internal Civil Works for private drainage and common driveway**

Engineering plans for the construction of concrete Right of Carriageway and inter-allotment drainage design plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice of civil engineering.

The plans are to be submitted to an Accredited Certifier with C1 Accreditation registered with the Building Professional Board for approval and construction. The submission of four (4) copies of Civil Engineering plans for the design of a common driveway and inter-allotment drainage 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.

The design must be in accordance with the following requirements:

- Inter-allotment drainage system to service lots 1 to 3 and the common driveway.
- Any stormwater pipe line which traverses the site from adjacent properties shall be connected to the inter-allotment pipe drainage system.
- The inter-allotment drainage pipe must avoid steep embankments and be directed westerly and connected to the creek with a headwall. The headwall must be founded on natural ground (rock) and must not be within the flood way area in Burnt Bridge Creek.

- The driveway shall be designed with a 2-3% max one way cross-fall. A kerb shall be located on the north side in order to capture overland stormwater flows and to be directed to a kerb entry pit and lintel.
- The driveway shall be 3.5 m wide and passing bays are to be provided at the entrance and at every 30 metres. The passing bays shall be 5.0 metres wide and 10 metres in length.
- A Catch drain shall be provided along the northern boundaries of the site and drained into the proposed inter-allotment drainage system.

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

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

**9. Application for Works to be Approved within Councils Roadway**

An application for works to be approved within Councils roadway under Sections 138 & 139 of the Roads Act 1993 is to be submitted to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design and construction of the driveway crossings, laybacks, kerb and gutter, Council drainage pipe diversion and footpath along the frontage of the site which are to be generally in accordance with the civil design approved with the full of the development site.

Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy and to the following requirements:-

1. The existing Council pipe affecting north eastern boundary of the the site shall be removed and relocated along the kerb & gutter fronting the development site. The pipe shall be designed to cater for the 1 in 20 year Annual Exceedance Probability (AEP). Detailed hydrological and hydraulic grade line analysis designed in accordance with Council "Building Over or Adjacent to Constructed Council Drainage System and Easement Policy PAS-PL130 will be required. The connection to the embankment of Burnt Bridge Creek and shall be to a solid rock formation. In this regard drop pit structures will be required. Detailed structural plans for the pipe and pit construction is required.
2. The outlet structure must be designed to ensure that the exiting embankment and vegetation are to be protected from scouring and erosion
3. Reconstruction of kerb and gutter where affected by the proposed diversion pipe line.
4. Plans are to be lodged with The NSW Office of Water for approval and required permits are to be submitted with the application.
5. Construction of vehicular crossing 5.0 metres wide.
6. Reconstruction of concrete footpath to 1.5 metres wide and regrading of the nature reserve with 3% slope up from the kerb.
7. Submission of a Construction traffic control management plan.  
The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges.

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

Reason: To ensure compliance with Council's specification for engineering works. (DACENCPC1)

**10. Tree protection and pruning**

(a) Existing trees which must be retained

All trees not indicated for removal in the Arboricultural Impact Assessment dated 21 September 2015 prepared by Footprint Green, unless exempt or noxious in Warringah

(b) Tree protection and pruning

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with the recommendations of the Arboricultural Impact Assessment dated 21 September 2015 prepared by Footprint Green and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree protection measures, including fencing, are to be in place prior to commencement of works
- v) Tree pruning within the subject site is approved to enable construction in accordance with the approved plans.
- vi) Tree pruning is not to exceed 15% of any existing tree canopy
- vii) All tree pruning to be in accordance with AS4373-2007 Pruning of amenity trees.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

**11. Biodiversity /Vegetation Management Plan**

A Biodiversity Management Plan shall be prepared by the Project Ecologist in accordance with Council's Biodiversity Management Plan Guidelines available at [http://www.warringah.nsw.gov.au/plan\\_dev/NaturalEnvironmentGuidelines.aspx](http://www.warringah.nsw.gov.au/plan_dev/NaturalEnvironmentGuidelines.aspx)

Details demonstrating compliance are to be submitted and approved by Council prior to the issue of the Construction Certificate.

Reason: To promote the long-term sustainability of ecosystem functions (DACNEC03)



**12. Stormwater Management - Outlet Structures**

The proposed and existing stormwater outlets shall comply with the NSW Office of Water's Guidelines for Outlet Structures on Waterfront Land available at [http://www.water.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0011/547058/licensing\\_aprovals\\_controlled\\_activities\\_outlet\\_structures.pdf](http://www.water.nsw.gov.au/__data/assets/pdf_file/0011/547058/licensing_aprovals_controlled_activities_outlet_structures.pdf)

Details demonstrating compliance prepared by a suitably qualified engineer are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure disposal of stormwater does not negatively impact upon the existing natural watercourse (DACNEC17)

**13. Erosion and Sediment Control Plan**

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

- Site Boundaries and contours;
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities);
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls;
- North point and scale.

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

Reason: To mitigate environmental impact resulting from site disturbance (DACNEC22)

**14. 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 prior to the issue of the Construction Certificate.

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\*\*
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

\*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](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. (DACPLC02)

#### **15. Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- a) Quick Check agents details - see Building Developing and Plumbing then Quick Check; and

- b) Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- c) Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

**16. Driveway Design**

The driveway is to be designed in compliance with the DCP which requires the provision of minimum 10m passing bay where the driveway is longer than 30m.

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

Reason: Compliance with Warringah DCP (DACTRCPC2)

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

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

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for 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)

**18. Bushland Protection Fencing**

Prior to the commencement of any onsite works or commencement of vegetation clearance/modification, the boundary between the bushland areas - to be retained and the subdivision construction area as shown in Figure 5.1 Proposed bushland retention, likely removal and recommended rehabilitation (Flora and Fauna Assessment, Footprint Green 2015).

A temporary fence is to be erected on the surveyed boundary between the retained bushland zone 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 retained bushland area is protected during and after construction. (DACNED01)

**19. Installation and Maintenance of Sediment and Erosion Control**

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

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.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

**20. Project Ecologist**

Prior to any works being undertaken on site, a Project Ecologist is to be engaged for the duration of the onsite works and issue compliance certification as per the requirements of this consent.

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 Biodiversity / Vegetation Management Plan, Flora and Fauna Assessment (Footprint Green 2015), Waterways Impact Statement (Footprint Green 2015) are carried out. The Project Ecologist will ensure that all conditions relating to the biodiversity and riparian land management of the property 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.

A legally signed contract demonstrating compliance is to be submitted to the Certifying Authority prior to commencement.

Reason: To ensure bushland management (DACNED04)

**21. Aboriginal Heritage Assessment**

A due diligence Aboriginal Heritage Assessment be carried out for the land by a qualified Aboriginal heritage professional prior to the issue of the Construction Certificate.

The report is to provide an assessment of any unrecorded or potential Aboriginal sites within the allotment, and advice on potential (direct or indirect) impacts to any Aboriginal site and assist in any potential boundary consideration.

If any Aboriginal site or object is, or is thought to have been found, the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection. (DACAHE01)

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

#### **22. 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 Principal Certifying Authority.

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

#### **23. Vehicle Crossings**

The provision of normal Standard vehicle crossing 5.5 metres wide in accordance with Warringah Council Drawing No A4-3330/1 and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

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

**24. Civil Works Supervision**

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

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

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

**25. 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)

**26. Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control at Work sites and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

**27. 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. (DACLAE03)

**28. 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, in accordance with the Noxious Weeds Act 1993 and the Biodiversity / Vegetation Management Plan for this development.

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)

**29. Waste/Recycling Requirements (Materials)**

The applicant is required to complete a construction and demolition plan that is consistent with the requirements outlined in Warringah DCP C8. The plan and evidence of disposal and recycling is to be retained on site and provided to the principal certifying authority.

Reason: To ensure waste is minimised and recovered for recycling where possible. (DACWTE02)

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

**30. Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are

available at

<http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The post construction dilapidation report must be submitted to the Council for review and the Certifying Authority prior to the issue of the Occupation Certificate. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure (DACNEF11)

**31. Certification of Drainage Works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' shall be submitted to the Council for approval prior to the issue of the Occupation Certificate. Council's guidelines are available at

<http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084731guidelineforpreparingworksasexecuteddataforcouncilstormwaterassets2.pdf>

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

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACNEF12)

**32. Undergrounding of Telecommunications Services**

Arrangements are to be made for the provision of underground telecommunications services to the building.

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

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACPLF06)



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

**33. Rehabilitation and maintenance**

The consent holder must carry out a maintenance period for a minimum of five (5) years after completion of works, including rehabilitation and vegetation management works in accordance with the Biodiversity Management Plan required under this development consent.

Reason: Environmental Protection, Monitoring and Enhancement. (DACNEG02)

**34. Exotic Plant Species/Weeds**

All exotic plant species, noxious and environmental weeds are to be managed continuously and are not to be imported to the site. Further information is available on Warringah Council's website.

Only certified weed free and contaminant free mulch is to be used on the site, as they may contain weed seeds and viable vegetative matter and other contaminants, which may impact adversely on the vegetation, soil, water quality or ecology of the site.

Reason: To ensure bushland and riparian management (DACNEG05)

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

**35. Provision of Services for Subdivision**

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

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

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

**36. Right of Carriageway**

A right of carriageway (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument to include all vehicular access and maneuvering areas.

Details demonstrating compliance are to be submitted to the Principal Certifying

Authority prior to the issue of the Subdivision Certificate.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919. (DACENH04)

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

A restriction as to user shall be incorporated in the title of proposed Lot 1 that shall preclude that lot from utilising its frontage for vehicular traffic except for the section created as a Right of Carriageway. The wording of the restriction of use is to be prepared by a surveyor, with terms acceptable to Council.

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

Reason: To ensure compliance with Council policy for vehicular access. (DACENH08)

**38. Services**

All public utilities/services 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 Principal 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)

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

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

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

Reason: To ensure that services have been provided with appropriate easements as required by the Conveyancing Act 1919. (DACENH10)

**40. Survey Plan - Construction Identification**

A declaration by a registered surveyor shall be provided to Council as evidence that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. This shall be in the form of a copy of the final subdivision or easement plan, with the distances from the boundaries to the

edges of these structures endorsed in red thereon and signed by the surveyor.

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

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

**41. Sydney Water Compliance Certification**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACENH13)

**42. 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 Principal 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)

**43. Easement for Drainage**

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

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

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

**44. Easement to Drain Water in favour of Council**

An easement to drain water shall be created in favour of Council over the Council drainage system is to be created and detailed on the final plan of subdivision. The easement shall be created centrally over the pipe line and width to be determined depending on the depth and size of the pipe line and shall not be less than 3.0 meters wide.

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

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

**45. Easement for Services**

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

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

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

**46. 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)

**47. 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 over proposed lots 1, 2 and 3 on the final plan of subdivision and accompanying 88B instrument, requiring that any future

development is to provide an on-site stormwater detention system. The on-site stormwater detention system on each lot to the following requirements:-

- 1) Lot1 have a storage volume of 15 m<sup>3</sup> with a maximum discharge rate from the site of 28 litres per second.
- 2) Lot2 have a storage volume of 19 m<sup>3</sup> with a maximum discharge rate from the site of 37 litres per second.
- 3) Lot3 have a storage volume of 27 m<sup>3</sup> with a maximum discharge rate from the site of 54 litres per second.

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

Reason: To ensure provision of on-site stormwater detention system. (DACENHPS1)

**48. The Dedication of Reserve to Council**

Allotment proposed as Reserve shall be dedicated to Warringah Council. The subdivision certificate and certificate of title are to be submitted to Council within one month after registration of the subdivision.

Reason: Statutory requirement of the Conveyance Act 1919. (DACENHPS2)

**49. 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.

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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. (DACENHS14)

**Right to Review by the Council**

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

*NOTE: A fee will apply for any request to review the determination.*

**Right of Appeal**

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

**Signed**            On behalf of the Consent Authority

Signature

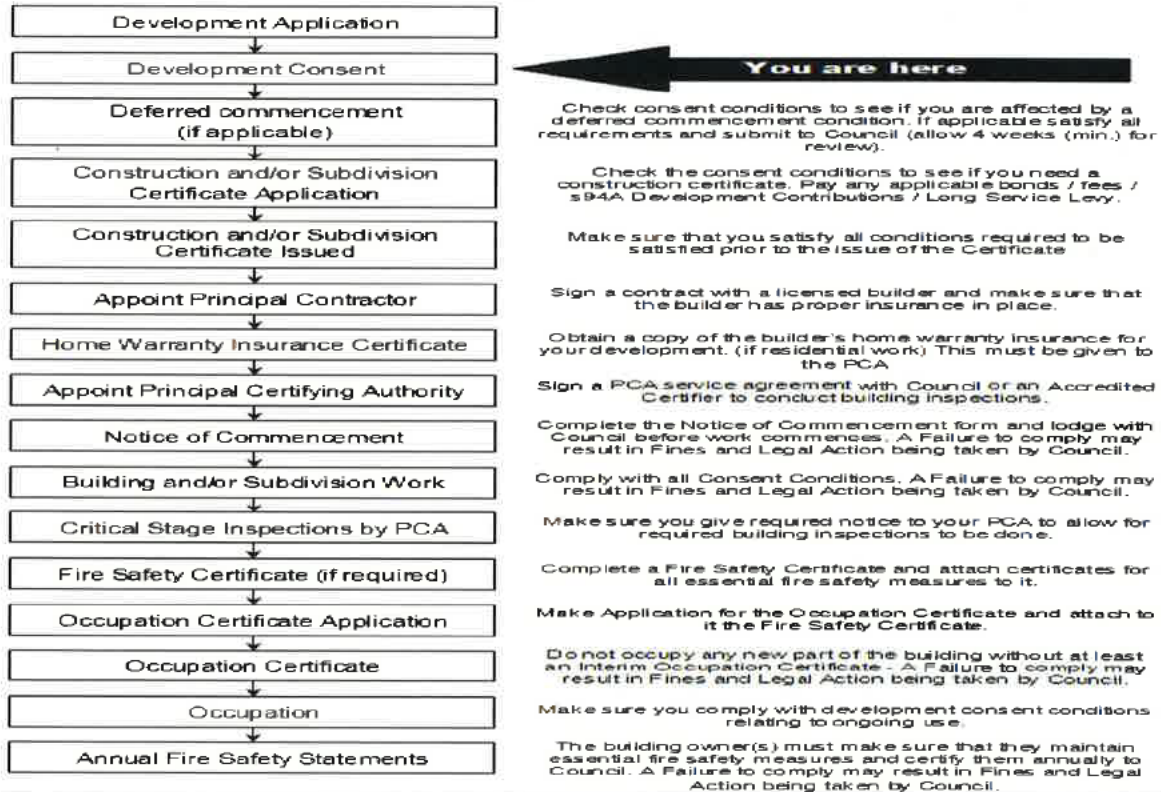


Name                Steve Findlay **Development Assessment  
Manager**

Date                 7 June 2016

**GENERAL ADVICE**  
**Advisory Notes (General)**

Where are you in the development process?



*Note: The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team.*

The attached Notice of Determination includes conditions of consent which must be complied with.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action.)

**Building Certification**

The Environmental Planning and Assessment Act 1979 provides that:

- Building work cannot occur unless a construction certificate has been issued;
- Occupation of building works cannot occur unless an occupation certificate has been issued

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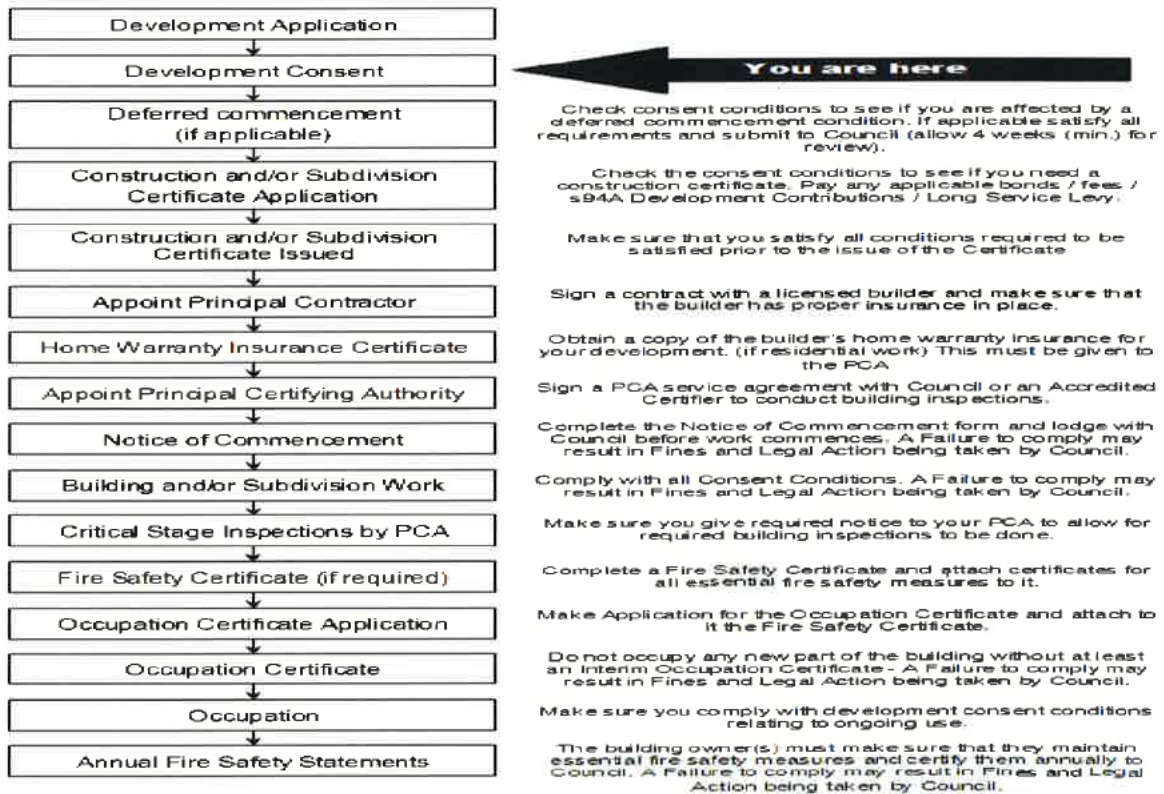
**Name**            Steve Findlay  
**Development Assessment Manager**

**Date**             7 June 2016



**GENERAL ADVICE**  
**Advisory Notes (General)**

Where are you in the development process?



*Note: The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team.*

The attached Notice of Determination includes conditions of consent which must be complied with.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action.)

**Building Certification**

The Environmental Planning and Assessment Act 1979 provides that:

- Building work cannot occur unless a construction certificate has been issued;
- Occupation of building works cannot occur unless an occupation certificate has been issued
- Subdivision cannot be registered until a subdivision certificate has been issued
- Mandatory Inspection for building work must be completed

Please refer to process chart for more detail.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action.)

### **Certification Services**

Construction Certificates / Occupation Certificates / Subdivision Certificates / Strata Certificates, can be issued by Council or an accredited private certifier (Note Council must be the Principal Certifying Authority (PCA) for subdivisions).

Council is well placed to provide Certification Services. Council can issue Construction Certificates and act as your Principle Certifying Authority at competitive rates. Please visit our web site [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) or speak to our Customer Service Officers if you have any further questions about our Certification Services or if you wish to use Council as your certifier.

### **Charges Associated with the Development Consent**

All bonds, fees, (s94A) Development Contributions or the Long Service Levy detailed within the Notice of Determination are required to be paid prior to the issuing of any Construction Certificate.

### **Bonds are released after:**

1. 'Final Occupation Certificate' has been received by Council; and
2. Final inspection by a Council Officer where:
  - the development is complete
  - damage has not been caused to council assets during the works
  - conditions of development consent have been met.

The bond will be released to the person or business who paid the bond to Council (The name that appears on the original receipt)

### **Acceptable Form of Security Bonds**

Council will accept bank guarantee (in a form acceptable to Council) in lieu of cash and is required prior to the issue of a construction certificate.

### **Modifications to the consent**

If you seek to make any changes to the development (which may include internal / external configuration of the building, variation to facades, site layout or any changes to the proposed operation or use), the modifications will require the submission and approval of an application to modify the development consent prior to the issuing of a Construction Certificate and prior to the works being carried out.

(Note: A failure to gain approval prior to the works being carried out is a serious breach of the Environmental Planning & Assessment Act 1979 which attracts penalties and may also result in legal action.)

### **Other Matters not detailed within the Notice of Determination**

The Notice of Determination does not stipulate every requirement that must be completed to satisfy New South Wales and Commonwealth legislation.

You should check, as may be relevant, with other authorities including but not limited to:

- Workcover NSW for work safety and asbestos requirements
- Sydney Water – Quick Check Agent for the provision of water and sewer services
- Energy & Gas suppliers for utility services
- Department of Fair Trading for advice about builders and licensing
- Building Professionals Board for advice about private certifiers
- NSW Roads and Maritime Services for works on state roads only
- Human Rights and Equal Opportunity Commission for access issues
- NSW Land and Property Information for Land Title matters
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;

### **Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

### **Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact :Telstra's Network Integrity Team on Phone Number 1800810443.

(1) if the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and

(2) The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

### **Model**

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

**Trade waste agreement**

A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

**Waste collection**

Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the Protection of the Environment Operations Act 1997. Records must be kept of all waste disposal from the site.

Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the approved Waste Management Plan.

**Aboriginal Heritage**

If in undertaking excavation or works and any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

**On-Site Sewage Management System**

This approval does not authorise the installation or operation of a new or modification of an existing on-site wastewater management system. An On-Site Sewage Management System must not be installed or operated unless an 'Approval to Install an On Site Sewage Management System' is obtained from Warringah Council.

**Cost of Works**

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

**Relocation of stormwater drainage**

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

**Tree preservation**

Where tree work has not been approved by this Development Consent the developer is notified that a general Tree Preservation Order applies to all trees in the Warringah Local Government Area. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, transplanting, injuring, or wilful destruction of such trees except without the prior written consent of Council.

**Storage bins on footpath and roadway**

Approval is required from Council prior to the placement of any storage bin on Council's

footpath and/or roadway.

### **Protection of Public Places**

(1) If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place.

(2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

(3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

(4) Any such hoarding, fence or awning is to be removed when the work has been completed.

(5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained.

### **Road Opening Permit**

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

### **Special Permits**

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time.

- Permit for on-street mobile plant

Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers).

Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

- Hoarding Permit

Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

- Storage of building materials and building waste containers (skips) on Council's property

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.

- Kerbside restrictions, work zones

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Other permits may include out of construction hours permits.

#### **Licensing requirements for removal of bonded asbestos**

Anyone who removes, repairs or disturbs bonded asbestos must hold a bonded or a friable asbestos licence, or a demolition licence in accordance with Workcover requirements and the Occupational Health and Safety Act 2000.

#### **Pool Access**

Access to pools are required to be restricted by a child resistant barrier in accordance with the regulations prescribed in all relevant Acts, Regulations and Australian Standards including:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2012;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

It is your responsibility as a land owner to ensure any fencing is maintained.

#### **Dewatering**

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Department of Water and Energy. The bore license must be obtained prior to commencement of dewatering works.

#### **Requirement to Notify about New Contamination Evidence**

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

#### **Flood Evacuation Plan**

If your site is on flood prone land you may wish to consider the preparation of a flood evacuation plan.

Generally a Flood Evacuation Plan would be prepared by suitably qualified Engineer (e.g. Hydraulic) with a number of years experience in flood management and who is eligible for Membership to the Australian Institute of Engineers.

Some matters that you may wish to consider (but not limited to) include:

- (i) a route of evacuation to higher ground and / or point of shelter
- (ii) depth of water for a Possible Maximum Flood event surrounding the building
- (iii) details of 'last chance' evacuation water levels / times for evacuation prior to floodwaters surrounding the building
- (iv) provide details of flood warning systems and protocols
- (v) details of how this information will be distributed and people educated for users of the site.

You may seek to discuss this with the State Emergency Service of NSW.

#### **Utility Service Requirements**

Where development requires the installation of, or the relocation of utility services being (but not limited to) gas, water, electricity and telecommunications, the installation of, or the relocation of utility services shall be conducted in accordance with the requirements of the relevant service provider / authority (unless stipulated by any other condition of the consent or will result in damage to threatened or endangered species defined under the Threatened Species Conservation Act 1995).

#### **Plant & Equipment Kept Within Site**

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This does not prevent any requirement to comply with the Protection of the Environment Operations Act.

#### **Lighting**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 - 1997 Control of the obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

#### **Silt and Sediment Control**

During any onsite demolition, excavation and construction works, the site should be maintained in accordance with "The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction".

In managing the site provision shall be made throughout the period of works to prevent transmission of soil to the public road, drainage system, any riparian lands or off site in any manner. Upon completion of the development, any measures to prevent the transition of soil off site to remain in place until the site is stabilised.

A failure to prevent the transmission of silt and sediment and / or causing, water pollution, air pollution, noise pollution or land pollution may result in a breach of the Protection of the Environment Operations Act and orders, penalties and prosecutions may occur.

## **OTHER MATTERS**

### **Child Care Centres**

A license to operate a child care centre must be obtained from the NSW Department of Community Services prior to the commencement of the use of the child care centre.

### **Disability Access**

This decision does not ensure compliance with the Commonwealth Disability Discrimination Act 1992. Applicants are strongly advised to investigate their requirements under that Act

### **Food Premises**

Food premises are required to comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standards.

The proprietor of a food business must notify the NSW Food Authority of the details of the business. Notification may be done either online at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

### **Wheel washing facility**

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council's roads. The wheel wash facility shall be constructed prior to any truck movements occurring. Water from the wheel wash facility must not cause pollution. Any direction of Council with regard to cleaning trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

### **Monitoring State of Roadways**

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

### **Storage of Dangerous Goods**

Prior to the storage of any "dangerous goods" on the premises, a copy of a license obtained from the Chemical Safety Branch of Work Cover Authority must be submitted to Council.

### **Storage of Flammable and Combustible Liquids**

Flammable and combustible liquids must be stored in accordance with Australian Standard 1940 The Storage and Handling of Flammable and Combustible Liquids.

### **Noise and Vibration**

The premises, including operation of vehicles, shall be conducted so as to avoid offensive noise or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address



systems and the like.

### **Hairdressing/Beauty Treatment/ Skin penetration Requirements**

The premises must comply with the following requirements before the commencement of business:

- i) A hand wash basin with warm water delivered through a common spout must be provided in the treatment area. The hand wash basin must be provided with liquid soap and paper towel.
- ii) The wall behind the hand wash basin from the floor to a height of 450mm above the top of the washbasin and from the centre of the washbasin to a distance of 140mm beyond each side of the wash basin, must be finished with a material that is durable, smooth, impervious to moisture and capable of being easily cleaned (eg tiles).
- iii) The premises must be provided with washing, drainage, ventilation and lighting that are adequate for the carrying out of hairdressing/beauty treatment/skin penetration procedures.
- iv) The floor coverings must be smooth and impervious.
- v) All furniture, shelves and fittings must be constructed of, or covered with a material that is smooth, impervious to moisture and capable of being easily cleaned.
- vi) Adequate lockers must be provided for the storage of employees clothing and personal effects.
- vii) The premises must be provided with facilities that are adequate for the purpose of storing of hairdressing/beauty treatment/skin penetration appliance and utensils.
- viii) The premises must be provided with a sink sullied with hot and cold water for washing equipment.

### **Food Premises Construction Requirements**

The food premises must comply with the following specific construction requirements: Solid walls must be provided in all food handling areas (solid includes brick, cement and foam filled preformed panels);

- ix) Walls in food preparation and wash up areas must be finished with a smooth and impervious surface to a height of at least 2 metres.
- x) Hand wash basins must be provided with warm water delivered through a common spout with taps that are hands free operation;
- xi) Coving with a radius of 25mm must be provided between all floor and wall joints in food handling areas;
- xii) The open space between the top of the coolroom and the ceiling must be fully enclosed and kept insect and pest proof;
- xiii) The coolroom must be able to be opened from the inside with out a key and fitted with an alarm that can only be operated from within the coolroom;
- xiv) The doors to the toilet air lock and toilet compartment must be tight fitting and self closing;
- xv) The rear external door must be self closing or be provided with a fly screen that is self closing;
- xvi) Where cooking or extensive heating processes or such other processes as may be specified are carried out in food preparation areas, an approved mechanical ventilation system shall be installed and operated in accordance with AS 1668 part 1 & 2.

### **Legionella Control**

Cooling towers, warm water systems, water cooling systems must be registered with the Council. Details of registration are to be provided to the Council prior to operation.

**Pool/Spa Safety**

Owners of properties with swimming pools and spa's must meet safety compliance and registration requirements. Provisions also apply when renting/selling properties. Details are available from the Division of Local Government.

## Memo

Property

**To:** Ray Brownlee OAM CEO

**Cc:**

**From:** Kristie Debney - Manager Property Commercial and Tourist Assets

**Date:** 25 November 2022

**Subject:** S Bangaroo St North Balgowlah (Lot 1 DP 130467 and Lot 2 DP 873792) History of subject site

**Record Number:** 2022/756643

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Dear Ray,

I refer to Cllr Grattan's email raising concern about the works currently occurring on the above site. The background to the current works on the site is as follows:

On 11 April 2006, the former Warringah Council considered the rezoning and reclassification of this land and formally resolved as follows:

1. That Council commence the process to reclassify and rezone the subject Council land holdings to provide a contiguous open space corridor, alleviate current legal access issues and redress historical zoning anomalies through the process outlined below:
  - a) Reclassify Part Portion 1203 (Lot 1 DP 130467), Bangaroo Street, North Balgowlah from Community land to Operational land to the north of the riparian zone boundary for Burnt Bridge Creek.
  - b) Rezone Part Portion 1203 (Lot 1 DP 130467), Bangaroo Street, North Balgowlah from Public Open Space to allow for future residential development for the land to the north of the riparian zone boundary for Burnt Bridge Creek.
  - c) Reclassify part of Lot 2 DP 873792 (formerly pt. Lot B in DP 415385) from Operational land to Community Land to the south of the riparian zone boundary for Burnt Bridge Creek to be retained as part of an open space corridor adjoining Burnt Bridge Creek.
  - d) Reclassify part of Lot 2 DP 873792 (formerly pt Lot 153 in DP 11936) from Community land to Operational Land to the north of the riparian zone boundary for Burnt Bridge Creek.
  - e) Rezone part of Lot 2 DP 873792 (formerly pt Lot 153 in DP 11936) from Open Space to allow for future residential development for the land to the north of the riparian zone boundary for Burnt Bridge Creek.

2. That Council rescind its previous decision of 27 May 2003 to negotiate with the owners of 5 Worrobil Street, North Balgowlah for the purchase of the rear of the property with regard to current Valuation advice.
3. That upon reclassification and rezoning of the site, the General Manager seek expressions of interest from suitably qualified Town Planning Consultants and /or Registered Surveyor to prepare development plans for a three lot subdivision of the subject site generally in accordance with the plans as submitted as part of this report (Drawing No BBC/10/2005/3/A).
4. That upon receipt of development consent, Council proceed to dispose of the subject site by way of Public Auction.

Following the above resolution, Council actioned the reclassification of the land, which was gazetted on 4 July 2008 and the rezoning of the land which occurred with the adoption of the 2011 Warringah LEP. This rezoning ensured that land along the creekline corridor is retained in Council ownership, with the remainder of the land being zoned R2 Low Density Residential in common with surrounding properties.

On 6 June 2016, development consent was granted under DA2015/1156 for a three (3) lot residential subdivision with the remaining creek-line riparian zone adjacent to Burnt Bridge Creek (Council Community Land zoned RE1 Public Recreation) to be retained by Council. This consent is due to expire on 6 June 2023. The consent provides for a three (3) lot residential subdivision and the creation of a public reserve along the creek. The lots have approved areas as follows:

Lot	Area
Lot 1	724m <sup>2</sup>
Lot 2	928m <sup>2</sup>
Lot 3	1359m <sup>2</sup> (excluding access hand 1131 m <sup>2</sup> )
Public reserve along creek	992m <sup>2</sup>

Kristie Debney

Manager – Property, Commercial and Tourist Assets

## ATTACHMENTS

[TRIM: 2016/174806](#) Approved Plans

[TRIM: 2016/176989](#) Notice of Determination