

CONSENT NO: N0317/16
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS
AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:
CARISTE PTY LTD
PO BOX 7099
MCMAHONS POINT NSW 2060

Being the applicant in respect of Development Application No. N0317/16

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of Development Application No **N0317/16** for:

Subdivision of 62 Hillside Road into 4 residential lots plus civil and landscaping works to 62 and 85 Hillside Road to facilitate the subdivision

At: 62 HILLSIDE ROAD, NEWPORT NSW 2106 (Lot 1 DP 408800) 85 HILLSIDE ROAD, NEWPORT NSW 2106 (Lot 2 DP 1036400)

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

Plans:

- Coversheet, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-A000, Project No. P1203617, Rev. C, dated 7 July 2016
- General Notes, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-A010, Project No. P1203617, Rev. B, dated 3 June 2016
- Sediment and Erosion Control Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-B300, Project No. P1203617, Rev. C, dated 7 July 2016
- Sediment and Erosion Control Details, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-B310, Project No. P1203617, Rev. B, dated 3 June 2016
- Demolition Plan, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-B500, Project No. P1203617, Rev. C, dated 7 July 2016
- Earthworks Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-C100, Project No. P1203617, Rev. C, dated 7 July 2016
- Earthworks Cut & Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-C600, Project No. P1203617, Rev. C, dated 7 July 2016

- Driveway Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-D100, Project No. P1203617, Rev. C, dated 7 July 2016
- MC01 Longitudinal Section, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-D200, Project No. P1203617, Rev. B, dated 3 June 2016
- MC01 Typical Sections, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-D201, Project No. P1203617, Rev. B, dated 3 June 2016
- Driveway Cross Sections Sheet 1, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-D600, Project No. P1203617, Rev. B, dated 3 June 2016
- Driveway Cross Sections Sheet 2, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-D601, Project No. P1203617, Rev. B, dated 3 June 2016
- Swept Path Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-DZ00, Project No. P1203617, Rev. C, dated 7 July 2016
- Tree Plan (Layout 02), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-F300, Project No. P1203617, Rev. C, dated 7 July 2016
- Sewer and Water Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-H200, Project No. P1203617, Rev. C, dated 7 July 2016
- Subdivision Plan, prepared by Martens & Associates Pty Ltd, Drawing No. PS03-A400, Project No. P1203617, Rev. B, dated 23 November 2016
- Drainage Plan, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-E200, Project No. P1203617, Rev. D, dated 23 November 2016
- Energy Dissipator/Rip Rap Typical Details, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-E400, Project No. P1203617, Rev. A, dated 23 November 2016
- On-Site Detention Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-E500, Project No. P1203617, Rev. D, dated 23 November 2016
- OSD Catchment Plan Drains Model and Result, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-E501, Project No. P1203617, Rev. A, dated 23 November 2016
- Details and Levels over Lot 1 in D.P. 408800 & Lot 2 in D.P. 1036400, prepared by Paul Keen & Company, Ref. 9499P, dated 30 October 2015

Documents:

- Aboricultural Impact Assessment, prepared by Footprint Green Pty Ltd, dated 22 June 2016
- Vegetation Management Plan, prepared by Cumberland Ecology, Report Ref. 15023RP2, Rev. 2 dated 22 June 2016

- Vegetation Management Plan Advice, prepared by Cumberland Ecology, dated 25 November 2016
 - Lot 1a Vegetation Management Plan Sub-plan, prepared by Cumberland Ecology, dated 25 November 2016
 - Lot 1b Vegetation Management Plan Sub-plan, prepared by Cumberland Ecology, dated 25 November 2016
 - Lot 1c Vegetation Management Plan Sub-plan, prepared by Cumberland Ecology, dated 25 November 2016
 - Lot 1d Vegetation Management Plan Sub-plan, prepared by Cumberland Ecology, dated 25 November 2016
- Species Impact Assessment, prepared by Cumberland Ecology, Report Ref. 15023RP3, Rev. 3 dated 23 June 2016
- Bushfire Protection Assessment, prepared by Travers Bushfire & Ecology, File No. A15164, dated 18 May 2016
- Geotechnical Assessment, prepared by Martens & Associates Pty Ltd, Ref. No. P1203617JR04V01, Rev. 1, dated 9 June 2016
- Preliminary Site Investigation, prepared by Martens & Associates Pty Ltd, Ref. No. P1203617JR02V01, Rev. 1, dated 7 June 2016
- Aboriginal Survey for Aboriginal Sites, prepared by Jo McDonald Cultural Heritage Management Pty Ltd, dated 30 May 2002

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 _____

Mark Ferguson
INTERIM 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. This development consent does not approve and/or regularise any new development on the site that is not indicated on the approved plans and/or subject to conditions within this consent. Consent shall be sought for any development on approved Lots 1a, 1b, 1c and 1d that is not:
 - Approved by this consent; and/or
 - Exempt development.
2. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
3. 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.
4. 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.

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.

- 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
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. 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.
 8. 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. Any power lines and/or electricity infrastructure within the site shall be located underground. New electrical connections to the site are to be carried out using underground cabling.
2. Any lighting for the driveway shall be designed as follows:
 - Lighting is to illuminate the driveway only, and shall be designed/shielded to prevent light being projected up/into vegetated areas;
 - Any lighting is to be designed and/or shielded to prevent disturbance to surrounding residential properties.
3. Any retaining wall associated with the subdivision and/or driveway shall be constructed with sandstone and/or sandstone-like external materials and finishes.
4. 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.
5. The landowner must comply with all aspects of the approved Vegetation Management Plan and Sub-plans (Cumberland Ecology, June 2016 and November 2016) and over the life of the development.

6. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for noxious/environmental weed lists.
7. No environmental weeds are to be planted on the site. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
8. In accordance with Part B4.22 (Protection of Trees and Bushland Vegetation) of Pittwater 21 Development Control plan, all existing trees as indicated in the approved Arborist Report 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.
9. 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.
10. Fencing is to be erected along the boundary line between Management Zone 1 and 3 for those lots identified as Lot 1a and 1b.
11. Any vegetation planted onsite is to be consistent with:
 - Species listed in the Vegetation Management Plan
 - Species listed from the Endangered Ecological Community
12. No water pollution shall result from the operation of any plant or equipment or activity carried out.
13. No emissions of air pollution shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
14. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
15. All utility services including overhead power supply and communication cables to service the lots to be created are to be placed underground.
16. Fire hydrants are to be provided in all proposed roads and adjoining public road reserves in accordance with the requirements of Sydney Water and the NSW Rural Fire Service.

17. Street lighting facilities to the development street frontages of the site and to the existing Public Road reserve adjacent to the development site are to be provided at the full cost of the developer and in accordance with the requirements of Energy Australia.
18. Where relevant, all appropriate infrastructure is to be provided to service the proposed lots, including roads and accessways, drainage facilities, water management facilities, reticulated water, reticulated sewerage, electricity, gas and telecommunication services.

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 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.

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

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

5. 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.
6. 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.
7. A contribution of **\$60,000** is payable to Northern Beaches Council for the provision of public infrastructure and services pursuant to the Pittwater Section 94 Contributions Plan for Residential Development.

The contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate (whichever occurs first) or prior to the issue of the Subdivision Certificate where no Construction Certificate is required.

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

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

Cashier Codes:

SOPS – \$24,000

SLEL – \$6000

SCSF – \$10,500

SVSS – \$19,500

8. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.
9. 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.

10. 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.
11. Engineering plans and specifications for all roads, drainage and other civil engineering works within an existing Public Road reserve must be submitted and approved in writing by Northern Beaches Council prior to submission to the Accredited Certifier or Council of the Construction Certificate application.

Payment of the Engineering Plan Assessment fee (in accordance with Councils adopted Fees and Charges) is required prior to Council releasing the approved engineering plans.

The installation of traffic facility signs and markings, including parking signs and speed restrictions will require the approval of Council prior to commencement of 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. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

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

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

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

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

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

3. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
4. The following facilities must be provided on the site:
 - A. toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - B. a garbage receptacle for food scrapes and papers, with a tight fitting lid.

Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

5. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
6. Where possible, waste materials generated through any demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

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

7. The site must be fenced throughout demolition and/or construction works; such fencing must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
8. Where site fill material is necessary, any fill materials must:
 - A. Be Virgin Excavated Natural Material (VENM) only, as approved under the Department of Climate Change "General Resource Recovery Exemption ;and
 - B. Be free of slag, hazardous, contaminated, putrescibles, toxic or radioactive excavated material and soil, rock or similar material. Putrescibles and non-putrescibles solid waste (including demolition material) is not permitted.
9. Native plants located within the zone of construction (specifically Trees 43, 44, 45, 46 as identified in the arborist report) are to be translocated by a suitably qualified person into an undisturbed area onsite where possible (based on size and viability). A Bushland Management Consultant is to certify that native plants have been adequately translocated prior to the commencement of works.
10. 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 Footprint Green, dated 22/6/16 are required to be complied with before and throughout the development period, particularly with regard to the following:
 - A. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;

- B. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
 - C. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
 - D. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
 - E. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.
 - F. Prior to the commencement of construction works, all tree protection recommendations in particular the establishment of tree protection zone fencing as specified in the approved Arborist Report (Footprint Green, 22/6/16) are to be certified by the consulting arborist as being adequate and in accordance with the specifications of AS 4970 ~ 2009 Protection of Trees on Construction Sites. Certification is to be provided to the certifying body prior to the issue of the Subdivision Certificate.
11. 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.

12. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
13. The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
14. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.

15. 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.
16. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
17. 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.
18. 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.

19. No skip bins or materials are to be stored on Council's Road Reserve.
20. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - A. The builder's name, builder's telephone contact number both during work hours and after hours.
 - B. That no works are to be carried out in Council's Road Reserve without prior application and approval of a Road Opening Permit from Council.
 - C. That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - D. That no skip bins or materials are to be stored on Council's Road Reserve.
 - E. That the contact number for Northern Beaches Council for permits is 9970 1111.
21. Construction access to the property is to be via the approved driveway only.

22. If/where the volume(s) of excavated materials to be transported from the site or the importation of fill material to the site is equal to 100m³ or greater, a satisfactory construction traffic management plan (CTMP) shall be prepared by a suitably qualified traffic consultant and submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
 - A. Quantity of material to be transported
 - B. Proposed truck movements per day
 - C. Proposed hours of operation
 - D. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the former Pittwater Council Local Government Area
 - E. Location of on/off site parking for construction workers during the construction period.

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

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

1. Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- A. At the issue of a subdivision certificate, a positive covenant and restriction to the land use shall be created over the proposed lots pursuant to Section 88 of the *Conveyancing Act 1919*. The instruments shall prohibit the construction of residential dwellings outside the proposed building envelopes and require land to be managed as an inner protection area (IPA) as indicated on the drawing titled *Schedule 1 - Bushfire Protection Measures* prepared by Travers bushfire Bushfire & Ecology dated 19/05/2016 (Issue 2). The IPA shall be managed as outlined within Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*. Northern Beaches Council shall be nominated as the prescribed authority for variation or removal of the instruments.

- B. At the issue of a subdivision certificate, a restriction to the land use shall be placed on adjoining Lot 2/1036400 to the west of the subject site requiring the provision of asset protection zones (APZs) to the west and north west of the proposed building envelope on proposed Lot 1(a), as indicated on the drawing titled Schedule 1 - *Bushfire Protection Measures* prepared by Travers bushfire Bushfire & Ecology dated 19/05/2016 (Issue 2). These APZs shall be maintained as outlined within Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*. Northern Beaches Council shall be nominated as the prescribed authority for variation or removal of the covenant.
- C. At the issue of a subdivision certificate, a positive covenant pursuant to Section 88 of the *Conveyancing Act 1919* shall be placed on the proposed lots which requires the ongoing implementation of the measures proposed in the vegetation management plan prepared by Cumberland Ecology referenced 15023RP and dated June 2016 for the site. Northern Beaches Council shall be nominated as the prescribed authority for variation or removal of the covenant.

2. **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- A. New water, electricity and gas services shall comply with Section 4.1.3 of *Planning for Bush Fire Protection 2006*.

3. **Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

- A. Proposed road(s) shall comply with the following requirements of Section 4.1.3(1) and Section 4.1.3(2) of *Planning for Bush Fire Protection 2006*:
 - G. Road(s) shall be two wheel drive, all weather roads, with a carriageway 6.5 metres minimum kerb to kerb.
 - H. Any construction of the minimum carriageway width, due to existing site constraints, shall be no less than 3.5 metres for no greater than 30m along the access road.
 - I. Passing bays shall be 20 metres long by 2 metres wide, making a minimum trafficable width of 6 metres at the passing bay.
 - J. Dead end roads shall be clearly signposted as dead end and direct traffic away from the hazard.

- K. Dead end roads shall incorporate the proposed 'Y' tuning head as indicated on the drawing titled *Schedule 1 - Bushfire Protection Measures* prepared by Travers bushfire Bushfire & Ecology dated 19/05/2016 (Issue 2).
 - L. Roads shall have a cross fall not exceeding 3 degrees.
 - M. Curves of roads (other than perimeter roads) shall provide a minimum inner radius of 6 metres.
 - N. the minimum distance between inner and outer curves shall be 6 metres.
 - O. Maximum grades for sealed roads shall not exceed 15 degrees and an average grade of not more than 10 degrees of other gradient specified by road design standards, whichever is the lesser gradient.
 - P. The capacity of road surface and bridges shall be sufficient to carry fully loaded fire fighting vehicles (approximately 25 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas).
 - Q. Roads directly interfacing the bush fire hazard vegetation shall be provided with roll top kerbing to the hazard side of the road.
 - R. A minimum vertical clearance of 4 metres shall be provided to any overhanging obstruction, including tree branches.
- B. Tree protection recommendations in particular the establishment of tree protection zone fencing as specified in the approved Arborist Report (Footprint Green, 22/6/16) are to be certified by the consulting arborist as being adequately retained throughout the construction process and in accordance with the specifications of AS 4970 ~ 2009 Protection of Trees on Construction Sites. Certification is to be provided to the certifying body prior to the issue of the Subdivision Certificate.
- C. The Bushland Management Consultant to certify that:
- A. Native plant selection and planting as per Plan (Vegetation Management Plan and sub-plans, Cumberland Ecology, June and November 2016) has been completed,
 - B. All actions prescribed in the approved Vegetation Management Plan and sub-plans have been undertaken fully and where relevant completed and that an appropriate program of regeneration and maintenance has been entered into to comply with requirements of the Plan, and
 - C. That areas/features requiring protection have been adequately protected and are in an acceptable condition.
4. "Restriction on the use of the land" and "Positive Covenants" as proposed in the letter from Cumberland Ecology (November 2016) shall be created prior to the issue of the Subdivision Certificate. The body empowered to release, vary or modify the terms of the Restriction on the use of the land and Positive Covenant shall be Northern Beaches Council. Such restrictions shall enforce the following:

- No development shall be permitted on lots burdened within the restricted development area shown as Management Zone 1 and 2 in Figures 1-5 in appendix A to the letter from Cumberland Ecology (November 2016).
 - Compliance with the Vegetation Management Plan prepared by Cumberland Ecology (2016) relating to the restricted development area shown as Management Zone 1 and 2 in Figures 1-5 in appendix A to the letter from Cumberland Ecology (November 2016).
5. At the issue of a subdivision certificate, a positive covenant and restriction to the land use shall be created. The instrument shall prohibit domestic pet animals from entering wildlife habitat areas and areas identified as Management Zone 1 in the vegetation management plan 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. The body empowered to release, vary or modify the terms of the Restriction on the use of the land and Positive Covenant shall be Northern Beaches Council.
 6. 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.
 7. Prior to the issue of any subdivision certificate, a detailed design plan showing the following works within the public road reserve shall be submitted to, and approved by Council:
 - A. Replacement of the existing parking restriction signs within the turning head with standard “No Parking” signs; this zone is to be extended from the driveway at 81 Hillside Road around the kerb line to the driveway at 60 Hillside Road; and
 - B. Kerbs and gutters with sealed pavement shall be constructed to the Hillside Road turning area between the driveway at 81 Hillside Road and the existing kerb and gutter adjacent to 87 Hillside Road.
 8. Prior to the issue of any subdivision certificate, the applicant shall submit to the Principle Certifying Authority a waste service agreement from Council indicating that the proposed subdivision will be serviced under a deed to indemnify the contractor for collection on the private road.

9. 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 Subdivision Certificate application.
10. A plan showing details of the location of separate water, sewerage, electricity and telephone services to each lot is to be submitted to the Principal Certifying Authority, with the Subdivision Certificate application.
11. Appropriate easements are to be created where service lines or drainage lines pass through private property other than the lot which they benefit. These are created through the registration of the Plan of Subdivision.
12. A Restriction on Use of Land is to be created, burdening Lots 1a, 1b, 1c and 1d, the terms of which restrict future buildings within Lots 1a, 1b, 1c and 1d to the building envelopes and areas shown on the approved plans. Full details in this regard are to be submitted to Council on the final plan of Subdivision / and an accompanying Section 88B instrument. The creation of the Restriction on Use of Land is achieved through registration of the Plan of Subdivision.
13. Prior to the issue of any subdivision certificate, the applicant must submit a report from a practicing geotechnical engineer, such report is to address the following matters:
 - A. The classification, or - in the case of lots which have been subject to bulk filling - the reclassification of all lots on a lot by lot basis in accordance with Australian Standard AS 2870; and
 - B. Recommendation for appropriate footing systems on a lot by lot basis in accordance with Australian Standard AS 2870.
14. The following documents and payments are to be submitted to Council in a single package to ensure the efficient release of the Subdivision Certificate:-
 - A. Evidence of Payment of the Section 94 Contribution.
 - B. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994.
 - C. Copies of the Subdivision Plans (original plus 6 copies).
 - D. The Private Certifying Authority Compliance Certificate. Each component of the works as outlined above are to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. In particular, the construction of the Water Management System is to be supervised and certified by person(s) with appropriate experience and expertise in Environmental Science, Hydrology and Hydraulics, and must be NPER registered members of the Institution of Engineers (Australia).

- E. Where Material Public Benefits are involved, a Bank Guarantee for the difference between the value of the Material Public Benefit (MPB) and the value of the MPB works constructed for that stage.
 - F. Work-as-executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements or which will require ongoing maintenance by Council. The plans are to be in paper and electronic format (dwg or dxf file) and comprise at least the following:-
 - i. Boundary layout;
 - ii. Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
 - iii. Signage (including type and wording), line marking;
 - iv. Easements, survey numbers and marks, reduced levels and co-ordinates;
 - v. Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains;
 - vi. Water quality devices, ponds, creekline corridors, parkland, play equipment;
 - vii. Significant landscaping.
 - G. A security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period. A maintenance period is to apply to all works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Subdivision Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or as would be reasonable expected under the design conditions.
15. 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 Subdivision Certificate.
16. Prior to issue of the issue of Subdivision Certificate, Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.
17. The stormwater drainage system must be constructed and completed in accordance with the approved design and relevant Australian Standards.

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

18. 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 Subdivision 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. This approval does not prejudice any action in respect of upgrading the building pursuant to the provisions of the Section 121B of the *Environmental Planning and Assessment (Amendment) Act, 1997*.
10. Littoral Rainforest Endangered Ecological Community as listed on Schedule 1 of the NSW Threatened Species Act 1995 has been recorded on or near 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.