



northern  
beaches  
council

## MINUTES

### DEVELOPMENT DETERMINATION PANEL MEETING

held in the Mona Vale Conference Room at

**WEDNESDAY 16 AUGUST 2017**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 16 August 2017 at Mona Vale Conference Room  
Commencing at 1 p.m.**

**ATTENDANCE:**

**Panel Members**

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Liza Cordoba	Manager Strategic and Place Planning
Steven Findlay	Manager Development Assessment (36 Malvern Avenue Manly)
Rod Piggott	Manager Development Assessment

**1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST**

- Item 3.1 As Manager of the reporting officer, Rod Piggott was replaced with Steven Findlay for this item. No conflict of interest from the Panel
- Item 3.2 No conflicts of interest,
- Items 3.3 to 3.6 No conflict of interest.

**2.0 MINUTES OF PREVIOUS MEETING**

**2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 2 AUGUST 2017**

That the Minutes of the Development Determination Panel held 2 August 2017, were adopted by all Panel Members at the time of the meeting and have been posted on the Council's website.

**3.0 DEVELOPMENT DETERMINATION PANEL REPORTS**

**3.1 36 MALVERN AVENUE, MANLY - ALTERATIONS AND ADDITIONS TO THE  
EXISTING SEMI-DETACHED DWELLING**

**DA0340/2016**

**PROCEEDINGS IN BRIEF**

The panel noted that the aerial photo in the published agenda identified incorrectly the subject site and that in photos 2, 3 and 4 the super-imposed red marks on the photos to locate the height poles were in the wrong location due to formatting issues.

Prior to the meeting the Panel was addressed by Mr Hammond of 34 Malvern Avenue Manly and Mark Korgill of Watershed Design.

Written submissions on the assessment report were received from adjoining properties at 36 and 34 Malvern Avenue Manly, regarding the concerns of the proposed development.

The Panel supports the assessment in the planner's report, the Clause 4.6 variation to FSR was well founded and supported. The application is approved subject to the conditions of consent as recommended with some minor changes as follows:

- Delete Condition 6 as the building is not a heritage item and is not in a conservation area.
- Amend Condition ANS02 to delete the words ("and W9").

**DECISION**

That Development Application No. DA0340/2016 for Alterations and Additions to the existing semi-detached dwelling at 36 Malvern Avenue Manly be approved with minor changes as follows:

1. Delete Condition No. 6
2. Condition ANS02 to read as follows:

**ANS02**

The proposed bedroom window (W8) is to be either opaque or amended to be highlight windows to a level of 1.7 metres above floor level. Details notating compliance are to be provided, prior to the issue of a Construction certificate.

Reason: To minimise privacy impact to the adjoining property

**3.2 120 MONA VALE ROAD, WARRIEWOOD - SECTION 82A REVIEW OF DETERMINATION OF N0485/16 FOR SALES OFFICE (TEMPORARY USE) AND THREE BUSINESS IDENTIFICATION SIGNS**

**N0485/16/R**

**PROCEEDINGS IN BRIEF**

Prior to the meeting the panel was addressed by Bruce Kelman from the Uniting Church and Vanessa Benitez on behalf of the applicant.

The panel is aware that the residential subdivision application is currently before the Land and Environment Court for determination. The significant contention in regards to the appeal relates to there being no legal public access to the site.

The Panel considers the proposed signage to be defined as Business Identification signs, which in conjunction with a Sales Office would be satisfactory if a residential subdivision were to occur on the site.

The proposed signage is of a temporary nature and the Panel considers that the signage is not visually intrusive in its location on the site, nor in the context of likely development to occur whilst the signage is proposed.

The Panel has considered the proposed temporary signage in relation to SEPP 64 and concludes that the proposal is consistent with Schedule 1 of the SEPP.

The Panel considered that if a subdivision consent were operational, which included legal public access to the site, that the proposal for a temporary sales office, parking and signage could be satisfactory.

However as the Review of Determination lapses on 22 August 2017, there is no legal public access to the site, and there is currently no consent for residential subdivision on the site, the Panel must refuse the application

**DECISION**

That Section 82A for Application No. N0485/16 of DA No. N0485/16 for a sales office (temporary use) and three business identification signs at 120 Mona Vale Road, Warriewood be refused on the grounds there is no legal public access to the site, and the proposed development does not relate to an approved activity.

**3.3 893 BARRENJOEY ROAD, PALM BEACH - SECTION 82A REVIEW OF  
DETERMINATION N0519/16/R FOR AN INCLINATOR**

**N0519/16/R**

**PROCEEDINGS IN BRIEF**

A written submission was received from the adjoining property at 7 Thyra Road, Palm Beach regarding concerns with the proposed development.

The Panel received further advice on the Acoustic Report from Council's Environmental Health Officer in relation to the acoustic report.

The Panel was not satisfied that the proposed boundary timber privacy and acoustic screens, nor the additional screens required to attenuate the noise from the inclinator, were an appropriate solution due to the visual impact the screens would create. The Panel were satisfied that the rail and columns of the inclinator structure would not result in an unacceptable visual impact. Whilst the Panel felt the privacy could be resolved with a screen attached to the carriage, the acoustic impacts could not be reasonably resolved.

**DECISION**

That Development Application N0519/16/R for Section 82A Review of Refusal to N0519/16/R for an inclinator at 893 Barrenjoey Road Palm Beach be refused on the grounds of acoustic impacts.

**3.4 7 PACIFIC ROAD, PALM BEACH - SECTION 82A REVIEW OF DETERMINATION OF  
N0565/16/R FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING**

**N0565/16/R**

**PROCEEDINGS IN BRIEF**

The Panel has considered the application under Section 82A of the Environmental Planning and Assessment Act and find the application to be consistent with these provisions. The application is supported by the Panel as recommended in the assessment report and the proposed conditions.

**DECISION**

That Development Application No. N0565/16R for Section 82A Review of Refusal to N0565/16 for Alterations and Additions to an existing dwelling at 7 Pacific Road, Palm Beach be approved subject to the conditions contained in the assessment report.

**3.5 39 FLORENCE TERRACE, SCOTLAND ISLAND NSW 2105 SECTION 82A REVIEW OF DETERMINATION OF N0061/17 FOR THE CONSTRUCTION OF A BOAT SHED AND DECKING**

**N0061/17**

**PROCEEDINGS IN BRIEF**

The Panel has considered the application under Section 82A of the Environmental Planning and Assessment Act and find the application to be consistent with these provisions. The application is supported by the Panel as recommended in the assessment report and the proposed conditions with one amendment to delete D13, which related to vehicle movements from the site.

**DECISION**

That Development Application No. N0061/17/R for Section 82A Review of Determination of N0061/17/R for the construction of a boatshed and decking at 39 Florence Terrace Scotland Island be approved as recommended in the report with the deletion of condition D13.

**3.6 210 MCCARRS CREEK ROAD, CHURCH POINT - SECTION 82A REVIEW OF DETERMINATION OF N0465/16/R FOR PARTIAL DEMOLITION OF THE EXISTING DWELLING HOUSE AND THE CONSTRUCTION OF A NEW MULTI-LEVEL DWELLING HOUSE**

**N0465/16/R**

**PROCEEDINGS IN BRIEF**

Prior to the meeting the panel was addressed by Mr Gelder of Gelder Architects.

A written submission on the assessment report was received from an adjoining property at 212 McCarr's Creek Road regarding concerns with the proposed development.

The applicant's architect indicated that the building design could be amended to reduce the roof height over the kitchen and dining area to be compliant with the LEP and that a ground floor terrace could be deleted and landscaped to make the development compliant with the Clause D4.1 of the DCP.

The Panel deferred deliberations to attend the site and to hear from Mr and Mrs Gale of 212 McCarr's Creek Road.

In regards to character as viewed from a public place, the Panel considered that the design, which included balconies, recessed facades and protruding blade walls, was consistent with the outcomes of Clause D4.1 of the DCP.

The proposal maintains significant canopy vegetation between the dwelling and the waterfront and the landscape plan proposes to embellish the rear and front setbacks with further native vegetation. The northern façade presents a recessed, curved and articulated elevation, however with additional taller landscaping against the northern elevation this will result in satisfying the outcomes of Clause D4.8 Building Envelope, when viewed from the public domain and adjoining site.

The Panel considered the issue of view sharing and found that the proposal, although it created some minor view loss to 212 McCarrs Creek Road was consistent with the principles of view sharing.

In regards to visual privacy, the Panel considered that the terrace adjoining the kitchen could be

adjusted to gain greater separation to the adjoining property at 212 McCarrs Creek Road. In relation to the impacts from the window of bedroom 1; a 500mm blade wall adjoining the southern end of the window of bedroom 1, would provide adequate screening.

In relation to the proposed canoe storage shed, the application provided insufficient detail to enable a proper assessment.

The Panel found that with the above amendments the proposed development achieved the desired outcomes was satisfactory and should be approved subject to the following conditions:

**DECISION**

That Development Application N0465/16/R for Section 82A Review of Refusal to N0465/16/R for partial demolition of the existing dwelling house and the construction of a new multi-level dwelling house at 210 McCarrs Creek Road, Church Point be approved.

**A. Prescribed Conditions:**

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. A sign must be erected in a prominent position onsite only showing:
  - A. the name, address and telephone number of the Principal Certifying Authority for the work, and
  - B. the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - C. that unauthorised entry to the work site is prohibited.The sign must 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.
4. 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:
  - A. in the case of work for which a principal contractor is required to be appointed:
    - i. The name and licence number of the principal contractor, and
    - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
  - B. in the case of work to be done by an owner-builder:
    - i. The name of the owner-builder, and
    - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
  - C. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under a or b above 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.
5. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.



**B. Matters to be incorporated into the development and maintained over the life of the development:**

1. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.
2. No part of the site is to be used as a "secondary dwelling" and/or a "dual occupancy" (as defined by the dictionary within Pittwater Local Environment Plan 2014) without consent.
3. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.
4. Any outdoor and/or security lighting must be located, designed and shielded in a manner that does not cause disturbance to surrounding premises and/or users of both the adjoining road and waterways. Floodlights are not permitted.
5. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.
6. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for noxious/environmental weed lists.
7. No environmental weeds are to be planted on the site. Refer to Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for environmental weed lists.
8. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
9. In accordance with Pittwater 21 DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
10. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
  - A. Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable).
  - B. Species listed from the Endangered Ecological Community;
  - C. Locally native species growing on-site and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Council website [http://www.pittwater.nsw.gov.au/environment/species\\_lists](http://www.pittwater.nsw.gov.au/environment/species_lists)

11. At least five (5) locally native canopy trees which will mature at a height of no less than five (5) metres are to be planted onsite to replace trees approved for removal. Canopy tree species are to be selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and the Native Gardening link on Council's website [http://www.pittwater.nsw.gov.au/environment/species\\_lists](http://www.pittwater.nsw.gov.au/environment/species_lists). Canopy trees are not to be planted within 3 metres of existing or proposed built structures (including retaining walls). All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
12. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Manufacturer's Specifications and associated operational guidelines.
13. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
14. The stormwater quality improvement devices shall be maintained and emptied of spoil materials at regular intervals. Spoil materials removed from the stormwater quality improvement devices shall be disposed of as dry household mixed waste.
15. As part of the integrated on-site stormwater management system, stormwater overflow from the rainwater tank is to be discharged into the adjacent waterway with erosion minimisation facilities installed.
16. All vehicles are to enter and exit the property in a forward direction.
17. The internal driveway finish is:
  - A. to be a stable surface for all weather conditions
  - B. to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.
18. To satisfy the off-street parking requirements for development, the minimum number of **two (2)** vehicle space requirements shall be provided. These spaces are to be provided and retained over the life of the development.
19. No water pollution shall result from the operation of any plant or equipment or activity carried out.
20. No odour nuisance to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
21. No emissions causing air pollution shall be created by the operation of any plant equipment or any procedure carried out at the premise.
22. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
23. Any fireplace, firepit or similar such structure within the site (including the rear setback) shall

not contain a solid-fuel (i.e. wood-burning) heater and/or burning appliance.

24. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
25. All external glazing is to have a maximum reflectivity index of 25%.
26. New electrical connections are to be carried out using underground cabling.
27. Any retaining wall(s) that is visible from a public place (including public waterways) shall be constructed of sandstone and/or sandstone-like materials.
28. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by Jack Hodgson Consultants Pty Ltd, dated 26 September 2016, are to be incorporated into the construction plans.
29. There shall be no damage to intertidal habitats including rocky shores, seagrass beds, salt marshes or mangroves.

**C. Matters to be satisfied prior to the issue of the Construction Certificate:**

**Note:** All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications/details cannot be accepted.

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority with the following amendments:
  - a. The roof over the ground floor kitchen, dining area and terrace to be reduced in height to comply with 8.5 metre height limit,
  - b. The terrace adjoining the kitchen to be amended so that the narrow area to the west of the kitchen is non-trafficable and all balustrading to be removed from southern and western edges.
  - c. The ground level deck adjoining the lower floor living area is to be deleted and replaced with soft landscaping;
  - d. Deletion of the Boat Storage shed and replaced with landscaping;
  - e. The area to the north of the bedroom and living area on Lower Ground 2 Floor Plan shall contain a minimum of two (2) shrubs or trees that will obtain a minimum mature height of at least three metres. The species selection is to be consistent with locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Council website  
[http://www.pittwater.nsw.gov.au/environment/species\\_lists](http://www.pittwater.nsw.gov.au/environment/species_lists)
  - f. The west facing window of bedroom 1, Lower Ground 1 Floor Plan is to have a 500 mm blade wall extending the full height of the southern edge of the opening.
2. The Principal Certifying Authority must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
3. Construction works approved by this consent must not commence until:

- A. Construction Certificate has been issued by a Principal Certifying Authority
  - B. a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
  - C. at least 2 days notice, in writing has been given to Council of the intention to commence work.
4. In accordance with section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payment Corporation or Council for any work costing \$25,000 or more.
  5. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate plans and specifications are fulfilled.
  6. An amended landscape plan is required to be submitted prior to issue of the Construction Certificate which:
    - i. removes *Raphiolepis* Oriental Pearl (Indian Hawthorn) and *Pennisetum advena* 'Rubrum' (Purple Fountain Grass) from the proposed plant schedule. Replacement with a locally native species is acceptable,
    - ii. to the north of the proposed building, (adjoining the bedroom and living room on lower ground 2 floor plan), 2 native shrubs or trees with a minimum mature height of 3 metres are to be planted. This may require amending the concrete path.
    - iii. The updated landscape plan is to include Tree 28 on the list of existing trees to be retained.
  7. Engineering details showing the Stormwater Harvesting and Reuse Scheme are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified practicing Water/Environmental/Civil Engineer with corporate membership of the Institution of Engineers Australia (MIE Aust.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with Pittwater 21 DCP.
  8. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

**Note:** Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.

9. Plans and details demonstrating that the following issues have been addressed are to be

submitted to the Accredited Certifier with the Construction Certificate application.

- A. Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
  - B. A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).
  - C. All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
  - D. Council's Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.
10. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the *Roads Act 1993* for the design and construction of any works located on the road reserve including Access Driveways.
  11. Prior to the issue of the Construction Certificate plans shall be submitted to, and approved by Council for the reconstruction of the existing driveway crossing to meet the "High Level Skew" profile to allow access without scraping. The applicant shall replace the lay back at a suitable vertical alignment to Council's satisfaction.
  12. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
  13. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.
  14. The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

**D. Matters to be satisfied prior to the commencement of works and maintained during the works:**

**Note:** It is an offence to commence works prior to issue of a Construction Certificate.

1. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

**Note:** This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the States building laws.

2. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 The Demolition of Structures.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

- A. Protection of site workers and the general public.
- B. Erection of hoardings where appropriate.
- C. Asbestos handling and disposal where applicable.
- D. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

3. A stamped copy of the approved plans is to be kept on the site at all times, during construction.

4. The following facilities must be provided on the site:

- A. toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - B. a garbage receptacle for food scrapes and papers, with a tight fitting lid.
- Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

5. Demolition works must be carried out in compliance with WorkCovers *Short Guide to Working with Asbestos Cement* and Australian Standard AS 2601 2001 The Demolition of Structures. The site must be provided with a sign containing the words *DANGER ASBESTOS REMOVAL IN PROGRESS* measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility. All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

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

6. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
7. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
8. Environmental safeguards (silt curtains, booms etc.) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.

9. No building materials or other materials are to be placed on Saltmarsh or other foreshore vegetation. Sediment is not to leave the site or enter areas of Saltmarsh or other foreshore vegetation, and the appropriate sediment fencing is to be installed.
10. Where site fill material is necessary, any fill materials must:
  - A. Be Virgin Excavated Natural Material (VENM) only, as approved under the Department of Climate Change "General Resource Recovery Exemption ;and
  - B. Be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.
11. A construction traffic management plan (CTMP) shall be prepared by a suitably qualified traffic consultant is submitted to the Private Certifying Authority to the PCA's satisfaction prior to the commencement of any site works. The plan is to detail:
  - A. Quantity of material to be transported
  - B. Proposed truck movements per day
  - C. Proposed hours of operation
  - D. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the former Pittwater Council Local Government Area
  - E. Location of on/off site parking for construction workers during the construction period.
12. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
13. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction. Personnel with appropriate training or demonstrated knowledge and experience in erosion and sediment control shall be responsible for supervising the installation and maintenance of approved erosion and sediment control measures – during and after construction and until the site has been restored to the satisfaction of council.
14. An all-weather accessway at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.
15. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
16. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
17. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Bradshaw Tree Services, dated 23 May 2016 are required to be complied with before and throughout the development period, particularly with regard to the following:

- A. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
- B. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
- C. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
- D. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
- E. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.

18. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

19. The site must be fenced throughout construction and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
20. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

**Note:** Separate approval is required for access driveways, paths, connections to underground services (stormwater, gas, sewer, electricity, etc.), and landscaping works within Council's Road Reserve.

21. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
22. No skip bins or materials are to be stored on Council's Road Reserve.
23. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:



- A. The builder's name, builder's telephone contact number both during work hours and after hours.
  - B. That no works are to be carried out in Council's Road Reserve without prior application and approval of a Road Opening Permit from Council.
  - C. That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
  - D. That no skip bins or materials are to be stored on Council's Road Reserve.
  - E. That the contact number for Northern Beaches Council for permits is 9970 1111.
24. No storage of building materials or building waste, excavated fill or topsoil storage is to occur within the dripline of trees shown on the approved landscape working drawing(s) as being retained or within protective fenced areas.

Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.

All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand under the supervision of an experienced and qualified Arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.

**E. Matters to be satisfied prior to the issue of Occupation Certificate:**

**Note:** Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to affect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to affect such works.

**Note:** It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

- 1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
- 2. The following documents must be submitted:
  - A. A certificate from a suitably Qualified Engineer, certifying:
    - i. the stormwater drainage system
    - ii. the car parking arrangement and area
    - iii. any related footpath crossing works
    - iv. the proposed driveway and layback, and/or

- v. other civil works, have been constructed in accordance with the approved plans and conditions of consent.
- B. A "Works-as-executed" plan of the engineering and/or drainage works.

Where Council is not the Principal Certifying Authority, two copies of the above documents are to be provided to Council prior to issue of any Occupation Certificate.

3. The Stormwater Harvesting and Reuse Scheme including completed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards must be provided.

4. The approved dwelling is to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
5. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.
6. Certification is to be provided to a Principal Certifying Authority by an experienced Water/Environmental/Civil Engineer who is NPER accredited by the Institution of Engineers, Australia that the stormwater harvesting and reuse scheme has been completed in accordance with the engineering plans and specifications required under this consent.
7. The applicant must obtain written confirmation from Council that all works in the road reserve have been completed in accordance with the conditions of the Roadworks Permit.
8. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* is to be completed and submitted to the Principal Certifying Authority.
9. The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of all property, infrastructure, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.
10. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.
11. Prior to issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained

prior to the issue of any Occupation Certificate.

12. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
13. Prior to the commencement of construction works, all tree protection recommendations in particular the establishment of tree protection zone fencing as specified in the approved Arborist Report (Bradshaw Tree Services, 23 May 2016) are to be certified by the consulting arborist as being adequate and in accordance with the specifications of AS 4970 ~ 2009 Protection of Trees on Construction Sites. Certification is to be provided to the certifying body prior to the issue of the Occupation Certificate. Documented evidence of a qualified arborist having supervised the works in proximity to trees being retained and ensuring that all tree protection measures are adopted as specified in the approved arborist report is required. This documentation is to be provided prior to the issue of the Occupation Certificate.

**G. Advice:**

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. Dial before you dig: Prior to excavation the applicant is advised to contact Australia's National Referral Service for Information on Underground Pipes and Cables telephone 1100 or [www.1100.com.au](http://www.1100.com.au).
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the EPA Act 1979, this development consent lapses 5 years after the date from which this consent operates if the development is not commenced.
5. To ascertain the date upon which a consent operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the Environmental Planning and Assessment Act, 1979. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 6 months of the determination.
7. If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you a right of appeal to the Land and Environment Court within

6 months of the date of endorsement of this Consent.

8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
9. This approval does not prejudice any action in respect of upgrading the building pursuant to the provisions of the Section 121B of the *Environmental Planning and Assessment (Amendment) Act, 1997*.



**Peter Robinson**  
**Executive Manager, Development Assessment**  
**Chairperson**



**Steven Findlay**  
**Manager, Development Assessment**  
**Item 3.1 only**



**Rod Piggott**  
**Manager, Development Assessment**



**Liza Cordoba**  
**Manager Strategic and Place Planning**

*The meeting concluded at 4.50 p.m.*

This is the final page of the Minutes comprising 10 pages  
numbered 1 to 10 of the Development Determination Panel meeting  
held on Wednesday 16 August 2017.