

31 October 2023



Mark Davies
12 Oyama Avenue
MANLY NSW 2095

Dear Sir/Madam

Application Number: Mod2023/0211
Address: Lot 28 DP 8075 , 32 Bower Street, MANLY NSW 2095
Proposed Development: Modification of Development Consent DA2019/0916 granted for Demolition works and construction of a dwelling house including swimming pools

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,



Rodney Piggott
Manager Development Assessments

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2023/0211 PAN-323728
Applicant:	Mark Davies 12 Oyama Avenue MANLY NSW 2095
Property:	Lot 28 DP 8075 32 Bower Street MANLY NSW 2095
Description of Development:	Modification of Development Consent DA2019/0916 granted for Demolition works and construction of a dwelling house including swimming pools
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	31/10/2023
Date from which the consent operates:	31/10/2023

Under Section 4.55 (2) Environmental Impact of the EP&A Act, notice is given that the above application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Rodney Piggott, Manager Development Assessments

Date 31/10/2023

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-323728 Mod2023/0211	The date of this notice of determination	<p>Reconfiguration of the approved pavilions, driveway, pools, and landscaping.</p> <p>Additional Conditions:</p> <ul style="list-style-type: none"> Condition 1A Modification of Consent - Approved Plans and Supporting Documentation <p>Amended Conditions:</p> <ul style="list-style-type: none"> Condition 2 Compliance with Other Department, Authority or Service Requirements Condition 22 Tree Removal Within the Property Condition 34 Project Arborist Condition 35 Tree and Vegetation Protection Condition 41 Landscape Works <p>Deleted Conditions:</p> <ul style="list-style-type: none"> Condition 11 Amended Landscape Plan

Modified conditions

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

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A.01.01-A	A	General Arrangement / Site Plan	Eaton Molina Architects	7 March 2023
A.02.00-A	A	General Arrangement / Level 1 / Level 2 / Level 3	Eaton Molina Architects	7 March 2023
A.02.01-A	A	General Arrangement / Level 4 / Roof Plan	Eaton Molina Architects	7 March 2023
A.03.00-B	B	General Arrangement / East Elevation / West Elevation	Eaton Molina Architects	6 July 2023

A.03.01-A	A	General Arrangement / North Elevation / South Elevation	Eaton Molina Architects	7 March 2023
A.03.02-A	A	General Arrangement / Section A-A / Height Blanket Perspective	Eaton Molina Architects	7 March 2023
A.07.01-A	A	Site Plan / Marine Parade Stormwater Connection	Eaton Molina Architects	25 August 2023
L-S4.55-03	A	Tree Protection and Removal Plan	360 Degrees Landscape Architects	22 February 2023
L-S4.55-04	A	Landscape Plan - Masterplan	360 Degrees Landscape Architects	22 February 2023
L-S4.55-05	A	Landscape Plan - Level 1	360 Degrees Landscape Architects	22 February 2023
L-S4.55-06	A	Landscape Plan - Level 3	360 Degrees Landscape Architects	22 February 2023
L-S4.55-07	A	Landscape Plan - Level 4	360 Degrees Landscape Architects	22 February 2023
L-S4.55-08	A	Landscape Plan - Level 4	360 Degrees Landscape Architects	22 February 2023
D01	A	Stormwater Management Plan 1	iStruct Consulting Engineers	20 February 2023
D02	A	Stormwater Management Plan 2	iStruct Consulting Engineers	20 February 2023
D03	A	Stormwater Management Plan 3	iStruct Consulting Engineers	20 February 2023
D04	A	Sediment & Erosion Control Plan & Details	iStruct Consulting Engineers	20 February 2023
D05	A	Stormwater Outlet Plan	iStruct Consulting Engineers	25 August 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate No. 999238A_04	-	Eco Certificates Pty Ltd	1 March 2023
Bushfire Assessment Report Addendum	230316B	Building Code & Bushfire Hazard Solutions	10 February 2023
Geotechnical Assessment	2015-241	Crozier Geotechnical Consultants	8 March 2023

Terrestrial Biodiversity Report	Final	GIS Environmental Consultants	23 March 2023
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In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

B. Modify Condition 2 Compliance with Other Department, Authority or Service Requirements to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	2023/595456 Ausgrid - Referral Response - OH and UG Cables	15 September 2023
	2023/595450 Ausgrid - Referral Response - Overhead Cables	15 September 2023

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

C. Add Condition 6A Construction, Excavation and Associated Works Security Bond(s) to read as follows:

The applicant is to lodge a bond with Council for the following:

Drainage Works

As security against any damage or failure to complete the construction of stormwater drainage works required as part of this consent a bond of \$40,000.

Crossing / Kerb & Gutter / Footpath Works

As security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent a bond of \$20,000.

Reason: Protection of Council's infrastructure.

D. Delete Condition 11 Landscape Plan as follows:

DELETED

E. Add Condition 20A Submission Roads Act Application for Civil Works in the Public Road to

read as follows:

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of private pipe connection from property to Council's stormwater infrastructure (900 RCP) which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer. The design must include the following information:

1. Provide longitudinal section with all proposed invert levels and ground levels for proposed 300 mm pipe connection from Pit 18 to Council's 900 RCP.
2. Council does not support direct connection to its stormwater pipes for connecting pipes larger than 150 mm diameter. The connection shall be made using a junction pit.
3. Provide detailed design of proposed junction pit in accordance with Council's Standard Drawings, Drawing No. S1006. Use a solid cover.
4. The private connection to Council's 900 RCP shall be as far downstream as possible (90 degree connection) given site restraints. The connection shall be made under a paved surface and not on the beach sand.
5. The pipe connection to the proposed pit shall be as high as possible to limit hydraulic losses and subject to minimum cover requirements of Location 2 (a) (ii) (B) brick or unreinforced concrete for light vehicular loading of AS/NZS 3500.3:2003 or as amended.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

F. Add Condition 20B Pre-Construction Stormwater Assets Dilapidation Report to read as follows:

The Applicant is to submit a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The pre-construction / demolition Dilapidation Report must be submitted to Council for approval and the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

G. Add Condition 20C Pre-Commencement Dilapidation Report to read as follows:

The applicant must prepare and submit a dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter,

footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifier prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

H. Add Condition 20D Stormwater Disposal to read as follows:

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for Development Policy, prepared by an appropriately qualified and practicing Civil or Hydraulic Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) , indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to Council's stormwater pipe.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal of stormwater management arising from the development.

I. Add Condition 20E Amendment of Landscape Plans to read as follows:

The submitted Landscape Plan is to be amended in accordance with the following:

- Provision of the following
 - A total of three (3) Cabbage Tree Palms (*Livistona australis*)
 - Two (2) Cheese Tree (*Glochidion ferdinandi*)
 - One (1) Port Jackson Fig (*Ficus rubiginosa*)
- All areas identified in the landscape plan as "Tree and Shrub Planting" are to be amended so that they are composed entirely of locally native groundcover and/or mid-story species, except where canopy trees are proposed or existing. Groundcover species are to be identified on the plan at a density of 4 plants per square metre (4/m²); mid-story species are to be shown at a density of 2 plants per square metre (2/m²).
- Species are to be selected from the Manly Ward section of the Native Planting Guide available on Council's website, and are not to include hybrids or cultivars.
- The planting schedule is to be amended in accordance with the above.

The Landscape Plan is to be amended by a qualified landscape architect and certified by a suitably qualified ecologist as complying with the above requirements. The amended landscape plan and ecologist's certification are to be provided to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To maintain and replace habitat on the site.

J. Add Condition 20F Erosion and Sediment Control Plan to read as follows:

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person

and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004)*. The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities);
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls;
- North point and scale.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

K. Add Condition 20G Stormwater Management to read as follows:

Stormwater shall be disposed of in accordance with Council's Policy. A stormwater management plan is to be implemented to ensure that there is no increase in stormwater pollutant loads arising from the approved development. Water quality is not to be reduced from pre-development conditions and water quantity is not to be increased from pre-development levels.

Details demonstrating compliance are to be prepared by a registered professional stormwater engineer with chartered professional status (CP Eng) and who has an appropriate level of professional indemnity insurance and must be submitted to the Certifier for approval prior to issue of the Construction Certificate.

Reason: To ensure that the generation of additional stormwater discharge from the site, due to increases in impervious surfaces, does not adversely impact receiving waters.

L. Modify Condition 22 Tree Removal Within the Property to read as follows:

a) This consent approves the removal of existing trees on the subject site as identified in the Arboricultural Impact Assessment, approved Plans, or as listed below:

Tree 6: Pittosporum under 5m

Tree 7: Paperbark impacted by development with no alternative design potential (removal is subject to tree replacement within the development site)

Tree 8 and 9: Cocus Palms (exempt species)

Tree 10: Cheese Tree

Tree 13 and 14: Cordyline

Tree 15: Dragon Tree

Tree 17: Port Jackson fig

Tree 20: Chinese Cabbage Tree Palm (exempt species)

Tree 25: Camellia sasanqua

Tree 26: Macadamia impacted by development with no alternative design potential (removal is subject to tree replacement within the development site)

Tree 27 & 28: Glochidion ferdinandi

Tree 32: dead Ficus tree stump

b) A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

M. Modify Condition 34 Project Arborist to read as follows:

a) A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) The Project Arborist shall be in attendance and supervise all works in the tree protection zones of trees to be retained.

c) All tree protection measures specified must:

- i) Be in place before work commences on the site, and
- ii) Be maintained in good condition during the construction period, and
- iii) Remain in place for the duration of the construction works.

d) The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s).

Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

N. Modify Condition 35 Tree and Vegetation Protection to read as follows:

a) Existing trees and vegetation shall be retained and protected, including:

- i) All trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) All trees and vegetation located on adjoining properties,
- iii) All trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) Tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) Removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) Structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) Excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,

- vii) Should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) Any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009 Protection of trees on development sites,
- ix) The activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) Tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,
- xi) The tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) The Principal Certifier must ensure that:

- i) The arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

O. Add Condition 40A Wildlife Protection to read as follows:

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

If an uninjured Long-nosed Bandicoot enters the worksite or is found during a survey of holes/stockpiles, works must cease until the Bandicoot has safely vacated the worksite. Any injured or dead Long-nosed Bandicoots found within the worksite must be reported to the National Parks & Wildlife Service (NPWS). For assistance to relocate a Bandicoot from the worksite, or to report a dead or injured Bandicoot, please contact:

- National Parks & Wildlife Service – Duty Officer (9457 9577)

Reason: To protect native wildlife.

P. Add Condition 40B Protection of Habitat Features to read as follows:

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

Q. Add Condition 40C Geotechnical Issues to read as follows:

All conditions outlined in the Geotechnical Assessment Reports for 32 Bower Street, Manly prepared by Crozier Geotechnical Consultants dated 17 January 2019 and 8 March 2023 are to be complied

with and adhered to throughout development.

Reason: To ensure excavation, foundations and retaining structures are undertaken in an appropriate manner and are structurally sound.

R. Add Condition 40D Stockpiling Materials to read as follows:

During construction, all material associated with works is to be contained at source, covered and must be within the construction area. All material is to be removed off site and disposed of according to the waste management plan and applicable regulations. The property is to be kept clean and any building debris and waste removed as frequently as required to ensure no material enters receiving waters.

Reason: To ensure pollution control measures are effective to protect the aquatic habitats within receiving waters throughout the construction period.

S. Modify Condition 41 Landscape Works to read as follows:

a) Landscape works are to be implemented in accordance with the approved amended Landscape Plan(s), and inclusive of the following conditions:

- i) Planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- ii) At minimum two (2) *Glochidion ferdinandi* shall be installed within the property boundary, one in the rear setback and one in the front setback; three (3) *Livistona australis* and one (1) *Ficus rubiginosa* shall be installed within the property boundaries,
- iii) All native tree planting shall be a minimum pre-ordered planting size of 100 litres or as otherwise scheduled if greater in size; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings and other trees or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
- iv) Mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- v) The area in the rear setback (adjacent to Marine Parade) shown as existing garden to be retained shall be mass planted in accordance with Council's Bushland and Biodiversity's Amendment of Landscape Plans condition,
- vi) Where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone,
- vii) Where the property is certified Bush Fire Prone Land, any new planting may be managed in accordance with Planning for Bushfire Protection 2019; the trees specified in ii) shall take priority for installation should APZ requirements limit proposed tree planting.

b) Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

T. Add Condition 47A Post-Construction Stormwater Assets Dilapidation Report (Council Stormwater Assets) to read as follows:

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged

by the works. Council's Guidelines are available at:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

U. Add Condition 47B Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval to read as follows:

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Certificate plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Principal Certifier for approval prior to the issue of the Occupation Certificate.

Reason: To ensure compliance of works with Council's specification for engineering works.

V. Add Condition 47C No Weeds Imported On To The Site to read as follows:

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

Important Information

This letter should therefore be read in conjunction with DA2019/0916 dated 26 February 2020.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Northern Beaches Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Northern Beaches Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel.