

Cariste Pty Ltd

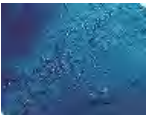
Preliminary Site Investigation
Lot 1, DP 408800,
62 Hillside Road, Newport, NSW



ENVIRONMENTAL



WATER



WASTEWATER



GEOTECHNICAL



CIVIL



PROJECT
MANAGEMENT



P1203617JR02V01
June 2016

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All enquiries regarding this project are to be directed to the Project Manager.

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1 Overview

1.1 Introduction

Martens & Associates Pty Ltd has prepared this Preliminary Site Investigation (PSI) for Cariste Pty Ltd ('the Client') to support a development application (DA) for a proposed subdivision at 62 Hillside Road, Newport, NSW ('the site'). The study area is Lot 1, DP 408800.

1.2 Objectives

Investigation objectives include:

- Identification of historic and current potentially contaminating site activities.
- Evaluation of potential areas of environmental concern (AEC) and associated contaminants of primary concern (COPC).
- Provide comment on suitability of site for future development use and provide recommendations for intrusive soil investigations (if required).

1.3 Project Scope

Scope of works includes:

- Walkover inspection to review current land use, potential contaminating activities and neighbouring land uses.
- Review available Pittwater Council (PC) site development consents.
- Review of 7 historic aerial photographs to assess past site and surrounding land use patterns.
- Review NSW OEH (formerly NSW EPA) notices under the Contaminated Land Management Act (1997).
- Prepare a PSI in general accordance with the relevant sections of NSW OEH (2011) and DEC (2006).

1.4 Proposed Development

We understand that the proposed development includes subdivision of lots, construction of internal road access as part of approved DA N0274/09 and establishment of ancillary services such as stormwater, electrical, sewer and gas.

1.5 Abbreviations

ACM - Asbestos containing material

AEC – Area of environmental concern

ASC NEPM – Assessment of Site Contamination - National Environmental Protection Measure (1999 amended 2013).

BTEX – Benzene, toluene, ethyl benzene, xylene

COPC – Contaminants of primary concern

DA – Development application

DEC – NSW Department of Environment and Conservation

DECC – Department of Environment and Climate Change

DP – Deposited plan

DSI – Detailed site investigation

EPA – NSW Environmental Protection Authority

HM – Heavy metals

LGA – Local government area

MA – Martens & Associates Pty Ltd

mAHD – Metres, Australian Height Datum

mbgl – Metres below ground level

OCP – Organochloride pesticides

OEH – NSW Office of Environment and Heritage

OPP – Organophosphate pesticides

PACM – Potential asbestos containing material

PAH – Polycyclic aromatic hydrocarbons

PC - Pittwater Council

PSI – Preliminary site investigation

SAC – Site acceptance criteria

TRH – Total recoverable hydrocarbons

2 Site Description

2.1 Site Location and Existing Land Use

Site information is summarised in Table 1. Site location and general surrounds are provided in Figure 1 (Attachment A).

Table 1: Site background information.

Investigation address and lot title	62 Hillside Road, Newport, NSW (Lot 1, DP 408800).
Investigation area	5,975 m ²
Local Government Area (LGA)	Pittwater Council (PC)
Zoning	E4 – Environmental Living
Site description	<p>The site is residential, with an existing derelict cottage and shed, and is generally vegetated, with some clearing surrounding the existing buildings. Driveway access is via 85 Hillside Road, although a small portion of the southern region is bounded by Hillside Road.</p> <p>The site is bordered by existing residential dwellings to the north, west and south, and Attunga Reserve to the east.</p> <p>The site slopes predominantly in a northwest to southeast direction. The upper northern perimeter forms part of the southern edge of the Bilgola Plateau. The majority of the site's north is relatively steep with average site slopes of 44%, although there are some flatter areas with grades lower than 10%.</p>
Current land use	Residential (low density).
Proposed land use	Residential (low density).
Surrounding land uses	Low density residential and public reserve.
Geology and soil landscapes	<p>The Sydney 1:100,000 Geological Sheet 9130 (NSW Dept. of Mineral Resources, 1983) identifies the site as being underlain by Newport Formation interbedded laminate, shale and quartz, to lithic quartz sandstone of the Narrabeen Group.</p> <p>The NSW Environment and Heritage eSPADE website identifies the site as having soils of the Watagan soil landscapes consisting of shallow to deep lithosols/siliceous sands and yellow podzolic soils on sandstones, moderately deep brown podzolic soils, and red and gleyed podzolic soils on shales.</p>
Environmental receptors	A drainage depression traverses the western portion of the site and flows into Newport Beach, approximately 525 m south east.
Human receptors	<p>Future residents and site workers / builders.</p> <p>Existing surrounding residential developments and public open space (Attunga Reserve). Newport Reservoir is located 80 m east of the site within Attunga Reserve.</p>

2.2 Hydrogeology

Review of NSW DPI Office of Water groundwater database indicated four groundwater bores (with limited available information) within 700 m of the site (Table 2). Groundwater bore locations are shown in Figure 2 (Attachment B).

Table 2: Available hydrogeological information.

Groundwater Bore Identification	Direction and Distance	Depth To Groundwater (mbgl)	Intended Use	Water Bearing Zone Substrate
GW013797	North east (550 m)	ND ¹	Domestic	Unconsolidated
GW027134	North east (570 m)	ND ¹	Waste disposal	Consolidated
GW022203	North east (620 m)	ND ¹	Waste disposal	Fractured
GW018967	North east (700 m)	ND ¹	Domestic	Consolidated

Notes

¹ ND – No data available.

From review of the information in Table 2, groundwater wells in the vicinity are used for domestic or waste disposal purposes. Groundwater level information is not available for these bores.

On site investigations to 4.05 mbgl did not intercept groundwater (Martens, 2016). Further investigation would be required to characterise site hydrogeology.

3 Background Information

3.1 Historical Site Records Review

Development application and building plan records kept by Pittwater Council were reviewed (Table 3). A development application for subdivision of Lots 1 and 2 in 2006 was refused. The records indicate that a driveway construction application was approved in 2010 including Lot 2 DP 1036400 (subdivided to Lots 21 and 22 DP 1036400 in 2010) and Lot 1 DP 408800.

Table 3: Site history information.

Record Source	Lot ID ¹	Year	Record No.	Description
PC DA/BA/CC records	Lots 1 and 2	2006	N0401/03	Community title subdivision of two lots into eight lots plus one community lot (internal access), construction of an access corridor and demolition at 62 and 85 Hillside Road - REFUSAL
PC DA/BA/CC records	Lots 1 and 2	2010	N0274/09	Construction of a driveway

Notes

¹ PC historical development records include Lot 2 DP 1036400.

3.2 NSW OEH Records

No notices for the site or nearby surrounding areas under the Contaminated Land Management Act (1997) or the Environmentally Hazardous Chemicals Act (1985). No site within the suburb of Newport was listed on the register.

Two records for sites within Newport are identified on the list of NSW contaminated sites notified to the EPA (Table 4).

Table 4: Available EPA contaminated lands record information.

Suburb	Address	Site Name	Distance/ Orientation From Site
Newport	316 – 324 Barrenjoey Road	Caltex Service Station	1.0 km south
Newport	307 – 311 Barrenjoey Road	Mobil Services Station	1.0 km south

Due to distance to the site and local hydrological characteristics, it is unlikely that the above sites would not have caused near surface site soil contamination.

3.3 Historical Aerial Photograph Analysis

Historical aerial photographs taken of the site during 1951, 1965, 1978, 1986, 1998, 2007 and 2016 were reviewed to investigate historic site land uses (Table 5). Copies of aerial photographs are provided in Attachment D.

Photos indicate that it is unlikely that the site has sustained any intensive land use. The site has been used for residential purposes since at least 1951.

Table 5: Historic aerial photograph observations 1951 – current.

Year	Description	Surrounding Land Use
1951	Majority of site is undeveloped bushland, with dwelling and sheds located near south eastern boundary.	Residential development to north west and south. Residential dwelling visible on adjacent property to south. Newport Reservoir constructed in Attunga Reserve to east. Clearing to southeast (in Attunga Reserve) for additional development works. Some road infrastructure visible.
1965	Little change from 1951 photo.	Increase in residential development to north, west, south and southeast with some undeveloped bushland to north and south, and Attunga Reserve to east. Dwellings visible on adjacent lots to north west, north east and southwest. Additional building adjacent to south east of Newport Reservoir. Buildings visible in Attunga Reserve to southeast.
1978	Little change from 1965 photo.	Increase in residential development to north, west, southwest and south. Dwelling on adjacent lot to south extended, and dwellings adjacent to northern eastern, western (approved Lot 22) and south western boundaries constructed. Newport Reservoir in Attunga Reserve redeveloped to include additional tank. Cleared area to southeast in Attunga Reserve (northern portion of Porter Reserve).
1986	Growth in vegetation obscuring dwelling and shed, but appears to be little change from 1978 photo.	Residential development adjacent to northwestern boundary, and to west and south.
1998	Growth in vegetation obscuring dwelling and shed, but appears to be little change from 1986 photo.	Residential development to south. Additional building and car park visible near Newport Reserve to east. Building at site to southeast in Attunga Reserve removed.
2007	Little change from previous 1998 photo.	Dwelling on adjacent southern boundary removed, otherwise little change from 1998 photo.
Nearmap (2016)	Areas surrounding buildings and within proposed driveway cleared, otherwise little change from 2007 photo.	Clearing through central area of site and around dwelling on approved Lot 22. Redevelopment of dwellings near northern eastern boundary, and dwelling on adjacent lot to south constructed, otherwise little change from 2007 photo.

3.4 Walkover Site Inspection

Results of site walkover inspection from 10 February 2015 are summarised as:

- Dilapidated fibro clad dwelling and shed with fibro roof. Possible ACM contamination.
- Cleared areas surrounding buildings and for driveway, otherwise remainder of site vegetated, with boulders and rocky outcrops.
- Access driveway to dwelling through approved Lots 21 and 22 DP 1036400; no direct driveway access to Lot 1 from Hillside Road.

4 Areas of Environmental Concern/Contaminants of Primary Concern

Our assessment of site AECs and COPCs (Table 6) is made on the basis of available site history, aerial photograph interpretation and site walkovers. A map showing locations of identified AECs is provided in Figure 3 (Attachment C).

Table 6: Areas of environmental concern and contaminants of primary concern.

AEC ¹	Potential for Contamination	COPC	Contamination Likelihood
A – Dwelling	Pesticides and heavy metals may have been used underneath dwelling for pest control. Dwelling construction may include ACM and/or lead based paints.	HM, OCP/OPP and asbestos	High
B – Shed (Unable to gain access to sheds)	Shed may currently (or have previously) stored fuel, oils, asbestos sheeting (PACM), pesticides and/or been treated with heavy metals and pesticides (pest control). Shed construction may include ACM and/or lead based paints.	HM, TRH, BTEX, PAH, OCP/OPP and asbestos	High

Notes

¹ Locations identified on AEC map in Attachment C.

5 Conclusions and Recommendations

5.1 Conclusions

The results of the site history and walkover inspection indicates that the site has been used for residential purposes since at least 1951 and has the following potential contamination sources:

- Past dwelling construction and maintenance have the potential to have introduced contaminants to the site in the form of asbestos (as a construction material), pesticides (pest control) and heavy metals (paints, pest control).
- Shed may currently or previously have stored fuel, oils or other chemicals, leading to hydrocarbon contamination. Lead based paints or PACM (fibrous cement sheeting containing asbestos) may have been used during construction. The sheds may have been treated with pesticides and heavy metals for pest control.

5.2 Recommendations

The fibro dwelling and shed to undergo a hazardous materials assessment by appropriately qualified contractor pre demolition to determine if asbestos or other hazardous material is present. Where hazardous materials are identified, the material is to be removed and disposed of by an appropriately qualified contractor under current controls.

To address potential AECs, a detailed site investigation (DSI) including intrusive soil sampling is recommended. Testing is recommended to address all AECs. Testing under dwelling and shed footprints (plus 1 m curtilage) is recommended following their demolition to determine any residual impacts from previous use. A walkover inspection of remaining site should be conducted following removal of buildings to assess any potential residual impacts.

The DSI plan is to be developed in accordance with NSW EPA (1995) *Sampling Design Guidelines* and a risk based assessment. Assessment shall address each of the identified AECs and assess COPC identified for each AEC (Table 6). Results of the site testing shall be assessed against site acceptance criteria (SAC) developed with reference to ASC NEPM (1999, amended 2013).

6 Limitations Statement

The preliminary site investigation was undertaken in line with current industry standards.

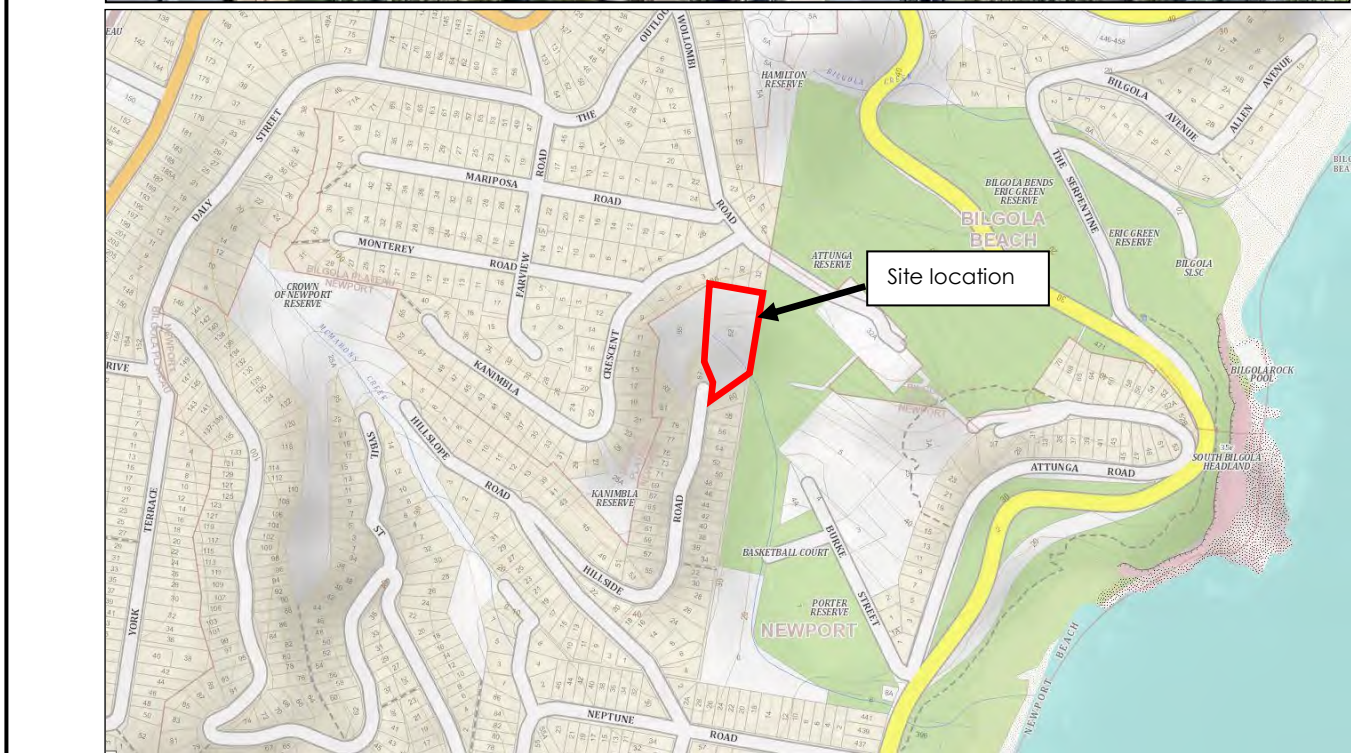
It is important, however, to note that no land contamination study can be considered to be a complete and exhaustive characterisation of a site nor can it be guaranteed that any assessment shall identify and characterise all areas of potential contamination or all past potentially contaminating land uses. This is particularly the case on sites where full access is not possible due to the presence of structures (dwelling and sheds) and dense vegetation, and a long history of residential land use, and where additional assessment work is identified as being required. Therefore, this report should not be read as a guarantee that no contamination shall be found on the site. Should material be exposed in future which appears to be contaminated or inconsistent with natural site soils, additional testing may be required to determine the implications for the site.

Martens & Associates Pty Ltd has undertaken this assessment for the purposes of the current development proposal. No reliance on this report should be made for any other investigation or proposal. Martens & Associates accepts no responsibility, and provides no guarantee regarding the characteristics of areas of the site not specifically studied in this investigation.

7 References

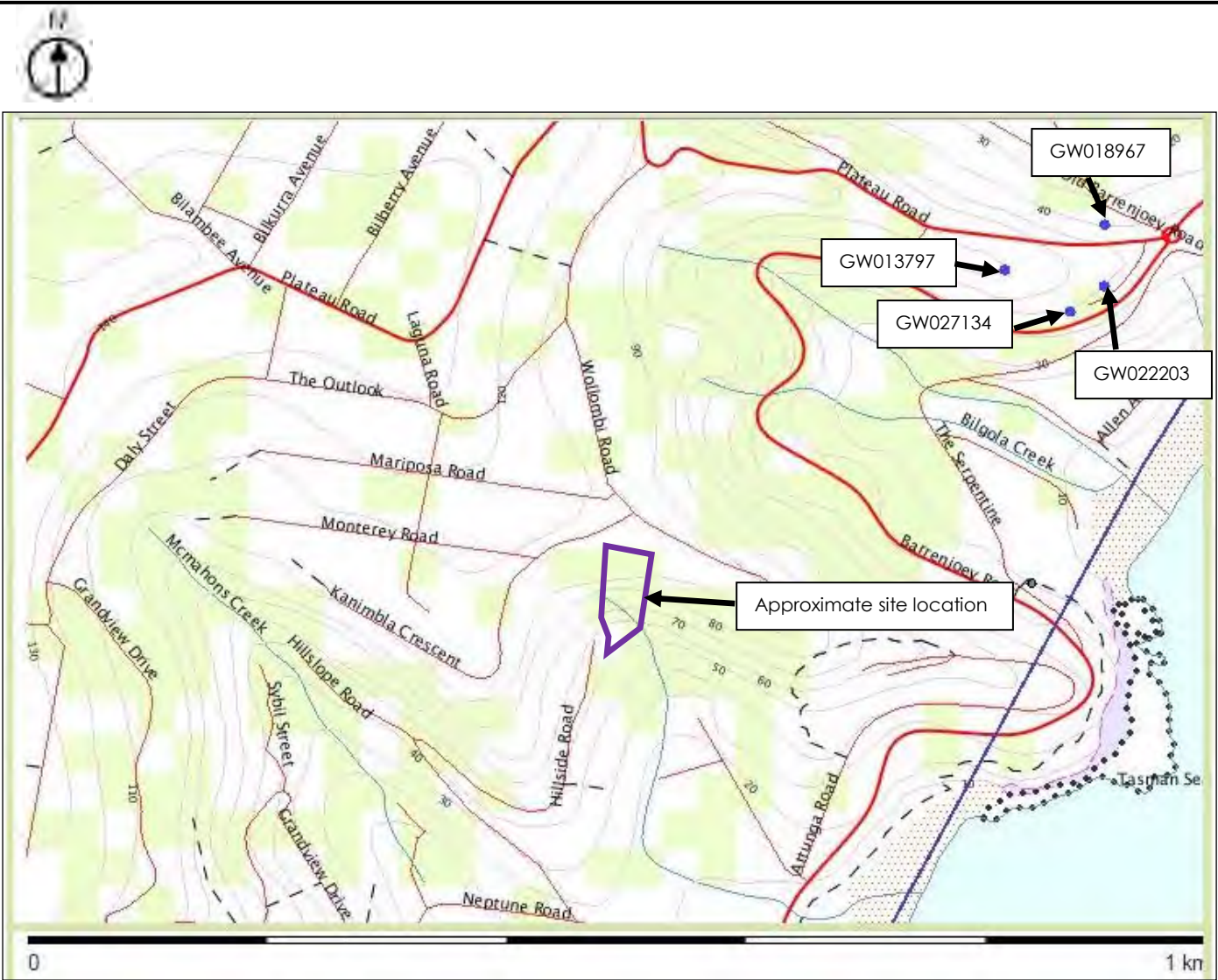
- ASC NEPM (1999, amended 2013) *National Environmental Protection Measure, (site contamination measure)*.
- Department of Lands – Map sales. Aerial photographs (1951, 1965, 1978, 1986, 1998).
- Google Maps (2007).
- Martens & Associates (2016) *Geotechnical Assessment: Lot 1 DP 408800, 62 Hillside Road, Newport, NSW. P1203617JR04V01*.
- Nearmap (2016).
- NSW DEC (2006) *2nd Ed. Contaminated Sites: Guidelines for the NSW Site Auditor Scheme*.
- NSW Department of Environment & Heritage (eSPADE, NSW soil and land information), www.environment.nsw.gov.au.
- NSW Department of Mineral Resources, (1983) *Sydney 1:100,000 Geological Sheet 9130*
- NSW DPI Office of Water, Real-time data, Groundwater database, accessed February 15, 2016.
www.realtimedata.water.nsw.gov.au/water.stm.
- NSW EPA (1995) *Sampling Design Guidelines*.
- NSW OEH (2011) *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites, 2nd Edition*.
- Pittwater Council – DA/BA records (2015).
- SIX Viewer, LPI (2016).



8 Attachment A – Site Plan



Martens & Associates Pty Ltd ABN 85 070 240 890		Environment Water Wastewater Geotechnical Civil Management	
Drawn:	CS	Site Location 62 Hillside Road, Newport, NSW Source: Nearmap, 2016 (top), and SIX Viewer, 2016 (bottom)	Drawing No:
Approved:	GT		FIGURE 1
Date:	7.06.2016		Job No: P1203617
Scale:	Not to Scale		

9 Attachment B – Groundwater Bore Locations



Key	
	Site location
	Groundwater bores

Martens & Associates Pty Ltd ABN 85 070 240 890		Environment Water Wastewater Geotechnical Civil Management	
Drawn:	CS	Groundwater Bore Locations 62 Hillside Road, Newport, NSW Source: NSW DPI, 2016	Drawing No:
Approved:	GT		FIGURE 2
Date:	7.06.2016		
Scale:	Not to Scale		Job No: P1203617

10 Attachment C – AEC Locations



Key		
	Site boundary	 AEC A – Dwelling
		 AEC B – Shed

Martens & Associates Pty Ltd ABN 85 070 240 890		Environment Water Wastewater Geotechnical Civil Management	
Drawn:	CS	AEC Locations 62 Hillside Road, Newport, NSW Source: Nearmap, 2016	Drawing No:
Approved:	GT		FIGURE 3
Date:	7.06.2016		Job No: P1203617
Scale:	Not to Scale		

11 Attachment D – Historical Aerial Photographs



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Drawn:	CS
Approved:	GT
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Scale:	Not to Scale

1951 Aerial
Source: NSW Department Lands

Drawing No:	Figure 4
Job No:	P1203617



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Environment | Water | Wastewater | Geotechnical | Civil | Management

Drawn:	CS
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Date:	7/06/2016
Scale:	Not to Scale

1965 Aerial
Source: NSW Department Lands

Drawing No:
Figure 5

Job No: P1203617



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Date:	7/06/2016
Scale:	Not to Scale

Environment Water Wastewater Geotechnical Civil Management 1978 Aerial Source: NSW Department Lands
--

Drawing No: Figure 6 Job No: P1203617



Approximate site boundary

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Drawn: CS
 Approved: GT
 Date: 7/06/2016
 Scale: Not to Scale

CS
 GT
 7/06/2016
 Not to Scale

1986 Aerial
Source: NSW Department Lands

Drawing No: Figure 7
 Job No: P1203617



Martens & Associates Pty Ltd ABN 85 070 240 890	
Drawn:	CS
Approved:	GT
Date:	7/06/2016
Scale:	Not to Scale

Environment Water Wastewater Geotechnical Civil Management	
1998 Aerial Source: NSW Department Lands	
Drawing No:	Figure 8
Job No: P1203617	



Martens & Associates Pty Ltd ABN 85 070 240 890		Environment Water Wastewater Geotechnical Civil Management	
Drawn:	CS	2007 Aerial Source: Google Earth Maps	Drawing No:
Approved:	GT		Figure 9
Date:	7/06/2016		
Scale:	Not to Scale		Job No: P1203617



Martens & Associates Pty Ltd ABN 85 070 240 890	
Drawn:	CS
Approved:	GT
Date:	7/06/2016
Scale:	Not to Scale

Environment Water Wastewater Geotechnical Civil Management	
2016 Aerial (Present) Source: Nearmap	

Drawing No: Figure 10
Job No: P1203617

12 Attachment E – Pittwater Council DA/BA/CC Information

Carolyn Stanley

From: Annie Laing <Annie_Laing@pittwater.nsw.gov.au>
Sent: Tuesday, 17 February 2015 2:34 PM
To: Carolyn Stanley
Subject: RE: 65 & 85 Hillside Road Newport

Hi Carolyn,

Unfortunately these files are hard copy and not in our system which is why they cannot be forwarded.

I've just double checked the microfiche and they are for 61 Hillside Road, but the hard copy files are:

SD015/94 – Which is a subdivision in 1994 of 87 & 85 Hillside Road Newport.

N1236/99 – REFUSED a new single dwelling on 85B Hillside Road Newport.

N1235/99 – REFUSED a subdivision of one lot into three at 85 Hillside Road Newport.

N1237/99 – REFUSED a new single dwelling on 85C Hillside Road Newport.

Hope this helps.

Thanks,

Annie Laing
Pittwater Council
Phone: 02 9970 1285
Fax: 02 9970 7150
Email: Annie_Laing@pittwater.nsw.gov.au



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Please consider the environment before printing this email.

From: Carolyn Stanley [mailto:cstanley@martens.com.au]
Sent: Tuesday, 17 February 2015 10:19 AM
To: Annie Laing
Subject: RE: 65 & 85 Hillside Road Newport

Good morning Annie,

Thank you for your information. Would it be possible to provide me with the type of application, reference number and date, and brief description of the information on the hard copy and microfiche files? A copy of the front page emailed to me (with relevant information) would also be fine. As we are

unable to come in to view the files, typically this information is forwarded to us by email. I have already accessed the information provided through the link (DA N0274/09, DA N0730/10, and CC CC0328/14).

I appreciate your time and effort.

Thank you and kind regards,

Carolyn Stanley
Environmental Scientist
M.Sc., B.Sc., B.A.



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From: Annie Laing [mailto:Annie_Laing@pittwater.nsw.gov.au]
Sent: Monday, 16 February 2015 10:31 AM
To: Carolyn Stanley
Subject: 65 & 85 Hillside Road Newport

Dear Carolyn,

Your application for Access to Information has now been processed. Appointments are at Mona Vale Customer Service Centre - Village Park, 1 Park Street, Mona Vale. Appointments can be made for viewing all files / microfiches Tuesday to Thursday 8.30am – 11am and 2.30pm – 4pm.

If you need copies of any **plans** or **consultant reports** you will need permission from the copyright owner (property owner, architect, engineer etc). You can get these details when you come to view the files. If any of the files can be viewed online a link will be within this email.

<http://portal.pittwater.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?pid=75197>

There are also 4 hard copy files and 2 microfiche files to view.

Please note **NO** staff member will be available to discuss the files with you. If you have planning enquiries you may make an appointment with Customer Service to see the Assistant Development Officer.

Please respond to this email if you would like to book your appointment.

Thanks,

Annie Laing

Pittwater Council
Phone: 02 9970 1285
Fax: 02 9970 7150
Email: Annie_Laing@pittwater.nsw.gov.au



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Business Hours:
8.00am to 5.30pm, Monday to Thursday
8.00am to 5.00pm, Friday

DA No: N0401/03

20 March 2006

PETER JOHN GORDON ROACH
PO BOX 670
TURRAMURRA NSW 2074

Dear Sir/Madam

**Development Application for Subdivision of land into eight allotments
62 & 85 HILLSIDE ROAD NEWPORT NSW 2106.**

I regret to advise that after due consideration, it has been decided to refuse this application.

The Notice of Refusal is attached. If there is any aspect of the decision that you are uncertain or unclear about, you should contact me.

Yours faithfully

Lindsay Dyce
MANAGER - PLANNING AND ASSESSMENT

Encl

REFUSAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

**PETER JOHN GORDON ROACH
PO BOX 670 TURRAMURRA NSW 2074**

Being the applicant in respect of Development Application No N0401/03.

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of the Development Application for:

Subdivision of land into eight allotments

At:

Lot 1 DP 408800 and Lot 2 DP 1036400
62 AND 85 HILLSIDE ROAD NEWPORT NSW 2106

Decision:

The Development Application has been refused for the following reasons:

1. A Species Impact Statement has not been provided and concurrence from the Director General of NSW NPWS has not been obtained as required by the Threatened Species Act and it is required given the likely significant impact on threatened species and an endangered ecological community
2. The development is likely to have a significant impact on threatened species and an endangered ecological community such as the littoral rainforest, grey-headed flying fox, microbats and powerful owl, and impacts upon the long term viability of locally native flora and fauna and their habitats in Pittwater (Section B4.1 P21DCP)
3. The development will significantly reduce / degrade habitat for locally native species / vulnerable species / endangered populations / endangered ecological communities by taking away a large percentage of the current bushland of the immediate area. (Section B4.1 P21DCP)
4. The development will result in a significant loss of canopy cover resulting in significant visual impacts and an inability for the built form to be secondary to bushland in the visual catchment. (Section D10.3 P21DCP)
5. The development will not retain the wildlife corridor that currently exists on the site.
6. The development will not provide an adequate buffer to wildlife corridors because the development is within a wildlife corridor.

7. The development will severely impact on the adjoining public reserve because it will reduce the useable area for existing wildlife which will decrease the survival chances / rates and reduce the genetic diversity of the local populations resulting in a weakening of the species, ultimately leading to the increased chance of extinction through minor local changes in environmental conditions. (Section B4.10 P21DCP)
8. The development application has not satisfactorily addressed the considerations listed under clause 9 of State Environmental Planning Policy No. 19 – Bushland in Urban Areas given the severe impact of the development on the adjoining public reserve.
9. The proposed subdivision is non-compliant with Section B2.2 of P21DCP which requires a minimum lot size of 1200m² and does not satisfy the outcomes relating to maintenance of the existing environment, achieving the desired future character of the Newport Locality, and the built form being subordinate to the natural setting. (Section B2.2P21DCP)
10. The cumulative impact of disturbance from development works, construction activities, and bushfire mitigation measures results in an unreasonable impact upon the natural environment.
11. The development in its finished form including houses, driveways and associated clearing and bushfire protection measures will result in a significant visual impact when viewed from surrounding areas, changing the current vegetated escarpment vista to a view dominated by built form.
12. For the above reasons, the proposed development is not ecologically sustainable and therefore, is not considered suitable for the site.

NOTES:

- (1) This determination was taken under delegated authority on behalf of the elected Council pursuant to Section 377 of the Local Government Act 1993.
- (2) Section 97 of the Act confers on the applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land & Environment Court exercisable within 12 months after receipt of this notice.
- (3) Any person who contravenes this notice of determination of the abovementioned development application shall be guilty of a breach of the Environmental Planning & Assessment Act, 1979, and shall be liable to a monetary penalty and for a restraining order which may be imposed by the Land and Environment Court.

Mark Ferguson
GENERAL MANAGER

per:

Date



PITTWATER COUNCIL

SURVEY OF COUNCIL SERVICES DEVELOPMENT APPLICATIONS (PART 2)

As part of Pittwater Council's aim to continually monitor and improve our services we rely on input from residents and other users.

To achieve this objective, Council regularly carries out random surveys of persons submitting development applications. We would therefore be grateful if you would complete the attached questionnaire and return it to us at PO Box 882, MONA VALE NSW 1660 at your convenience.

The data received is very important to us because it will enable us to identify areas where we can provide a better service to you.

Thank you for your cooperation.

DENNIS BAKER
ACTING GENERAL MANAGER

Application No. _____

1. Did you require any assistance during the processing of your application?

Yes No

Comments

.....

2. How would you rate the standard of assistance provided?

Poor Adequate Good Not Applicable

Comments

.....

3. Were inspections carried out at times that suited you?

Yes No

Comments

.....



4 Did Council staff communicate with you promptly when seeking further information?

Yes No

Comments
.....

5 Do you consider the time taken to make a decision on your application was satisfactory?

Yes No

Comments
.....

6. Overall, how do you rate the following:-

1. Level of courtesy

Poor Adequate Good

2. Attitude of Council Staff

Poor Adequate Good

3. Responsiveness

Poor Adequate Good

7. Are there any areas or processes you would like to see improved and how?

Signed: _____

Dated: _____

CONSENT NO: N0274/09
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicants Name and Address:

PETER JOHN GORDON ROACH

PO BOX 670

TURRAMURRA NSW

Being the applicant in respect of Development Application No **N0274/09**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0274/09** for:

Construction of a driveway

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

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with **Civil Design Plans numbered P0802169JD04_V5 Sheets 1 through to 8 Revision 3, dated 10 February 2010 and all drawn by Martens & Associates Pty Ltd; Geotechnical Investigation Report prepared by Martens Consulting Engineers and dated July 2009; Flora and Fauna Assessment dated July 2009 and prepared by Cumberland Ecology; Tree Assessment and Development Impact Report prepared by Landscape Matrix and dated 9 July 2009 plus the additional comments on the amended road design dated 2 March 2010; Statement of Environmental Effects dated July 2009 and prepared by Martens Consulting Engineers** 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 **14 July 2010**

Mark Ferguson
GENERAL MANAGER

Per:

Conditions of Approval

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

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

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.

2. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.

3. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

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

4. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

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

1. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
2. A combined piped drainage system and natural watercourse or open water courses is required to be constructed to carry the 1% AEP public stormwater discharged from the upstream catchment under the proposed driveway extension. Civil Engineering details are to be provided at Construction Certificate stage.
3.
 - 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.
4. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
5. At least 54 locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be as listed in the approved Ecological Sustainability Plan or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping in the Native Plants for Your Garden link on Council's website www.pittwater.nsw.gov.au/environment/plants__and__animals/native_plants. All native trees are to be retained for the life of the development, or for their safe

natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

6. For the life of the development, domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
7. Over the life of the development all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for noxious/environmental weed lists.
8. No environmental weeds are to be planted on the site. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for environmental weed lists.
9. For the life of the development no bush rock is to be removed from site or destroyed without prior approval from NSW Department of Environment and Climate Change and Pittwater Council. The removal or destruction of bush rock has been listed as a Key Threatening Process by the Threatened Species Conservation Act, 1995. Bush rock located within an approved development footprint must be relocated and reused onsite.
10. All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.
11. In accordance with Pittwater Council's Tree Preservation Order, 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, as trees stand within the envelope of approved development areas. For all other trees

issues not related to a development application, applications must be made to Council's Tree Management Officers.

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. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by Martens and Associates and dated JULY 2009 are to be incorporated into the construction plans submitted with the Construction Certificate. All recommendations within this report are to be complied with throughout the life of the development.
2. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
3. Engineering plans including specifications and details of the on-site stormwater detention system, are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B5.8 of Pittwater 21 DCP.

Note: Where Council is the Principal Certifying Authority, 3 sets of engineering plans are to be submitted.

4. Engineering plans including specifications and details of all the elements of the stormwater drainage system are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details

comply with B5.14 of Pittwater 21 DCP.

Note: Where Council is the Principal Certifying Authority, 3 sets of engineering plans are to be submitted.

5. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

6. An Ecological Sustainability Plan is required to be provided prior to the issue of the Construction Certificate which provides effective weed control measures, transplanting of Cabbage Tree Palms, regeneration/revegetation where appropriate, and provision of at least six (6) nestboxes for arboreal mammals and birds. A copy of the ESP is to be provided to Council's Natural Resources Assessment Officer for approval.

7. 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.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. 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.

2. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
3. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
4. 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.
5. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
6. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
7. 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.
8. No skip bins or materials are to be stored on Council's Road Reserve.
9. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - The builder's name, builder's telephone contact number both during work hours and after hours.

- That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - That no skip bins or materials are to be stored on Council's Road Reserve.
 - That the contact number for Pittwater Council for permits is 9970 1111.
10. All construction in the public road reserve must be undertaken by a Council authorised contractor.
11. Construction access to the property is to be via the approved driveway only.
12. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
- Quantity of material to be transported
 - Proposed truck movements per day
 - Proposed hours of operation
 - Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
13. Native plants (including all Cabbage Tree Palms) located within the zone of construction are to be translocated by a suitably qualified person into an undisturbed area onsite. If an Ecological Sustainability Plan or Bushland Management Plan applies to the property, a Bushland Management Consultant is to certify that native plants have been adequately translocated prior to commencement of works.
14. Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in the Arborist

Report and/or Ecological Sustainability Plan or Bushland Management Plan. Protection measures are to be maintained for the duration of works. Protection fencing that is no longer required is to be removed once all works are completed.

15. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Landscape Matrix Pty Ltd dated 9th July 2009 and 2nd March 2010 are required to be complied with before and throughout the development period, particularly with regard to the following:
 - i. 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;
 - ii. 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;
 - iii. 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.
 - iv. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.

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

The Consulting Arborist is to oversee the removal of all approved trees to ensure no unapproved trees are removed. The Arborist is also to oversee the transplanting of the mature Cabbage Tree Palms as outlined in the arborist report.

16. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
17. 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.

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

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

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

1. Certification is to be provided to Private Certifying Authority by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the on-site detention system has been completed in accordance with the engineering plans and specifications required under this consent.

2. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer, with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.

3. Certification is to be provided to the Private Certifying Authority by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the stormwater drainage system has been completed in accordance with the engineering plans and specifications required under this consent.

4. For internal driveways in difficult and/or steep terrain a Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate

application by a qualified practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Private Certifying Authority that the driveway has been constructed in accordance with the approved plans and relevant conditions of Development Consent.

5. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.
6. Prior to issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.
7. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
8. At least six (6) nest boxes (refer to Pittwater Council website for suggested models) are to be appropriately installed in trees not affected by development. This must be certified by a Bushland Management Consultant as being complete and adequate.
9. Disturbed areas shall be rehabilitated by planting locally native plant species and/or by allowing natural regeneration to occur and by removing weeds and mitigating erosion by suitable stabilisation methods. Rehabilitation shall be completed within six (6) months from completion of development works. A

Bushland Management Consultant must certify that rehabilitation is complete and adequate.

10. Removal of noxious and environmental weeds is to be certified by a Bushland Management Consultant as being in accordance with approved Ecological Sustainability Plan or Bushland Management Plan.
11. All work required by the Ecological Sustainability Plan or Bushland Management Plan (e.g. removal of protection fencing and weeds, site rehabilitation etc) to be completed prior to issue of Occupation Certificate must be certified by a Bushland Management Consultant as being complete and adequate.
12. 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.

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

Nil

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. 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.

3. In accordance with Section 95(2) of the Act, this consent will lapse if the development, the subject of this consent, is not commenced within 2 years after the date from which this consent operates.

NOTE: Council may be prepared to consider an extension of this Consent period for a further 12 months, however, the request for extension would have to be received during the initial 2 year period.

4. To ascertain the date upon which the determination becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
5. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
6. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
7. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
8. This approval is for the proposed road accessing two (2) houses only. Any further development of these sites including potential subdivision, dual occupancy or cluster housing will be subject to compliance with "Planning for Bushfire Protection 2006" and the NSW Rural Fire Service requirements, i.e. a Bushfire Safety Authority.