

**FINAL DA
PROCESSED
AND
SCANNED
APPROVED**



**CONSENT NO: N0113/14
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicant's Name and Address:

VAUGHAN MILLIGAN DEVELOPMENT CONSULTING PTY LTD, PO BOX 49~NEWPORT NSW 2106

Being the applicant in respect of Development Application No N0113/14

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0113/14** for:

Proposed boat shed, deck, skid ramp, access stairs and retaining wall

At: 55 ROBERTSON ROAD, SCOTLAND ISLAND NSW 2105 (Lot 122 DP 12749)

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

- **Architectural drawings: 24417-A01, 24417-A02 & 24417-A03, ALL Issue B, dated 22/04/2014 and prepared by Jack Hodgson Consultants Pty Ltd;**
- **Geotechnical Risk Assessment Report: referenced VS 24417, dated 2nd July 2013, prepared by Jack Hodgson Consultants Pty Ltd; and**
- **Coastal Engineering Report: referenced NA59914038/L001:sge, dated 24 Sept 2013, prepared by Cardno (NSW/ACT) Pty Ltd**

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent 13-Oct-2014

Mark Ferguson
GENERAL MANAGER

Per:

pp: [Signature]



Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

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, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

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

5. 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.



6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) 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.
7. 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.

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

1. 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.
2. The materials used for construction should not be deleterious to marine life, for example anti-fouling paints or treated woods must not be used. These materials inhibit marine growth and reduce the habitat available to marine life.
3. Material storage and/or stockpiling is not to be undertaken below mean high water, on water land or on marine vegetation (e.g. seagrass). Any stockpiles must be located away from drainage lines, overland flow paths and above Estuarine Planning Level. Stockpiles must be appropriately controlled by sediment fencing or other materials to ensure sediments do not enter the waterway. Reference: *'The Blue Book - Managing Urban Stormwater: Soils and Construction' (4th Edition, reprinted July 2006)*
4. Storage of lightweight boats and any winch equipment shall be entirely within the approved boat shed and shall not obstruct public foreshore access.
5. For the construction of the skid ramp decking, the gap installed between planks of the decking situated over *Zostera* seagrass is to be 30 mm
6. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
7. The Estuarine Planning level is RL 2.59 AHD.
8.
 - a) All structural elements below the Estuarine Planning level shall be of flood compatible materials.
 - b) All structures must be designed and constructed to achieve a low risk of damage and instability due to estuarine hazard.



- c) All electrical equipment, wiring, fuel lines or any service pipes and connections must be waterproofed to the Estuarine Planning level.
 - d) The storage of toxic or potentially polluting goods, materials or other products which may be hazardous or pollute floodwater is not permitted below the Flood Planning level.
9. The retaining wall structure shall comply with the design principles and recommendations of the Environmentally Friendly Seawalls Guide (2009) prepared by the NSW Government.
 10. The recommendations of the approved Coastal/Estuarine Hazard Report prepared by Cardno, dated 24 Sept 2013 are to be incorporated into construction plans and maintained over the life of the development.
 11. The proposed boatshed is to be designed to withstand the likely forces of wave action estimated by the Cardno Coastal Report, dated Sept 2013. In this regard, a suitably experienced Civil/ Structural Engineer certification is to be provided to the Principal Certifying Authority prior to issue of a Construction Certificate.

Note: The potential for component fatigue (wear & tear) should be recognised for the less severe, but more frequent, wave impact loadings.
 12. 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 Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for noxious/environmental weed lists.
 13. No environmental weeds are to be planted on the site. Refer to Pittwater Council website www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
 14. 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 6 metre intervals.
 15. 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 or foreshore, 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.
 16. 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 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 Pittwater Council website http://www.pittwater.nsw.gov.au/environment/species_lists



17. No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
18. There shall be no damage to intertidal habitats including rocky shores, seagrass beds, salt marshes or mangroves.
19. No building materials or other materials are to be placed on foreshore / Seagrass or other native vegetation. Sediment is not to leave the site or enter areas of Seagrass or its habitat.
20. There is to be no net loss of sea grass.
21. 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.
22. In accordance with Pittwater Councils 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.
23. No water pollution shall result from the operation of any plant or equipment or activity carried out.
24. 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.
25. 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.
26. No emissions causing air pollution shall be created by the operation of any plant equipment or any procedure carried out at the premise.
27. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
28. The skid ramp, deck and associated piles / piers are to be constructed of timber.
29. The colours and finishes of all proposed works shall consist of dark and earthy tones, with minimal reflectivity. The use of red, white or light colours is prohibited.
30. Roofs to all structures are to be of dark or mid grey, brown and/or green tones only. No white or light coloured roofs are permitted.
31. The retaining wall is required to be finished with sandstone or the like.
32. The plans are to be amended to incorporate access stairs on both sides of the proposal adjacent to the MHWMM to enable pedestrian access along the foreshore.

33. At no time shall the boatshed be utilised or converted to provide for residential habitation. The boatshed must not be used for any other purposes than the storage of small boats and/or boating/marine equipment. The incorporation of any internal kitchen facilities, habitable rooms, shower or toilet facilities is not permitted.
34. Power supplies (interior) should be located at least 1m above the floor level of the boat shed. Exterior fittings should be at 1.5m above the floor level to avoid contact with splashing waves.

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.
2. Structural Engineering details relating to the boat shed and associated works are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed 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.
3. A certificate is to be provided to the Principal Certifying Authority prior to issue of a Construction Certificate, by a suitably experienced Civil/Structural Engineer stating that the boat shed will be able to withstand the likely forces from wave action as outlined in the Estuary Hazard report, dated 24 Sept 2013, prepared by Cardno.
4. Prior to the issue of Construction Certificate, a Part 7 Permit for dredging and reclamation and harm marine vegetation under the Fisheries Management Act is to be obtained from NSW Department of Primary Industries – Fishing & Aquaculture. For information regarding application for a Part 7 permit, refer to the website at <http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit> or call 1300 550 474 or (02) 4982 1232 for information.
5. In constructing the skid ramp decking, the gap installed between planks of the decking situated over *Zostera* seagrass is to be 30 mm
6. The recommendations of the approved Coastal/Estuarine Hazard Report prepared by Cardno, dated 24 Sept 2013 are to be incorporated into Construction plans.
7. 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 Principal Certifying Authority.
8. 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.

9. The plans are to be amended to incorporate access stairs on both sides of the proposal adjacent to the MHWM to enable pedestrian access along the foreshore.

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. 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.

2. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
3. No work shall commence on Crown land without the prior issue of a Licence by the NSW Government, Crown Lands Division.
4. 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.
5. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
6. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
7. 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.
8. 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 the written approval of the 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 Pittwater Council for permits is 9970 1111.

9. 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.

10. The developer or contractor will take all measures to prevent damage to trees and root systems during site works and construction activities including provision of water, sewerage and stormwater drainage services. In particular, works, erection of structures, excavation or changes to soil levels within 5 metres of the trunks of trees to be retained are not permitted, and the storage of spoil, building materials, soils or the driving or parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained, is not permitted.

NOTE: Trees that are part of an Endangered Ecological Community or are habitat for threatened species and endangered populations must comply with the requirements of the Threatened Species Conservation Act, 1995. Failure to do so may result in a penalty up to a maximum of \$250,000.00 and jail sentences.

Failure to comply with the requirements of the Pittwater Council DCP Control B4.22 Preservation of Trees of Bushland Vegetation may result in a penalty up to a maximum of \$20,000.00.

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. 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. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
3. Protection fencing that is no longer required for protection is to be removed, upon completion of construction works.

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. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
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 Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and 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 1 year from the date of 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 then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
9. Pittwater Spotted Gum Forest Endangered Ecological Community as listed on Schedule 1 of the NSW Threatened Species Act 1995, or its habitat has been recorded on this property. Under the TSC Act it is an offence to harm Endangered Ecological Communities, Endangered Populations or Threatened Species. No unapproved site disturbance or other activities shall be carried out on the property which adversely impacts on threatened species or EEC's.