

2 July 2021



Rhonda Gay Thorp
188 McCarrs Creek Road
CHURCH POINT NSW 2105

Dear Sir/Madam

Application Number: Mod2021/0079
Address: Lot 61 DP 771456 , 188 McCarrs Creek Road, CHURCH POINT NSW 2105
Lot PO 169846 , 188 McCarrs Creek Road, CHURCH POINT NSW 2105
Proposed Development: Modification of Building Consent No.3233-87 granted for erection of additions

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Kent Bull
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2021/0079
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Rhonda Gay Thorp
Land to be developed (Address):	Lot 61 DP 771456 , 188 McCarrs Creek Road CHURCH POINT NSW 2105 Lot PO 169846 , 188 McCarrs Creek Road CHURCH POINT NSW 2105
Proposed Development:	Modification of Building Consent No.3233-87 granted for erection of additions

DETERMINATION - APPROVED

Made on (Date)	02/07/2021
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
THORP 1 of 4 (Site Plan)	06.05.21	Absolute Building Designers
THORP 2 of 4 (Upper Ground Floor Plan, Lower Ground Floor Plan)	06.05.21	Absolute Building Designers
THORP 3 of 4 (East Elevation, South Elevation, West Elevation, North Elevation)	06.05.21	Absolute Building Designers
THORP 4 of 4 (Section A-A)	06.05.21	Absolute Building Designers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Assessment Report, Ref. 20-213	17 May 2020	Australian Bushfire Consulting Services
Geotechnical Report, Ref. J2498A	22 May 2020	White Geotechnical Group Pty Ltd
Geotechnical Addendum, Ref. J2498B	30 March	White Geotechnical Group Pty Ltd

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Add Condition 10 - "Amendments to the approved plans" to read as follows:

Amendments to the approved plans

The following amendments are to be made to the approved plans:

- Privacy screens to a height of 1.8m from the finished floor levels are to be located along the length of the southern side of the proposed lower ground terrace and upper ground balcony.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the commencement of works.

Reason: To ensure development minimises unreasonable privacy impacts upon surrounding land.

C. Add Condition 11 - "Prescribed Conditions" to read as follows:

Prescribed Conditions

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) 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:

(i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and

(ii) 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

(iii) 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.

(d) 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:

(i) in the case of work for which a principal contractor is required to be appointed:

A. the name and licence number of the principal contractor, and

B. the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

A. the name of the owner-builder, and

B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under 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.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

(i) protect and support the adjoining premises from possible damage from the excavation, and

(ii) where necessary, underpin the adjoining premises to prevent any such damage.

(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

D. Add Condition 12 - "General Requirements" to read as follows:

General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

7.00 am to 5.00 pm inclusive Monday to Friday,

8.00 am to 1.00 pm inclusive on Saturday,

No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

(b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.

(c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or

machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(k) Prior to the commencement of any development onsite for:

i) Building/s that are to be erected

ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place

iii) Building/s that are to be demolished

iv) For any work/s that is to be carried out

v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

(m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

(i) Swimming Pools Act 1992

(ii)

Swimming Pools Amendment Act 2009

(iii) Swimming Pools Regulation 2018

(iv)

Australian Standard AS1926 Swimming Pool Safety

(v)

Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools

(vi)

Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

E. Add Condition 13 - "Geotechnical Report Recommendations have been Incorporated into

Designs and Structural Plans" to read as follows:

Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Assessment dated 22/5/20, and as updated in Geotechnical Addendum, Ref. J2498B dated 30 March 2021 prepared by White Geotechnical Group Pty Ltd are to be incorporated into the construction plans. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the commencement of works.

Reason: To ensure geotechnical risk is mitigated appropriately.

F. Add Condition 14 - "Compliance with Standards" to read as follows:

Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the commencement of works.

Reason: To ensure the development is constructed in accordance with appropriate standards.

G. Add Condition 15 - "Sydney Water "Tap In"" to read as follows:

Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:
"Tap in" details - see <http://www.sydneywater.com.au/tapin>
Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

H. Add Condition 16 - "Stormwater Drainage Disposal" to read as follows:

Stormwater Drainage Disposal

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifying Authority prior to the issue of a Construction

Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifying Authority prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

I. Add Condition 17 - "Aboriginal Heritage" to read as follows:

Aboriginal Heritage

Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Aboriginal Heritage Protection.

J. Add Condition 18 - "Building Materials and Sedimentation" to read as follows:

Building Materials and Sedimentation

No building materials or other materials are to be placed on or enter areas of bushland, wetland, saltmarsh, seagrass or foreshore vegetation.

Reason: Environmental Protection.

K. Add Condition 19 - "No approval for car parking structure and associated store" to read as follows:

No approval for car parking structure and associated store

No approval is granted under this Consent for the car parkign structure and associated store room below.

Reason: To ensure compliance with the relevant Local Environmental Plan.

L. Add Condition 20 - "Survey Certificate" to read as follows:

Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To demonstrate the proposal complies with the approved plans.

M. Add Condition 20 - "Geotechnical Certification Prior to Completion of Works" to read as follows:

Geotechnical Certification Prior to Completion of Works

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Assessment dated 22/5/20, and as updated in Geotechnical Addendum, Ref. J2498B dated 30 March 2021 prepared by White Geotechnical Group Pty Ltd are to be incorporated into the construction plans. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the completion of works.

Reason: To ensure geotechnical risk is mitigated appropriately.

N. Add Condition 21 - "Stormwater Drainage Disposal Certification" to read as follows:

Stormwater Drainage Disposal Certification

Certification from an appropriately qualified and practising Civil Engineer demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy and where relevant a Geotechnical Engineer shall be provided to the Certifying Authority prior to the issue of an Occupation Certificate, and;

If any on site stormwater detention system is installed the Applicant shall lodge the Legal Documents Authorisation Application with Council.

The application is to include the completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent.

The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the completion of works.

Reason: To ensure satisfactory management of stormwater.

O. Add Condition 22 - "Installation of Privacy Screens" to read as follows:

Installation of Privacy Screens

Prior to the completion of the development, evidence shall be provided to the Certifying Authority that the privacy screens have been installed in accordance with the approved plans and conditions of consent.

Reason: To maintain privacy.

P. Add Condition 23 - "Tree Plantings (Rear Yard)" to read as follows:

Tree Plantings (Rear Yard)

Landscaping is to be implemented in accordance with the following requirements:

- i) At least two (2) native canopy trees selected from the below species list are to be planted within between the dwelling house and the Mean High Water Mark.
- ii) Each tree planting shall be a minimum 75 litre container size, located within 9m² deep soil area wholly within the site and be located a minimum of 5 metres from existing and proposed buildings, and other trees.
- iii) The tree species may be selected from the following list: *Allocasuarina littoralis* – Black She-oak, *Allocasuarina torulosa* – Forest Oak, *Angophora costata* - Sydney Red Gum/Smooth-barked Apple, *Angophora floribunda* - Roughbarked Apple, *Eucalyptus botryoides* - Bangalay Gum, *Eucalyptus maculate* - Spotted Gum, *Eucalyptus punctate*- Grey Gum, *Eucalyptus umbra* - Bastard Mahogany, *Glochidial ferdinandi* - Cheese Tree or *Syncarpia glomulifera* – Turpentine.

Prior to the completion of the development, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the tree plantings have been completed in accordance with the conditions of consent.

Reason: To maintain the natural environment/native tree canopy of Pittwater as the predominant feature of the landscape with built form being a secondary component when viewed from the waterway.

Q. Add Condition 24 - "Geotechnical Recommendations" to read as follows:

Geotechnical Recommendations

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

R. Add Condition 25 - "Landscape Maintenance" to read as follows:

Landscape Maintenance

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with any conditions of consent.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

Important Information

This letter should therefore be read in conjunction with BA 3233-87 dated 17 December 1987 .

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority



Name Kent Bull, Planner

Date 02/07/2021