

**CONSENT NO: N0185/15/R  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) NOTICE TO  
APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION**

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Applicant's Name and Address:

**Mr B McConohie  
C/- Vaughan Milligan Development Consultancy Pty Ltd  
PO Box 49  
Newport NSW 2106**

Being the applicant in respect of Development Application **N0185/15/R**

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 **N0185/15/R** for:

**Alterations and additions to the existing dwelling**

At: **1B The Serpentine, Bilgola Beach (Lot 1 DP 232164)**

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

- **Architectural drawings, prepared by Matthew Woodward Architecture:**
  - **A-XX-01, C-XX-01, C-XX-02, D-XX-01, D-XX-02, D-XX-03, and R-XX-03, all Issue A, all dated 20 April 2015;**
  - **B-01-02, B-02-02, and B-03-01, all Issue B, all dated 12 August 2015;**
- **Landscape Plan Drawing No.1, prepared by Eclipse Landscapes, dated 20 April 2015;**
- **Geotechnical Risk Assessment Report, prepared by Barker Harle Consulting Engineers, dated 10 April 2015;**
- **Arboricultural Impact Assessment Report, prepared by Bluegum Tree Care and Consultancy, dated August 2015;**
- **Bushfire Risk Assessment Report, reference 971, prepared by Planning For Bushfire Protection Pty Ltd, dated 19 May 2015;**
- **BASIX Certificate A215744\_03, dated 9 March 2016;**
- **Materials Schedule, R-XX-01 Issue A, prepared by Matthew Woodward Architecture, dated 20 April 2015;**

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: **18 July 2016**

Mark Ferguson  
INTERIM GENERAL MANAGER

Per:

## CONDITIONS OF APPROVAL

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This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

### A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. A sign must be erected in a prominent position onsite only showing:
  - a. the name, address and telephone number of the Principal Certifying Authority for the work, and
  - b. the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - c. that unauthorised entry to the work site is prohibited.

The sign must to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

4. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - a. in the case of work for which a principal contractor is required to be appointed:
    - i. The name and licence number of the principal contractor, and
    - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
  - b. in the case of work to be done by an owner-builder:
    - i. The name of the owner-builder, and
    - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
  - c. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under a or b above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
5. 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.

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

1. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.
2. The recommendations of the risk assessment required to manage the hazards as identified in Geotechnical Report referenced in this consent are to be incorporated into the construction plans.
3. 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.
4. No environmental weeds are to be planted on the site. Refer to Pittwater Council website for environmental weed lists.
5. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
  - a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
  - b. Species listed from the Endangered Ecological Community
  - c. Locally native species selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Gardening available on Council's website.
6. 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.
7. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
8. At least six (6) locally native canopy trees which will mature at a height of no less than 8.5 metres are to be planted onsite to replace trees approved for removal. Canopy tree species are to be selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and the Native Gardening link on Council's website. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
9. To satisfy the off-street parking requirements for development, the minimum number of two vehicle space requirements shall be provided. These spaces are to be provided and retained over the life of the development.
10. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) 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'.

Note: this condition was recommended by the NSW RFS.

11. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006. Additionally, the following is required:

- a. A 5,000 litre dedicated water supply shall be provided for firefighting purposes,
- b. The water tank, if located above ground, shall be of a non-combustible material with a 65mm Storz fitting and a ball or gate valve made of metal installed on the tank, or
- c. Underground tanks shall have an access hole of 200mm to allow access to the tank.
- d. An 'SWS' marker shall be obtained and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard:
  - i. Markers must be fixed in a suitable location so as to be highly visible; and
  - ii. Markers should be positioned adjacent to the most appropriate access for the static water supply.

Note: this condition was recommended by the NSW RFS.

12. To aid in fire fighting activities, unobstructed pedestrian access to the rear of the property shall be provided and is to be maintained at all times.

Note: this condition was recommended by the NSW RFS.

13. New construction on the western, northern and southern elevations shall comply with section 9 (BAL FZ) Australian Standard AS 3959-2009 'Construction of buildings in bushfire-prone areas'. However, where any material, element of construction or system when tested to the method described in Australian Standard AS 1530.8.2 'Methods for fire tests on building materials, components and structures Part 8.2: Tests on elements of construction for buildings exposed to simulated bushfire attack—Large flaming sources', it shall comply with Clause 13.8 of the Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.

Note: this condition was recommended by the NSW RFS.

14. Window assemblies on the western, northern and southern elevations shall comply with one of the following:
- a. Clause 9.5.2 of AS 3959-2009 as modified above;
  - or
  - b. They shall comply with the following:
    - i. Completely protected by a non-combustible and non perforated bushfire shutter that complies with Section 3.7 of AS 3959-2009 excluding parts (e) & (f).
    - ii. Window frames and hardware shall be metal.
    - iii. Glazing shall be toughened glass minimum 6mm.
    - iv. Seals to stiles, head and sills or thresholds shall be manufactured from materials having a flammability index no greater than 5 or from silicone.
    - v. The openable portion of the window shall be screened internally or externally with screens that comply with Clause 9.5.1A.

Note: this condition was recommended by the NSW RFS.

15. New external doors and door frames (not including garage doors) on the western, northern and southern elevations shall comply with one of the following:
- a. Clause 9.5.3 or 9.5.4 of AS 3959-2009 as modified above;
  - or
  - b. They shall comply with the following:
    - i. Completely protected by a non-combustible and non perforated bushfire shutter that complies with Section 3.7 of AS 3959-2009 excluding parts (e) & (f).
    - ii. Doors shall be non-combustible.

- iii. Externally fitted hardware that supports the panel in its function of opening and closing shall be metal.
- iv. Where doors incorporate glazing, the glazing shall be toughened glass minimum 6mm.
- v. Seals to stiles, head and sills or thresholds shall be manufactured from materials having a flammability index no greater than 5 or from silicone.
- vi. Door frames shall be metal.
- vii. Doors shall be tight fitting to the doorframe and to an abutting door if applicable.
- viii. Weather strips, draught excluders or draught seals shall be installed at the base of side-hung external doors.

Note: this condition was recommended by the NSW RFS.

16. New construction on the eastern elevation shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Note: this condition was recommended by the NSW RFS.

17. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build-up of flammable material. Any materials used shall be non-combustible.

Note: this condition was recommended by the NSW RFS.

18. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'

Note: this condition was recommended by the NSW RFS.

19. In accordance with Pittwater Councils DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.

20. The installed wood fire heater is to have an attached certificate of compliance AS/NZS 4013. All certified appliances are listed on the AHHA website [www.homeheat.com.au](http://www.homeheat.com.au)

21. The installation of the wood fire heater is to comply with AS/NZS 2918 – Installation, this is a safety standard that tells you how a heater must be installed.

22. The minimum discharge height of the chimney is to be one metre above any structure within a 15 metre horizontal radius.

23. The external flue discharge height is a minimum of 600mm above any structure within a 3m horizontal radius, or according to the distances used in AS2918 Domestic Solid Fuel Burning Appliances – Installation (whichever is the greatest).

24. The external chimney type is to be either a concentric shroud, venturi cowl or a parallel rain excluder.

25. The internal driveway finish is:

- a. to be a stable surface for all weather conditions

- b. to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.

26. New electrical connections are to be carried out using underground cabling.

27. The external colours and finishes are to be consistent with the schedule of finishes referenced in this consent. The use of red, white or light tones is not permitted on any external surface.

### **C. Matters to be satisfied prior to the issue of the Construction Certificate:**

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
2. The Principal Certifying Authority must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
3. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the Environmental Planning and Assessment Regulation 2000:
  - a. after excavation for, and prior to the placement of, any footings, and
  - b. prior to pouring any in-situ reinforced concrete building element, and
  - c. prior to covering of the framework for any floor, wall, roof or other building element, and
  - d. prior to covering waterproofing in any wet areas, and
  - e. prior to covering any stormwater drainage connections, and
  - f. after building work has been completed and prior to any occupation certificate being 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.

4. Construction works approved by this consent must not commence until:
  - a. Construction Certificate has been issued by a Principal Certifying Authority
  - b. a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
  - c. at least 2 days notice, in writing has been given to Council of the intention to commence work.
5. In accordance with section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payment Corporation or Council for any work costing \$25,000 or more.
6. 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.

7. A suitably qualified bushfire consultant is to provide certification that the detail in the Construction Certificate Application is consistent with the conditions in Part B of this consent, identified as those recommended by the NSW RFS, and the recommendations of the Bushfire Risk Assessment Report referenced in this consent. If there are any inconsistencies between the conditions recommended by the NSW RFS and the Bushfire Risk Assessment Report referenced in this consent, the recommendations of the NSW RFS are to prevail.
8. Drainage plans including specification and details showing the site stormwater management are to be submitted to the Principal Certifying Authority. The drainage plans must be designed and implemented in accordance 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.
9. Applicants will be required to obtain, prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the *Roads Act 1993* for the design and construction of any works located on the road reserve including Access Driveways.
10. Prior to the issuance of a Construction Certificate, the architectural drawings and landscape plans are to be amended to demonstrate a 500mm setback between the carport roof and the southern side boundary. This change is to be reviewed and certified by a suitably qualified arborist, to ensure that Trees 24 and 25 are not impacted as a result of this amendment.
11. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

**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 the 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 preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
6. 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.
7. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
8. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
9. 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.
10. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
11. 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.
12. No works are to be carried out in the 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.
13. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
14. No skip bins or materials are to be stored on the Road Reserve.
15. A clearly legible *Site Management Sign* is to be erected and maintained throughout the



course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:

- a. The builder's name, builder's telephone contact number both during work hours and after hours.
- b. That no works are to be carried out in Council's Road Reserve without prior application and approval of a Road Opening Permit from Council.
- c. That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
- d. That no skip bins or materials are to be stored on Council's Road Reserve.
- e. That the contact number for Pittwater Council for permits is 9970 1111.

16. All construction in the public road reserve must be undertaken by a Council authorised contractor.

17. Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in the Arboriculture Impact Assessment Report referenced in this consent. Protection measures are to be maintained for the duration of the works. Protection fencing that is no longer required is to be removed once all works are completed.

18. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report referenced in this consent 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.

19. 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.

20. Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.

21. All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand under the supervision of an experienced and qualified Arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.

#### **E. Matters to be satisfied prior to the issue of the Occupation Certificate:**

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.
3. 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.
4. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
5. A suitably qualified arborist is to provide certification that the recommendations of the arborist report referenced in this consent were adhered to during construction, and that all trees identified for safe retention and relocation have been maintained on site.
6. A suitably qualified bushfire consultant is to provide certification that the as-built development is consistent with the conditions in Part B of this consent, identified as those recommended by the NSW RFS, and the recommendations of the Bushfire Risk Assessment Report referenced in this consent. If there are any inconsistencies between the conditions recommended by the NSW RFS and the Bushfire Risk Assessment Report referenced in this consent, the recommendations of the NSW RFS are to prevail.
7. The applicant shall submit documentation to the Accredited Certifier from the licensed builder that has carried out the installation of the solid fuel heater confirming that:

- a. The domestic solid fuel heater complies with the NSW Environmental Protection Authority "Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters".
  - b. Any indoor domestic solid fuel heater complies with the following Australian Standards:
    - i. AS2918:2001 Domestic Solid Fuel Burning Appliances – Installation
    - ii. AS3869:1999 Domestic Solid Fuel Burning Appliances – Design and Construction
    - iii. AS4013:1999 Domestic solid fuel burning appliances - Method for determination of flue gas emission
  - c. The indoor domestic solid fuel heater carries a metal compliance plate in accordance with the Australian Standard for pollution emissions.
  - d. The model of indoor domestic solid fuel heater which has been installed complies with the current Australian Standards.
  - e. The installation of the indoor domestic solid fuel heater complies with the requirements of the Building Code of Australia.
  - f. The installation of the indoor domestic solid fuel heater has been carried out by a licensed builder.
  - g. The minimum discharge height of the chimney is one metre above any structure within a 15 metre horizontal radius.
  - h. The external flue has been installed so that the discharge height is a minimum of 600mm above any structure within a 3m horizontal radius, or according to the distances used in AS2918 Domestic Solid Fuel Burning Appliances – Installation (whichever is the greatest).
  - i. The external chimney type is either a concentric shroud, venturi cowl or a parallel rain excluder.
8. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

#### **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](http://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](http://www.sydneywater.com.au) then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
9. 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.