

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:
ANASTASIOS ANASTASOPOULOS
PO BOX 393
HABERFIELD NSW 2045

Being the applicant in respect of Development Application No N0102/10

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 N0102/10 for:

Shop Top Housing development comprising 5 residential units, ground floor commercial space and kiosk, with basement carparking for 22 cars.

At: 1112 - 1116 BARRENJOEY ROAD, PALM BEACH (Lot 21 DP 571298)

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:-

Plan numbers DA04, DA05, DA06, DA07, DA08, DA09, DA10, DA11, DA12, DA13, DA14, DA15, DA16, DA17, DA18, DA19, DA20, DA21, DA22, DA23, DA24, DA25, DA26, DA27, DA28, DA29, DA30, DA31, DA32, DA33, DA34, DA35, all issue A dated October 2009, prepared by Lesuik Architects Pty Ltd, and Landscape Plan Issue C dated 10 December 2010 and the associated Landscape Schedule dated 13 December 2010 also prepared by Lesuik Architects 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 **16 December 2010**

Mark Ferguson
GENERAL MANAGER
Per:

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. 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.
3. 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.

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:

- d. 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.

- e. 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.
- 4. 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.
- 5. 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.

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

- 1. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by Douglas and Partners, dated October 2009 are to be incorporated into the construction plans.
- 2. The Estuarine Planning level is 2.4m AHD.
- 3. The lowest habitable floor level shall be at or above the Estuarine Planning level.
- 4. All access and potential water entry points to a covered basement or bunded carpark facilities shall be at or above the Estuary Planning Level.
- 5. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer's Specifications and associated operational guidelines.
- 6. The Stormwater Harvesting and Reuse Scheme shall be maintained as appropriate in accordance with best practice to ensure optimum performance of the stormwater treatment system.
- 7. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
- 8. The stormwater quality improvement devices shall be maintained and emptied of spoil materials at regular intervals. Spoil materials removed from the stormwater quality improvement devices shall be disposed of as dry mixed waste.
- 9. The internal driveway is to be constructed to an all weather standard finish to be of dark or earthy tones, linemarked and signposted.

10. Water, electricity and gas are to comply with section 4 1 3 of “Planning for Bush Fire Protection 2006”.

11. New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' BAL 12 5 and undertake the following:

a) The subfloor space shall be enclosed with either

- i. A wall that complies with Clause 5 4 of AS3959-2009, or
- ii. A mesh or perforated sheet with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium, or
- iii. A combination of the items above NOTE: There are no construction requirements for subfloor supports where the subfloor space is enclosed.

b) Where the subfloor space is unenclosed, the support posts, columns, stumps, piers and poles shall be

- i. Of non-combustible material, or
- ii. Of bushfire-resisting timber (see AS3959-2009 Appendix F), or
- iii. A combination of the items above

NOTE: This requirement applies to the principle building only and not to verandahs, decks, steps, ramps and landings (see Clause 5 7 of AS3959-2009)

c) Where the subfloor space is unenclosed, flooring material, including bearers, joists and flooring less than 400 mm above finished ground level, shall be

- i. Non-combustible (eg, concrete, steel), or
- ii. Of bushfire-resisting timber (AS3959-2009 see Appendix F), or
- iii. Particleboard or plywood flooring where the underside is lined with sarking-type material or mineral wool insulation, or
- iv. A system complying with AS1530 8 1, or v. A combination of any of the items above.

NOTE: There are no construction requirements for elements of elevated floors, including bearers, joists and flooring, if the underside of the element is 400mm or more above finished ground level.

d) In relation to unenclosed verandahs, decks, steps, ramps and landings - the support posts, columns, stumps, stringers, piers, poles and framing (i.e. Bearers and joists) shall be

- i. of non-combustible material, or

- ii. of bushfire-resisting timber (see AS3959-2009 Appendix F),
or
- iii. a combination of the items above

e) Parts of handrails and balustrades that are less than 125 mm from any glazing or any combustible wall shall be

- i. of non-combustible material, or
- ii. of bushfire-resisting timber (see AS3959-2009 Appendix F),
or
- iii. a combination of the items above

NOTE: Those parts of handrails and balustrades that are 125 mm or more from the building have no requirements.

f) External framed walls must incorporate either

- i. Breather-type sarking complying with AS/NZS 4200 1 and with a flammability index of not more than 5 (see AS 15030 2) and sarked on the outside of the frame, or
- ii. An insulation material conforming to the appropriate Australian Standard for that material. 3) Landscaping to the site is to comply with the principles of Appendix 5 "Planning for Bush Fire Protection 2006".

12. 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.
13. At least five (5) 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 in the Native Plants for Your Garden link on Council's website www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants. 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.
14. For the life of the development, domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
15. Any vegetation planted outside approved landscape zones is to be consistent with:

- a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan
 - 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 from Council's website www.pittwater.nsw.gov.au
16. Over the life of the development 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) for noxious/environmental weed lists.
17. No environmental weeds are to be planted on the site. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for environmental weed lists.
18. Any new fencing is to be made passable to native wildlife. As a guideline, hole dimensions should be 150mm wide X 100mm long at ground level spaced at 6 metre intervals.
19. No odour nuisance shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
20. Noise levels shall comply with the requirements of the **Protection of the Environment Operations Act 1997**.
21. Sanitary facilities shall be provided in accordance with Part 2 of the Building Code of Australia.
22. A fixed privacy screen is to be provided to the northern side of the terrace of Unit 1, Level 1 to a minimum height of 1.75 metres. The screen shall have openings of no more than 25% of the overall area of the screen.
23. The development is to include a minimum number of 2 units at the rate and class as required under the Accessibility Control and in compliance with the requirements of AS 4299 - Adaptable Housing
24. Unless specifically approved through development consent no mesh enclosing of the car parking spaces of any kind will be permitted.
25. All carparking facilities and driveway profiles, for adaptable and accessible housing, from the street to the on site car parking spaces for the adaptable apartments must comply with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking
26. Garbage enclosures/stores shall be provided and maintained in accordance with the following:
 - a. A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
 - b. The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.

- c. The floor shall be of impervious material covered at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
- d. Stormwater shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
- e. Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
- f. The room used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete blocks, structural fibrous cement or similar homogeneous material) so as to prevent the formation of cavities which become possible harborage for insects and vermin. Framing in timber is not permitted.
- g. The garbage and recycling room shall be made vermin proof.
- h. Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Councils satisfaction.
- i. The enclosure shall be of adequate size to accommodate the following bins numbers and capacity per dwelling:
 - i. 80 litres per household per week of garbage, and
 - ii. 70 litres per household per week of paper recyclables, and
 - iii. 70 litres per household per week of container recyclables.

The residential waste and recycling enclosure is to be physically separated from the commercial waste and recycling enclosure.

- 27. You are advised to contact Australia Post regarding the required size and location of letterboxes.
- 28. Address street numbering can only be authorised by Council. Before proceeding to number each lot/occupancy in your development, approval must be sought from Councils Planning and Assessment Business Unit.
- 29. The copper roof shall not be treated to retain brightness but shall be allowed to weather to a neutral non-glare finish.
- 30. All utility services including overhead power supply and communication cables located in the adjacent road verge & those to service the development are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.
- 31. Street trees to front road reserve area, minimum soil volume 12m³, min 400 litre size.

32. Pavements in road reserve to match existing sequential concrete pavements as existing throughout the commercial strip. Pavements to be set 100mm 20mpa concrete sub-base. All utility pits to be replaced/liased with relevant utility authority
33. All plumbing and drainage fixtures are to be concealed and not exposed to public view on buildings over one storey in height.
34. All external glazing is to have a maximum reflectivity index of 25%.
35. New electrical connections are to be carried out using underground cabling.
36. No mechanical plant shall be located at any point on the roof of the building. Non mechanical wind driven ventilators are not excluded by this condition
37. The easternmost row of solar panels shall be removed from the development.
38. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application. No white or light coloured roofs are permitted.
39. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.
40. This consent does not authorize the operation of the propose kiosk, which shall be the subject of a separate Development Application.

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. 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.
2. Engineering details showing the stormwater quality treatment system are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified practicing Water Engineer with corporate membership of the Institute of Engineers Australia (MIE Aust), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B5.10 of Pittwater 21 DCP.
3. 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.

4. 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.
5. An approval under Section 138 of the **Roads Act** to construct an access driveway to the main road is to be submitted to the Accredited Certifier.
6. A Dilapidation Report is required in relation to all structures on the adjoining property. The report is to be prepared by a qualified Structural Engineer.
7. 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.
8. Detail landscape plans prepared by qualified landscape architect/designer (Scale 1:100) to be prepared for the front road reserve/forecourt area. Plans to detail:
 - (a) Boundary side treatments, including retaining structures, soil volumes for proposed vegetation, proposed planting type and size at installation, edge finishes, drainage, lighting and fencing.
 - (b) Pergola type construction.
 - (c) Palm Grove edge finishes, sizes, planting volume, drainage, signage, and lighting.
 - (d) Details of all onslab planters, including waterproof membranes, drainage, flushing and watering points, planting types/sizes.
 - (e) Watering points.

9. 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.
10. 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 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.

11. 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:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.
3. Asbestos handling and disposal where applicable.
4. 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.

12. 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.

13. 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:

1. The details and location of all intercept drains, provided uphill of the excavation, to control runoff through the cut area.
 2. The proposed method of disposal of collected surface waters is to be clearly detailed
 3. Procedures for excavation and retention of cuts, to ensure the site stability is maintained during earthworks.
14. A contribution of \$36,000 is to be made to Cashier Code SOPS, pursuant to Section 94 of the 'Environmental Planning and Assessment Act, 1979' (as amended), for Embellishment of Open Space, Bushland and Recreation in accordance with Section 94 Contributions Plan No.2. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.

Where rates payable under Section 94 Contributions Plan No 2 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

15. A contribution of \$8,000 is to be made to Cashier Code SLEL, pursuant to Section 94 of the 'Environmental Planning and Assessment Act, 1979' (as amended), for Public Library Services in accordance with Section 94 Contributions Plan No.3. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.
16. A contribution of \$14,000 is to be made to Cashier Code SCSF, pursuant to Section 94 of the 'Environmental Planning and Assessment Act, 1979' (as amended), for Community Services Facilities in accordance with Section 94 Contributions Plan No.18. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.
17. A contribution of \$20,000 is to be made to Cashier Code SVSS, pursuant to Section 94 of the 'Environmental Planning and Assessment Act, 1979' (as amended), for providing improved Village Streetscapes in accordance with Section 94 Contributions Plan No.19. The Contributions Plan may be inspected at Pittwater Council, No1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.

Where rates payable under Section 94 Contributions Plan No 19 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

18. Certification from an Accredited Access Adviser that design details and specifications comply with the Accessibility Control and AS 4299 - Adaptable Housing, must be submitted to the Accredited Certifier or Council with the Construction Certificate application.

19. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.
- 20 A detailed landscape plan prepared by a qualified Landscape Architect / Horticultural Designer to be prepared as part of documentation for the Construction Certificate generally in accordance with the landscape concept plan as prepared by Lesiuk Architects.

The landscape plan is to detail the following elements:

- 3 street trees provided to the front road reserve set in proposed paving (dimension 1.5 wide / 2 metres long (*Glochidion ferdinandi*) installed at 400 litre size.
- Front road reserve to the unit paved to match with existing pavement pattern/ type (header to all edges) laid on concrete sub-base.
- All works in road reserve to be approved/ liaised with Council's Landscape Architect prior to commencement – ph: 9970 1356.
- Indicated palm grove to site frontage to be *Livistonia australis/howea forstrana*, with clear trunk height of minimum 3 metres. Canopy trees to southern/ northern boundary and central planter to be minimum 400 litre in size and endemic to area.
- Trees must have minimum 10m³ planting volume to allow realistic growth and prevent long term damage to proposed retaining walls.
- Those trees located to the rear boundary area to be minimum 100 litre size at installation and endemic to the Palm Beach locality.
- All planter boxes to be detailed in relation to structural capability (i.e. concrete core filled to deal with large growth and associated roots) growing medium minimum depth (800mm) and mulch treatment.
- All planters built on slab to incorporate drainage membranes/ drainage layer with inspection pits connected to proposed stormwater system and allow minimum of 800mm depth growing medium. Waterproof membrane to be independently certified by qualified contractor.
- All landscape works to be maintained for the life of the development.
- A report confirming construction of the landscape works in accordance with the concept plan and detail landscape plan to be prepared by qualified Landscape Architect and approved by the nominated Certifier prior to release of Occupation Certificate.
- The *Livistrona australis* nominated for the rear of the development is to be clumped to the north and south ends of the skillion roof form at the rear boundary area. Between these clumps 25 Blueberry Ash (40 litre pot size) to be included which at maturity will achieve approximately 5 metres in height.

21. All rear windows to level 5 above 2.1 metres above finished floor level to level 5 are to be finished with opaque or obscure glazing in order to minimize potential overlooking into neighbouring properties. Details are to be submitted with the construction certificate.
22. The Applicant shall provide a Disaster Management Plan to address the potential for retaining wall failure. The Applicant will monitor retaining wall movement by the installation of 3 inclinometers to be monitored weekly during excavation and at 3 monthly intervals up to 6 months after building structural completion. The Applicant will test any ground anchors by "lift off" 48 hours and 3 months after installation.

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. All excavated material is to be removed from the site.
2. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
3. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
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 preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
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. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
9. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

10. 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.
11. No skip bins or materials are to be stored on Council's Road Reserve.
12. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
13. 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:
 - The builder's name, builder's telephone contact number both during work hours and after hours.
 - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - 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.
 - That no skip bins or materials are to be stored on Council's Road Reserve.
 - That the contact number for Pittwater Council for permits is 9970 1111.
14. All construction in the public road reserve must be undertaken by a Council authorised contractor.
15. If approved works are likely to cause pedestrian or vehicular traffic in a public place to be obstructed or if works involve the enclosure of a public place, then a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning or other structure is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Further, the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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

NOTE: Hoardings and temporary awnings erected on or over public places are required to be subject to a separate approval from Council.
16. A satisfactory 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:

- Quantity of material to be transported
- Proposed truck movements per day
- Proposed hours of operation
- Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater

17. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Urban Forestry Australia dated June 2009 are required to be complied with before and throughout the development period, particularly with regard to the following:

- . 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;
- i. 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;
- ii. 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.
- iii. 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.

Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.

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

19. 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.

20. 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.

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 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.
2. Prior to the issue of a Occupation Certificate a certificate by a Registered Surveyor is to be provided to the Private Certifying Authority, stating that the finished floor level is at or above the EPL.
3. Certification is to be provided to the Principal Certifying Authority by a qualified experienced 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 drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
4. 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.
5. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.
6. 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.

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.
8. Certification of completed landscape works with approved plans (as approved at construction certificate stage) to be provided by supervising/nominated landscape architect/designer prior to release of occupation certificate
9. Evidence of agreement to maintain the nominated landscape/garden areas for a 24 month period by qualified landscape contractor/horticultural maintenance contractor to be provided prior to release of occupation certificate.
10. All onslab waterproof membranes to be independently certified as being installed to BA/watertight specifications with a minimum five year guarantee prior to issue of occupation certificate.
11. 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.
12. 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.
13. All 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.
14. Street numbers are to be affixed to the building prior to occupation.
15. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.
- 17 A Dilapidation Report is required in relation to all structures on the adjoining property. The report is to be prepared by a qualified Structural Engineer.

F. Matters to be satisfied prior to the issue of Subdivision Certificate:

Nil

G. Advice:

1. 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.
2. 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.

3. 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.
4. 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.
5. To ascertain the date upon which the determination becomes effective, 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 12 months of the date of endorsement of this Consent.
8. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.