

CONSENT NO: N0094/16
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

Annie Pilcher
12 Quambi Place
Edgecliff NSW 2027

Being the applicant in respect of Development Application No N0094/16

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 **N0094/16** for:

Alterations and additions to an existing dwelling house

At: 1187 BARRENJOEY ROAD, PALM BEACH NSW 2108 (Lot N DP 348414)

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 A001, A101, A102, A202, prepared by Mileham Design and Build, all dated 18/04/2016**
- **Architectural Drawing A301, prepared by Mileham Design and Build, dated 01/03/2016**
- **Flood Risk Management Report, prepared by Northern Beaches Consulting Engineers Pty Ltd, dated 29/02/2016**
- **Geotechnical Risk Management Report, J0743, prepared by White Geotechnical Group, dated 02/03/2016**

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 20-Apr-2016

Mark Ferguson
GENERAL MANAGER

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, 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. 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.

6. 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.
7. 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. 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.
2. The minimum floor and surface levels for the proposed development must be as shown on the following plans submitted with the Development Application unless otherwise stated:
 - MD & B Mileham Design and Build Project No.PBBR1187 Sheet A101 Revision B dated 18 April 2016
 - MD & B Mileham Design and Build Project No.PBBR1187 Sheet A202 Revision B dated 18 April 2016

The Flood Planning Level is 3.2m AHD for the property

Minimum floor and surface levels must be as follows for the life of the development:

- Extension of existing Bathroom — 3.0 mAHD
 - Outside shower — 3.2 mAHD
3. The existing development/rooms retained below the Flood Planning level (3.2 mAHD) must be satisfactorily flood proofed (either wet or dry) to the Flood Planning level and maintained over the life of the development, to reduce the risk of property damage.

Flood proofing may involve:

- dry flood proofing — measures that protect the structure/equipment from the entry of floodwaters by sealing exterior walls/surfaces and other floodwater entry points
 - wet flood proofing — measures that are incorporated into the design of the structure/equipment to enable the structure/building to remain structurally sound and functional by withstanding the forces from the ingress or passage of floodwaters.
4. 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

5. The dwellings/buildings are to be built at or above the Flood Planning Level (FPL), incorporating a suspended floor system on open pier/pile footings with openings in perimeter walls to allow for the flow of surface water and flood storage.
 - The underfloor area of the dwelling/building below the FPL is to be designed and constructed to allow clear passage of floodwaters.
 - 75% of the perimeter of the underfloor area is to be of an open design between the natural ground level and the FPL. Only 25% of the perimeter would be permitted to be solid.
 - No solid areas of the perimeter of the underfloor area would be permitted in a floodway.
6. All new fencing, which includes boundary fencing, pool fencing, balcony balustrades and accessway balustrades must be constructed to allow for the free flow of flood waters — 75% of fencing must be 'open' to a height of the Flood Planning Level of 3.2 mAHD. Only 25% 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.
7. 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 of 3.2 mAHD.
8. All new enclosures located below the height of the Flood Planning Level of 3.2 mAHD, including outdoor showers, must be constructed to allow for the free flow of flood waters — 75% of internal and external walls must be 'open' to a height of the Flood Planning Level of 3.2 mAHD. Only 25% of the internal and external walls below the Flood Planning Level may be 'solid'. For 'open' portions of internal and external walls, more than 50% of the surface area must have minimum openings of 100mm.
9. All new electrical services, fixtures and fittings must be located above the Flood Planning Level of 3.2 mAHD.
10. Any existing electrical equipment, services, fixtures and fixtures as well as any data cabling that must remain below the level of the Flood Planning Level of 3.2 mAHD, must be waterproofed so as to remain functional if submerged up to a level of the Flood Planning Level of 3.2 mAHD for up to 6 hours. Conduits must be graded so they are free draining if covered by floodwaters.
11. 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.
12. The proposed ground floor bathroom must remain as a bathroom for the life of the development.
13. If Shelter-in-place is chosen as the flood emergency response option then the minimum floor space of the shelter-in-place refuge shall be at least one square metre per person, as the property is subject to 'short duration flooding'. For the purposes for determining the number of persons the refuge should cater for, it should be assumed that:
 - o number of persons = total number of bedrooms of residence x 2

14. If Shelter-in-place is chosen as the flood emergency response option then the shelter-in-place refuge shall be intrinsically accessible to all people on the site, plainly evident, and self-directing, with sufficient capacity of access routes for all occupants. There shall be sufficient time for all occupants to access the shelter-in-place refuge with fail safe access provided with no reliance on elevators.
15. The Flood Risk Emergency Assessment Report or its subsequent update as a result of this development consent is to be implemented by the occupants of the dwelling and the practice of flood evacuation procedures are to be undertaken annually.
16. If Shelter-in-place is chosen as the flood emergency response option then the minimum floor level of the shelter-in-place refuge shall be the probable maximum flood level of 3.54 mAHD.
17. 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 (www.pittwater.nsw.gov.au/environment/noxious_weeds) for noxious/environmental weed lists.
18. 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.
19. 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
20. 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* link available on the Pittwater Council website www.pittwater.nsw.gov.au/environment/species_lists
21. 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.
22. In accordance with Pittwater Council's 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. **The privacy screen for the outdoor shower as indicated within the stamped approved plans must be in place for the life of the development**
24. The finished surface materials, including colours and texture of any building, shall match the detail and materials of the existing building.

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. 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. 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 issues 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.

4. 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.
5. 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.
6. The finished surface materials, including colours and texture of any building, shall blend with the surrounding and/or natural materials. Colours and materials shall be non-glare and of low reflectivity. A satisfactory specification which achieves this shall be submitted to the Accredited Certifier or Council with the Construction Certificate application in the form of a *Schedule of Finishes*.

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. 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.
5. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
6. 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.
7. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
8. 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.
9. 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.
10. No skip bins or materials are to be stored on Council's Road Reserve.
11. 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 Pittwater Council for permits is 9970 1111.
12. 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.
13. 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. 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 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. All existing and /or proposed dwellings/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.
- 3. Prior to the issue of an Occupation Certificate, a certificate prepared by a Registered Surveyor shall be provided to the Private Certifying Authority stating that the finished floor and surface levels have been constructed as per those listed in Minimum floor and surface levels condition.
- 4. Completion of the SES Home Emergency Plan available from <http://www.floodsafe.com.au/home-emergency-plan>

5. A Flood Risk Emergency Assessment Report must be prepared by a suitably qualified engineer or professional consultant specialising in flooding / flood emergency response and submitted prior to occupation certificate. The Flood Risk Emergency Assessment Report shall be prepared in accordance with Council's Guideline Document entitled 'Flood Emergency Response Planning in Pittwater' (the Guideline Document) and include the following information:
- a map showing Flood Life Hazard Categories.
 - completion of a Risk Assessment Table as outlined in the Guideline Document
 - if an 'unacceptable risk' is determined using Council Guideline Document then a statement confirming that the 'Adopted Flood Emergency Strategy' is shelter-in-place or evacuation for flood evacuation in a probable maximum flood (PMF) (Control B3.25 Control 1) needs to be provided.
 - if choosing shelter-in-place confirmation that a shelter-in-place refuge is available within the property above the level of the PMF of 3.54 mAHD (Control B3.25 Control 2).
The shelter-in-place refuge:
 - o may be incorporated into the structure of the main residences
 - o must be permanently available (that is, not a temporary structure)
 - o must be roofed to normal ceiling height and provide adequate shelter from rain and inclement weather for up to 2 to 4 hours
 - o may or may not be enclosed, provided adequate shelter from rain and inclement weather is provided.
 - if choosing shelter-in-place confirmation that the shelter-in-place refuge is of size at least one square metre per person, as the property is subject to 'short duration flooding' (Control B3.25 Control 3). For the purposes for determining the number of persons the refuge should cater for, it should be assumed that:
 - o number of persons = 2 x total number of bedrooms of main residence
 - if choosing shelter-in-place confirmation that the shelter-in-place refuge is intrinsically accessible to all people on the site, plainly evident, and self-directing, with sufficient capacity of access routes for all occupants (Control B3.25 Control 4).
 - if choosing shelter-in-place confirmation that there is sufficient time for all occupants to access the shelter-in-place refuge with fail safe access provided with no reliance on elevators (Control B3.25 Control 4).
 - if choosing shelter-in-place confirmation that the structural stability of the structure where the shelter-in-place refuge is located, has been verified by a suitably qualified structural engineer up to the level of the 1% AEP of 3.2mAHD. 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 (Control B3.25 Control 5).
 - if choosing shelter-in-place confirmation that the shelter-in-place refuge complies with the Building Code of Australia.
 - if choosing shelter-in-place inclusion of all details of the proposed shelter-in-place refuge on the site plan and plan sections submitted with the application showing floor levels, floor space dimensions, ceiling height and access arrangements. The site plan shall clearly show the number of bedrooms of the main residence
 - If choosing evacuation then the information as outlined in the Guideline Document needs to be prepared and submitted to Council

6. If Shelter-in-place is chosen as the flood emergency response option then prior to issuing an occupation certificate the structural stability of the structure of the main residence must be verified by a suitably qualified structural engineer up to the level of the 1% AEP of 3.2 mAHD. 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 1% AEP.

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

7. 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.

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
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 then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
9. Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its fixtures and contents.