



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

held in the Flannel Flower Room, Northern Beaches Council on

**WEDNESDAY 6 DECEMBER 2017**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 6 December 2017  
at Flannel Flower Room, Dee Why  
Commencing at 9.30 a.m.**

**ATTENDANCE:**

**Panel Members**

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Steven Findlay	Manager Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

## **1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 15 NOVEMBER 2017**

#### **RECOMMENDATION**

That the Minutes of the Development Determination Panel held 15 November 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 N0083/17/R - 916 BARRENJOEY ROAD, PALM BEACH - SECTION 82A REVIEW OF DETERMINATION OF CONSTRUCTION OF A SECONDARY DWELLING AND GARDEN CABANA**

##### **PROCEEDINGS IN BRIEF**

The Panel viewed the site.

The Panel considered a further written submission from neighbour Helen Dickenson of 912 Barrenjoey Road, Palm Beach and the owners of the subject property Stephen & Katherine Glass.

The Panel were addressed by neighbours Jeff Malcolm and Peter Galvin, and Greg Boston of Boston Blyth Fleming. The Panel were also addressed by the owners Stephen & Katherine Glass.

The Panel noted that the application had not been notified to persons previously making submissions to the original application and this would require re-notification to comply with Council's Development Control Plan.

The Panel considered that the cabana to be appropriate with a minor adjustment to the design to ensure compliance with the rear setback requirements.

The Panel did not have concern with the use of the inclinator for the secondary dwelling, subject to the restrictions of use contained in conditions of consent N0046/12. It is noted that no landing was proposed for the secondary dwelling however this could be addressed in the future.

The Panel had concerns with the parking arrangements and sought further clarification from Council's traffic engineers on the practicalities of the proposed parking layout and manoeuvring for vehicles to exit each space. Due to significant departures from the standards the parking arrangements are not satisfactory.

The Panel could not support the application on grounds that parking arrangements were not satisfactory.

##### **DECISION**

That the Review of Determination No. N0083/17/R for the construction of a secondary dwelling and garden cabana at 916 Barrenjoey Road, Palm Beach, be refused due to inadequate parking for the proposed development.

### **3.2 N0308/17 - 6 ROSS STREET, NEWPORT - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A NEW TWO (2) STOREY BOARDING HOUSE**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site.

The Panel were addressed by Sean Gartner from Gartner Trovato Architects, Greg Boston from Boston Blyth Fleming and Kevin Stacey from PRI Holdings Pty Ltd the owners of the property.

The Panel discussed the issue of having a 24 hour hotline available to surrounding residents and required the operational management plan to include this hotline and signs onsite displaying this number for surrounding residents.

The issue of Section 94 contributions was discussed and further information obtained from Councils Section 94 officer in relation to the amount being levied, in this regard the Pittwater Contribution Plan does permit the levying of Section 94 on development not specifically stated in the plan but where demand is created. The proposed boarding house will create additional demand on the communities infrastructure above that of a single dwelling. The contribution plan also identifies development which is exempt from contributions and boarding houses do not fall in any of these categories. In this regard the Panel considered it appropriate that contributions be applied.

The panel supported the proposal.

#### **DECISION**

That Development Application No. N0308/17 for the demolition of the existing buildings and the construction of a new two (2) storey boarding house at 6 Ross Street, Newport (Lot 43, DP 18415), subject to the report and the following conditions:

##### **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. Any building work in relation to the development consent is to be carried out in accordance with the requirements of the Building Code of Australia.

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

1. The use of the site is to operate in accordance with the following:
  - A. Nothing in this consent shall authorise the use of the premises as detailed on the approved plans for any land use of the site beyond the definition of a "boarding house". A boarding house is defined by Pittwater Local Environment Plan 2014 as follows:
    - (a) is wholly or partly let in lodgings, and*
    - (b) provides lodgers with a principal place of residence for 3 months or more, and*
    - (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
    - (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*
  - B. The boarding house shall operate in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009.

Any variation to the approved land use and/or occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

2. The boarding house shall operate strictly in accordance with the Boarding House Management Plan (For 10 Room Boarding House at 6 Ross Street, Newport), July 2017 as amended by conditions of consent. The amended Boarding House Management Plan to be submitted to Council for approval prior to any occupation of the premises. The operation of the facility shall be consistent with relevant regulations, ensure the safety of residents and minimise the potential environmental and amenity impacts of the boarding house on the locality. The Management Plan is to be regularly reviewed and if updated is to be approved by Council prior to its implementation. All residents of the boarding house are to be made aware of the requirements within this document.
3. The Boarding House Management Plan is to include:
  - a) A provision for a 24 hour, 7 day week hotline phone number which any resident or member of the public can raise concerns which should be actioned.
  - b) The requirement for a log to be kept of any calls received on the hotline with the issue and action being recorded. Council to have access to the log upon request.
  - c) The hotline number to be displayed at the front boundary for members of the public to access.
  - d) A provision to advise Council of any change to the manager or its delegate and of the contact details of the manager or its delegate within one (1) week of any change.



4. A sign is to be erected within the main foyer and included in the business identification sign which can be viewed by the public which provides the 24 hour, 7 day a week phone contact hotline number. This sign must be updated within one (1) week of any change.
5. The operation of the boarding house shall be as follows:
  - A maximum of nineteen (19) residents shall be accommodated on the site;
  - No boarding room is to be occupied by more than two (2) adult lodgers
  - The operation of the site shall be in accordance with the approved plan of management.

Such operational arrangements shall operate for the life of the development unless altered by a new consent and/or modifications to this consent.
6. No signs (aside from business identification signage indicated on the plans and/or where required by this consent) is approved as part of this consent. Any new/future signage must either:
  - Obtain separate consent(s); and/or
  - Be erected/installed in accordance with relevant exempt provisions within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
7. The following off-street parking facilities are to be provided for the life of the development as follows:
  - Two (2) car parking spaces (including at least one accessible space for People with Disabilities);
  - Two (2) motorcycle parking spaces shall be made available for residents and site visitors at all times for the life of the development; and
  - Four (4) bicycle racks.
8. The proposed external colours and materials are to in accordance with the approved colour schedule. The colour of the external wall cladding (i.e. External Wall A, as indicated on the elevation plans) is not supported; the colour shall be changed so that it is consistent with Part D10.4 (Building Colours and Materials) of Pittwater 21 Development Control Plan.
9. The following privacy measures are to be erected prior to the issue of an occupation certificate and maintained for the life of the development:
  - Privacy screens and/or obscured glazing on the northeast (i.e. side) facing windows of boarding room 2 and the communal living and dining room; and
  - Privacy screens are to be erected on the southeast and northeast elevations of the raised turf area to the rear of the communal living and dining area.

The design of such privacy elements shall be as follows:

  - Privacy measures are to extend to a height of at least 1.7m above the Finished Floor Levels (FFLs) of those respective areas;
  - Any screening shall be design so as to maximise solar access to communal areas; and
  - Any such screens shall be constructed of materials and colours that are consistent with Part D10.4 (Building Colours and Materials) of Pittwater 21 Development Control Plan.

10. Any front boundary fence and/or any side boundary fence between the front boundary and building line shall be:
  - No greater than 1m in height;
  - Be of an open design; and
  - Constructed of dark and see-through materials.Any other boundary fence shall be no higher than 1.8 metres. The design of any boundary fences shall also be designed in accordance with other conditions within this consent to permit the passage of floodwaters.
11. Any outdoor/security lighting must be located, designed and shielded in a manner that does not cause disturbance to surrounding premises and/or passing vehicular traffic.
12. The Flood Planning Level is 5.1m AHD.
  - The Probable Maximum Flood Level is 6.0m AHD
  - The minimum floor level of any habitable area is to be at or above the Flood Planning Level.
  - There is no permissibility for any habitable areas under the FPL.
13. It must be demonstrated that goods, materials and other products, that may be potentially hazardous and/or pollute floodwaters, including pool chemicals, will be stored above the Flood Planning Level.
14. All new structural elements, new external finishes and new internal finishes located below the Flood Planning Level must be constructed using flood-compatible techniques and materials. Refer to Council's Flood Compatible Building Guidelines for more information at [http://www.pittwater.nsw.gov.au/data/assets/pdf\\_file/0003/131466/Flood\\_Compatible\\_Building\\_Guidelines - FINAL - 25 July 2013.pdf](http://www.pittwater.nsw.gov.au/data/assets/pdf_file/0003/131466/Flood_Compatible_Building_Guidelines_-_FINAL_-_25_July_2013.pdf).
15. The building is to be built incorporating a suspended floor system on open pier/pile footings designed and constructed to allow the clear passage of floodwaters and flood storage.

To allow for the clear passage of flood waters and flood storage, 50-75% of the external perimeter and internal walls of underfloor areas of habitable areas, decks and balconies between the piers/pile footings must be 'open' to a height of the Flood Planning Level. Only 25% of the external and internal walls below the Flood Planning Level may be 'solid'. For 'open' portions of the walls, more than 50% of the surface area must have minimum openings of 100mm.
16. Any new fencing must be constructed to allow for the free flow of flood waters — 50-75% of fencing must be 'open' to a height of the Flood Planning Level of 5.1m AHD. Only 25-50% of the fencing below the Flood Planning Level may be 'solid'. For 'open' portions of fencing, more than 50% of the surface area must have minimum openings of 100mm.
17. All new electrical services, fixtures and fittings must be located above the Flood Planning Level. No electrical equipment or electrical motors are to be located below Flood Planning Level.



18. A current (and regularly updated) version of the SES Home Emergency Plan available from <http://www.floodsafe.com.au/home-emergency-plan> is to be compiled and printed, and kept on the premises at all times. All occupants are to be made aware of the Home Emergency Plan.
19. The following Flood Risk Management Report and any subsequent updates shall apply for the life of the development:
  - Flood Inundation & Risk Assessment Report - Proposed Boarding House Development - 6 Ross Street, Newport (Barrenjoey Consulting Engineers Pty Ltd, Jan 2017)
20. Appropriate signage is to be displayed throughout the premises of the proposed development to alert occupants that the upper floor is to be used as a shelter-in-place refuge during times of flood.
21. Shelter-in-place refuge is to provide:
  - (a) Sufficient clean water for all occupants, and
  - (b) Portable radio with spare batteries, and
  - (c) Torch with spare batteries, and
  - (d) first aid kit.
22. The minimum floor level of the shelter-in-place refuge shall be at or above the probable maximum flood level of 6.0m AHD.
23. 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.
24. 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.
25. 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.
26. Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at a maximum of 6 metre interval.
27. Any vegetation planted onsite outside approved landscape zones 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).
28. At least four (4) locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be as per the approved Landscape Plan or selected from the list pertaining to the vegetation community growing in the

locality as per the vegetation mapping and the Native Plants for Your Garden link on Council's website [http://www.pittwater.nsw.gov.au/environment/species\\_lists](http://www.pittwater.nsw.gov.au/environment/species_lists). 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.

29. As part of an integrated on-site stormwater management system, stormwater is to be discharged by direct connection into the adjacent Council Trunk drainage system.
30. The internal driveway is to be constructed to an all-weather standard finish to be of dark or earthy tones, linemarked and signposted.
31. All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.
32. 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.
33. To reduce the visual impact of the rising driveway, shrub screen planting, consisting of *Metrosideros' thomasi* at 1m centres, shall be planted from the front boundary to the building alignment. (to satisfy D10.1 Character as viewed from a public place)
34. The following proposed tree species shall be deleted from the plan and replaced with suitable indigenous trees as nominated by this condition:
  - Tuckeroo (*Cupaniopsis anacardioides*) - replace with *Melaleuca linariifolia*
  - Angophora (*Angophora hispida*) - replace with *Angophora floribunda*
  - Coast Myall (*Acacia binervia*) - replace with *Banksia integrifolia*
35. A minimum of 200mm clearance is to always be maintained to the tree trunk from proposed bearers, joists and decking.
36. At the completion of the landscape maintenance period, as specified in the landscape working drawings and specifications submitted with the Construction Certificate application where it extends beyond the issue of an Occupation Certificate the consultant landscape architect/designer is to submit a final report to the Principal Certifying Authority within 7 working days, certifying that all plant material has been successfully established and that all of the outstanding maintenance works or defects have been rectified prior to preparation of the report and that a copy of the landscape maintenance strategy has been provided to the owner/occupier.
37. All carparking facilities and driveway profiles, for adaptable and accessible housing, from the street to the onsite car parking spaces for the adaptable apartments must comply with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.

38. No water pollution shall result from the operation of any plant or equipment or activity carried out.
39. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the *Protection of the Environment Operations Act, 1997*.
40. 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.
41. No emissions causing air pollution shall be created by the operation of any plant equipment or any procedure carried out at the premise.
42. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
43. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
44. All plumbing, electrical wiring and drainage fixtures are to be concealed and not exposed to public view on buildings over one storey in height.
45. New electrical connections are to be carried out using underground cabling.
46. Any retaining wall that is visible from a public area shall be constructed of sandstone and/or sandstone-finish materials.
47. The location of the proposed bin storage area at the front boundary is not supported. The garbage storage area shall be relocated to the area adjacent to the pedestrian access ramp in front of boarding room 1. The design and construction specifics of any such storage areas shall be subject to other conditions within this consent, however the waste storage area shall incorporate the following:
  - A 1.2m wide access pathway shall be provided to enable bins to be moved between the storage area and the road reserve for collection; and
  - The storage area is to be enclosed by an open fence and/or barrier(s) to contain bins and/or bulky waste items during a flood event.
48. Where applicable, the garbage enclosures/stores shall be constructed and fitted out and maintained over the life of the development in accordance with the following:
  - A. Sufficient space shall be provided for the storage of garbage and recyclables.
  - B. The construction of the waste enclosure shall utilise solid materials (brick, concrete, concrete blocks, structural fibrous cement or other similar homogeneous material) so as to prevent the formation of cavities which become possible harbourages for insects and vermin. Framing in timber is not permitted.
  - C. The floor shall be of impervious material, graded and drained to an approved floor waste within the room/enclosure.
  - D. Stormwaters shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
  - E. The garbage and recycling enclosure shall be made vermin proof.
  - F. Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Councils satisfaction.

**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. A contribution of **\$20,000** is payable to Northern Beaches Council for the provision of public infrastructure and services pursuant to the Pittwater Section 94 Contributions Plan for Residential Development.

The contribution is to be paid prior to the issue of the first Construction Certificate.

The proponent may negotiate with Council for the direct provision of facilities and services specified in the Section 94 Plan, the dedication of land or another material public benefit in lieu of full or partial payment of the monetary contribution. Any agreement shall be in accordance with the Pittwater Section 94 Contributions Plan for Residential Development. The agreement must be finalised, formally signed and in place prior to payment being due.

The Pittwater Section 94 Contributions Plan for Residential Development may be inspected at Council's Mona Vale office, 1 Park Street Mona Vale or on Council's website.

Cashier Codes:

SOPS – \$8,000

SCSF – \$3,500

SLEL – \$2,000

SVSS – \$6,500

2. 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.
3. 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.
4. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the *Sydney Water Act, 1994*. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

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

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and

may impact on other services and building, driveway or landscape design.

5. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the Environmental Planning and Assessment Regulation 2000:
  - A. after excavation for, and prior to the placement of, any footings, and
  - B. prior to pouring any in-situ reinforced concrete building element, and
  - C. prior to covering of the framework for any floor, wall, roof or other building element, and
  - D. prior to covering waterproofing in any wet areas, and
  - E. prior to covering any stormwater drainage connections, and
  - F. after building work has been completed and prior to any occupation certificate being issued in relation to the building.

To allow a Principal Certifying Authority to carry out critical stage inspections, at least 48 hours notice must be given before building work is commenced and prior to further work being undertaken.

6. 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.
7. 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.
8. In accordance with Clause 94 of the *Environmental Planning and Assessment Regulation 2000*, plans are to be submitted with the Construction Certificate application demonstrating how the building will be brought into full conformity with fire and spread of fire requirements of the Building Code of Australia.

A satisfactory and complete schedule of essential fire safety measures required to be installed within and/or in association with the building including the minimum standard for performance of each measure is to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. The schedule is to include a signed statement from a suitably qualified person confirming that all essential fire safety measures as required by the Building Code of Australia have been listed so as to ensure the safety of persons in the building in the event of an outbreak of fire.

9. A Schedule of Works prepared by a qualified practising Structural 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 is to be submitted to the Accredited Certifier or Council in respect of the following items:
  - A. The details and location of all intercept drains, provided uphill of the excavation, to control runoff through the cut area.

- B. The proposed method of disposal of collected surface waters is to be clearly detailed
  - C. Procedures for excavation and retention of cuts, to ensure the site stability is maintained during earthworks.
10. Prior to the issue of the Construction Certificate the applicant is to carry out an investigation to determine whether acid sulphate soils are present in the area to be excavated. If the investigation reveals acid sulphate soils are present, an acid sulphate soils management plan (in accordance with the *Acid Sulfate Soils Manual*) addressing management of acid sulphate soils during and following excavation is to be prepared by a suitably qualified consultant and submitted for approval prior to the release of the construction certificate.
11. Tree protection measures required prior to issue of Construction Certificate must be completed adequately prior to the commencement of construction work and certified by a qualified Arborist or Bushland Management Consultant.
12. 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.
13. 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.
14. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on the 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.

The applicant is required complete the missing sections of the footpath between the subject site and the network towards the corner of The Boulevard and Barrenjoey Road to provide a continuous path of travel to the bus stop in Barrenjoey Road.

15. 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.
16. 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.
17. Detailed landscape working drawings and specification, which comply in all respects with the conditions of development consent, are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be certified by a qualified landscape architect, landscape designer/environmental designer or horticulturist, confirming that the plans/details for the works to be carried out will achieve the relevant conditions of the development consent.

In particular, the landscape working drawing is to provide full details of the following:

- A. The usage of the dominant native tree species growing in the area or locally indigenous species (including deletion of the following species from the submitted landscape plan - *Cordyline australis*, *Metrosideros thomasi* - and replacement with appropriate locally indigenous species);
- B. All existing trees and vegetation to be retained, removed and/or proposed, including canopy spread, trunk location and condition. This should incorporate the findings and recommendations of the associated arborist report if applicable;
- C. A planting schedule including stratum, species/common names, species quantities, pot sizes (particularly for trees) and staking details;
- D. A schedule of materials (including such elements as turfing, edging, walling paving and fencing);
- E. Plans for weed control prior to commencement of landscaping works where applicable.
- F. The proposed finished treatment of garden areas, including soil depth and mulching details;
- G. The location of underground/overhead services;
- H. At least four (4) locally indigenous canopy trees, which at maturity will achieve a canopy height greater than 8.5 metres to visually reduce the height, bulk and scale of the development;
- I. Understorey planting of locally indigenous species which after three years will in conjunction with the canopy planting, screen 50% of the built form when viewed from the street.



18. External glazing must be of low glare and reflectivity. The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of all external glazing is to have a maximum reflectivity index of 25%. Written confirmation of the reflectivity index of the material is to be submitted with the Construction Certificate. (Note: the reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement. This is to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development)

Roofing materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and textures must be provided to the Certifying Authority.

**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. 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.
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 preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
8. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
9. 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.
10. 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.
11. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
12. 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
13. 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. 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.

15. 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.
16. 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.

17. 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.
18. No skip bins or materials are to be stored on Council's Road Reserve.
19. Access to the site through or use of an adjoining park/reserve is prohibited without the written approval of the Council
20. 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.
21. A construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
  - A. Proposed truck movements per day during each stage of the development and measures taken to reduce adverse impacts on the adjoining residents.
  - B. Location of staging points for truck movements as staging on local roads adjoining the site will not be permitted.
  - 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.

22. 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 (Urban Forestry Australia, dated January 2017 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.
23. The existing Weeping Bottlebrush within the road reserve, identified as T01 in the Arboricultural Impact Assessment report, shall be retained and protected by temporary construction fencing, placed a minimum of 2m from the trunk in all directions. (to satisfy P21 DCP Part C1.24 - Public Road reserve Landscaping and Infrastructure)
24. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.
25. 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.

**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 effect 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 effect 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. Prior to issuing an occupation certificate the structural stability of the structure must be verified by a suitably qualified structural engineer up to the level of the Probable Maximum Flood (PMF) of 6.0m AHD. This structural assessment must consider impacts of flood depths and flow velocities from lateral flood flow, buoyancy, suction effects, and debris load impact for all floods up the PMF.

The structural assessment must also confirm that the shelter-in-place refuge complies with the Building Code of Australia.

2. 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.
3. 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.
  - C. 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.
4. A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*, is to be forwarded to Council or the Private Certifying Authority with the Occupation Certificate.
5. All proposed sole occupancy units are 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.

6. Disturbed areas shall be rehabilitated with indigenous plant species and treated by approved methods of erosion mitigation such as mulching, and revegetation with native grasses or other suitable stabilising processes.
7. The stormwater drainage system must be constructed and 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.

8. 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.
9. For internal driveways in difficult and/or steep terrain a Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application by a qualified practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Private Certifying Authority that the driveway has been constructed in accordance with the approved plans and relevant conditions of Development Consent.
10. 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.
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 (Urban Forestry Australia, January 2017) 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.

**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. Council will not be involved in approving or refusing removal/damage to trees on neighbouring properties, and any future decisions made in relation to them is a civil matter between the neighbouring parties.
10. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.



**3.3 N1038/00/S96/2 - 5 FOREST ROAD, WARRIEWOOD - MODIFICATION TO CONSENT N1038/00 FOR THE REDEVELOPMENT OF MATER MARIA COLLEGE, WARRIEWOOD**

**PROCEEDINGS IN BRIEF**

The Panel viewed the site.

The Panel discussed the proposal and the Panel was satisfied that the application was consistent with as a Section 96(2) application. The Panel supported the recommendation of assessment report and conditions.

**DECISION**

That the application to modify Development Consent N1038/00 which approved redevelopment of Mater Maria College at 5 Forest Road, Warriewood be approved subject to the recommendations in the report.

**3.4 DA 326/2016 - 79A LAUDERDALE AVENUE, MANLY - SECTION 82 REVIEW OF DETERMINATION OF REFUSED ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING AND USE AS A DUAL OCCUPANCY (ATTACHED) AND STRATA SUBDIVISION – PART 2**

**PROCEEDINGS IN BRIEF**

This application was withdrawn by the applicant on 5 December 2017.



Peter Robinson  
Executive Manager, Development Assessment  
Chairperson

8-12-17.



Steven Findlay  
Manager, Development Assessment

11.12.2017



Anne-Maree Newbery  
Manager, Strategic & Place Planning

12.12.2017.

*The meeting concluded at 2 pm*

This is the final page of the Minutes comprising 24 pages  
numbered 1 to 24 of the Development Determination Panel meeting  
held on Wednesday 6 December 2017.