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Reference: 2018/196147
Enquiries: Development Assessment

Total Pages:25

Awill Design Pty Ltd
258 Devonshire Street
SURRY HILLS NSW 2010

Dear Sir/Madam,

NOTICE OF DETERMINATION

Pursuant to Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*

| | |
|--|---|
| Development Application No. | 263/2016 |
| Proposed Development | Section 96 (2) to modify approved Construction of a new three (3) level dwelling house including double garage, balconies, swimming pool with deck and landscaping – Part 2 |
| Land to be developed | Lot 19 DP 1189590; 17 Spring Cove Avenue, Manly |
| Date of Original Determination | 11 January 2017 |
| Determination of Modification | Approved by DDP |
| Date of Determination of Modification | 14 March 2018 |

This application was considered at Councils Development Determination Panel Meeting of 14 March 2018 when it was determined:

That pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979, the proposed modification to Development Consent No. DA263/2016 for construction of a new dwelling house including double garage, balconies, swimming pool with deck and landscaping at 17 Spring Cove Avenue, Manly be **approved** subject to:



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GENERAL CONDITIONS

The following Condition No.1 is to be amended as per Section 96(2) Application – Part 2:

1. The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and reference documentation;

Drawings affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA263/2016:

| Plan No. / Title | Issue/ Revision & Date | Date Received by Council |
|---|----------------------------|-----------------------------|
| DA001- Document Register and Legends | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA011- Tables + Legends + BASIX Notes | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA101- Proposed- Location plan | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA102- Proposed- Site Analysis Plan and Site Elevation | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA301- Proposed Plan- Basement | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA302- Proposed Plan- Ground | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA303- Proposed Plan- First | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA304- Proposed Plan- Roof | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA311- Proposed Elevation South | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA312- Proposed Elevation West | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA313- Proposed Elevation North | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA314- Proposed Elevation East | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA321- Proposed Section- North/South | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA322- Proposed Section- East/West | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA401- Proposed + Existing Shadow Diagram June 21 9am | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA402- Proposed + Existing Shadow Diagram June 21 12 Noon | 08/08/16, Project No: 0077 | 23 September 2016 |

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|---|----------------------------|-------------------|
| DA403- Proposed + Existing Shadow Diagram June 21 3pm | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA601- Proposed Photo Montage | 08/08/16, Project No: 0077 | 23 September 2016 |
| DA701- Proposed Finished Schedule | 08/08/16, Project No: 0077 | 23 September 2016 |
| LP01-0316- Landscape Plan DA | August 2016 | 23 September 2016 |
| LP02-0316- Landscape Plan DA | August 2016 | 23 September 2016 |

Reference Documentation affixed with Council's stamp relating to Development Consent No. DA263/2016:

- Statement of Environmental Effects prepared by Denis Smith, Planning and Property Consultant dated September 2016 and received by Council 23 September 2016.
- BASIX with Certificate Number 739665S_02 dated Monday, 08 August 2016 and received by Council 23 September 2016.
- Bushfire Hazard Assessment Report prepared for Tara Adam & James Genge by Building Code & Bushfire Hazard Solutions Pty Ltd dated 24 August 2016 and received by Council 23 September 2016
- Heritage Impact Statement prepared by Zoltan Kovac Architect dated August 2016 and received by council 23 September 2016.
- Letter provided by Heritage Council of New South Wales dated 22 December 2016.
- Geotechnical Report prepared by J K Geotechnics in June 2016 and received by Council 23 September 2016.

Except as amended by:

Drawings affixed with Council's 'Development Consent' stamp relating to this Section 96(2) Application – Part 2:

| Plan No. / Title | Issue/ Revision & Date | Prepared By |
|---|---------------------------|---------------------|
| S96-002- Tables/ Legends/ Basix Notes/ DWG List | Rev A- 18/10/2017 | Alwill Architecture |
| S96-101- Site Analysis Plan/ Roof Plan | Rev A- 18/10/2017 | Alwill Architecture |
| S96-102- Basement | Rev A- 18/10/2017 | Alwill Architecture |
| S96-103- Ground | Rev A- 18/10/2017 | Alwill Architecture |
| S96-104- First | Rev A- 18/10/2017 | Alwill Architecture |
| S96-105- Roof and Height Envelope Comparison | Rev A- 18/10/2017 | Alwill Architecture |
| S96-201- Elevation – South | Rev A- 18/10/2017 | Alwill Architecture |
| S96-202-Elevation - West | Rev A- 18/10/2017 | Alwill Architecture |

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|--------------------------------|-------------------|---------------------|
| S96-203- Elevation –North | Rev A- 18/10/2017 | Alwill Architecture |
| S96-204-Elevation - East | Rev A- 18/10/2017 | Alwill Architecture |
| S96-205-Spring Cove Avenue | Rev A- 18/10/2017 | Alwill Architecture |
| S96-206-Cross Section A-A/ B-B | Rev A- 18/10/2017 | Alwill Architecture |
| S96-207-Long Section | Rev A- 18/10/2017 | Alwill Architecture |
| LP01-0316- Landscape Plan S96 | October 2017 | williamdangar |
| LP02-0316- Landscape Plan S96 | October 2017 | williamdangar |

Reference Documentation relating to this Section 96(2) Application – Part 2:

- Letter provided by Heritage Council of New South Wales dated 9 February 2018.
- BASIX with Certificate Number 739665S_04 dated Tuesday, 26 September 2017 and received by Council 26 September 2017.
- Bushfire Hazard Assessment Statement prepared Building Code & Bushfire Hazard Solutions Pty Ltd dated 28 November 2017.
- Heritage Impact Statement prepared by Zoltan Kovac Architect dated 25.11.2017.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

The following Condition ANS01 is to be added as per Section 96(2) Application – Part 2 – determined on 14 March 2018:

ANS01

The following nominated *Cupaniopsis anacardioides* tree species has become a self-seeding species invading natural bushland and shall be replaced with a similar sized plants, as contained in Manly DCP 2013, under Schedule 4 - Part B - Native Tree Selection. Details are to be provided prior to the issue of a Construction Certificate.

Reason: to reduce self-seeding plant species within the built environment that are capable of spreading into natural environments.

1 (2AP01)

Four (4) copies of architectural drawings consistent with the development consent and associated conditions are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To comply with the Environmental Planning and Assessment Act 1979.



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2 (2AP03)

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act 1991 which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

Reason: To advise developers of their responsibilities and to protect the interests of adjoining owners.

3 (2CD01)

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit as per the current rates in Council's Fees and Charges. The Deposit is required as security against damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicants interest for it to be as full and detailed as possible.

Where by Council is not the Principal Certifying Authority, refund of the trust fund deposit will also be dependent upon receipt of a final Occupation Certificate by the Principal Certifying Authority and infrastructure inspection by Council.

Reason: To ensure security against possible damage to Council property.

4 (2CD05)

Detailed engineering drawings of all work must be submitted for approval by the Council/Accredited Certifier prior to the release of the Construction Certificate.

Reason: To ensure the provision of public infrastructure of an appropriate quality arising from the development works to service the development.

5 (2DS01)

A detailed stormwater management plan is to be prepared to fully comply with Council's Specification for On-site Stormwater Management 2003 and Specification for Stormwater Drainage 2003 and must be submitted to Council prior to issue of the Construction Certificate. The stormwater management plan and designs are to be prepared by a suitably qualified engineer with experience in hydrology and hydraulics.

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that infrastructure reverting to Council's care and control is of an acceptable standard.



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6 (2DS02)

A Stormwater Management Plan (SWMP) in line with Council's stormwater management guidelines and signed off by a practising Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia is to be submitted to the Council/Accredited Certifier, prior to issue of the Construction Certificate. The SWMP is to include but is not limited to the following:

- Increase in the impervious area (m²)
- Impervious percentage (%) post development
- Demonstration of no-adverse flooding issues to the downstream and upstream properties
- Peak flow rate to street drainage system in a 1:100 Average Recurrence Interval (ARI) flood event
- Connection details and location of the outlet drainage pipe, if applicable.
- If it is an absorption trench zone (Zone 2 as per Storm Water Management guidelines), then the detail calculations along with the soil report to be submitted for review by demonstrating no-adverse drainage issues due to this development.
- Details of the Chartered Engineer including full name, signature and registration number is required.

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.

7 (2MS01)

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Manly Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:

- 1) all details of drainage to protect and drain the site during the construction processes,
- 2) all sediment control devices, barriers and the like,
- 3) sedimentation tanks, ponds or the like,
- 4) covering materials and methods, and
- 5) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

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



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8 (2PT01)

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

9 (2PT02)

All driveways, car parking areas and pedestrian paths are to be suitably surfaced. Details of the treatment to these areas are to be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

10 (2SP01)

All of the following are to be satisfied in relation to the proposed swimming pool:

- 1) The swimming pool is to be surrounded by a child-resistant barrier in accordance with the Swimming Pools Amendment Act 2009 and Regulations 2008 which:
 - separates the swimming pool from any residential building situated on the property and from any place adjoining the property, and
 - is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standards.
- 2) All surface waters from non-pervious areas surrounding the swimming pool must be collected and disposed of to the stormwater system.
- 3) Windows giving access to the pool areas must be made child safe and comply with the following:
 - Window opening is to be restricted by an approved means so that a round bar 105mm in diameter cannot be passed through the opening or the window is to be protected by a child safe grille.

However if the restricted opening of such windows means that they will no longer meet the natural ventilation requirements of the Building Code of Australia, then only a child safe grille is permissible.

- 4) The proposed pool gates are to be mounted so that:
 - they are clear of any obstruction that could hold the gate open, and
 - when lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate or provide a ground clearance greater than 100mm; and
 - they open outwards from the pool.

Reason: To comply with Australian Standard AS 1926 and provide a reasonable level of child safety



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11 (2SP02)

A railing or other safety measures or devices are to be erected around the sides of the pool surround structure where height above natural ground level exceeds 900mm. All details of the necessary device are to be submitted to and approved by the Council/Accredited Certifier prior to issue of the Construction Certificate.

Reason: To ensure the safety of persons using those walkways.

12 (2SP03)

The backwash of Swimming Pool water must be discharged to Sydney Waters' sewer in accordance with Australian/New Zealand Standard AS/NZS 3500.

Detailed plans and specification must be submitted prior to the issue of the Construction Certificate. The drawings must show the location of Sydney Water's sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with Australian/New Zealand Standard AS/NZS 3500.

Reason: To ensure compliance with legislation and Australian Standards and to protect public health and amenity.

13 (2SP04)

Any mechanical plant associated with the swimming pool and spa shall be centrally located within the site, away from the boundaries and acoustically treated so the noise from the machinery is not audible at the property boundary. Details are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the acoustic amenity of the neighbouring residents.

14 (2SP05)

Spa pools or the like are to be provided with approved-type safety outlet covers in accordance with Australian Standard AS 2610 (Spa Pools), and details of the outlet areas are to be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

Reason: To comply with Australian Standards and provide a reasonably level of child safety.

15 (2TS02)

Any internal and/or boundary fencing and gates are to be designed to include 'access spaces' suitable for Long-nosed Bandicoots trying to access the property post-construction. These 'access spaces' are to be provided at intervals of no greater than 3m apart and are to be located at the bottom of the fencing/gate, being 300mm long and at least 150mm high and are not to be obstructed. Alternatively the length of the fence is to be raised 150mm off the ground. This condition does not apply to pool fencing.

Reason: To enable access to, from and through the site to ensure the development does not result in further fragmentation of Long-nosed Bandicoot habitat.



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16 (2TS03)

Long-nosed Bandicoots are to be excluded from constructed waterbody areas (e.g. pools, ponds, spas or water features), while maintaining access to the surrounding soft landscaping. Pool fencing, for example, must be constructed with a surrounding barrier 300mm in height or greater, or a base gap of less than 120mm, so as to exclude Long-nosed Bandicoots from entering the pool areas but not the garden or grassed areas. Fencing must have no gaps large enough to allow bandicoots through to the waterbody. Plans are to be amended prior to the issue of the Construction Certificate.

Reason: To prevent the waterbody from becoming a drowning hazard for Long-nosed Bandicoots.

17 (2TS04)

External retaining walls or stairs must be a maximum of 200mm in height (or lower in accordance with BCA standards). Where this cannot be avoided a slope or ramp is to be provided/constructed in association with the stairs/retaining walls to permit Long-nosed Bandicoot access.

Reason: Stairs/retaining walls of greater height present an access barrier preventing Long-nosed Bandicoots from accessing other Bandicoot habitat on or adjacent to the site. This measure will ensure no further fragmentation of remaining Long-nosed Bandicoot habitat on the site.

18 (2TS06)

Where concealing material is required for any undercroft areas (e.g. under the house, stairs or balcony, gaps are to be established to allow Long-nosed Bandicoot access (i.e. gaps 150mm high by 300mm long, spaced at the base of the concealing material at least every 2-3 metres).

Reason: To ensure the development does not reduce Long-nosed Bandicoot access to habitat on site.

19 (2TS07)

A site Construction Management Plan (CMP) is to be prepared and is to include a section for Environmental Management. This section, as a minimum, is to outline all measures for the protection of native fauna during the construction phase (including, but not necessarily limited to, those requirements of the conditions of this consent and those measures identified in the ecological report submitted as part of the Development Application). The CMP is to be provided to the certifying authority prior to the issue of the Construction certificate.

Reason: To ensure that all conditions of consent relating to the protection of native fauna are documented and complied with for the duration of works.

20 (2WM02)

A Waste Management Plan is to be submitted with the application prior to a Construction Certificate being issued in accordance with the Manly Development Control Plan 2013.



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The plan should detail the type and estimate the amount of demolition and construction waste and nominate how these materials will be sorted and dealt with. Weight dockets and receipts must be kept as evidence of approved methods of disposal and recycling. All demolition and excess construction materials are to be recycled where ever practicable. It should include consideration of the facilities required for the ongoing operation of the premises' recycling and waste management services after occupation. A template is available from the Manly Council website.

Reason: To plan for waste minimisation, recycling of building waste and on-going waste management.

CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT

21 (3BM01)

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with Australian Standard AS 3740. Certification is to be provided to the Principal Certifying Authority from a licensed applicator prior to the fixing of any wall or floor tiles.

Reason: To prevent the penetration of dampness through walls and floors.

22 (3CD01)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued.

Reason: To ensure compliance with statutory provisions.

23 (3CD02)

Demolition must be carried out by a registered demolition contractor. Documentary evidence of registration must be submitted to Council prior to the commencement of demolition work.

Reason: To ensure demolition is carried out in an appropriate manner that is non-disruptive to the locality and the public.

24 (3CD03)

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

Reason: To protect the public interest and safety.

25 (3PT01)

In accordance with the Roads Act 1993, written consent from Council must be obtained and must be in hand prior to any track equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.

Reason: To ensure appropriate protection of public infrastructure and facilitate access for public and vehicular traffic.



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26 (3PT02)

Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.

Reason: To ensure Council and the Traffic Committee have sufficient time and information to assess the traffic and access implications of a proposed construction zone and to develop appropriate responses to those implications.

27 (3TS01)

Temporary chain wire fencing is to be installed around all work areas (including demolition, storage and construction areas) prior to the commencement of works. Fencing is to be maintained for the duration of the works. The fencing is to be designed to minimise the possibility of Long-nosed Bandicoots accessing the works areas and sheltering in cavities or voids. A surrounding barrier of minimum 300mm in height is considered sufficient.

Reason: To prevent direct impacts to Long-nosed Bandicoot individuals which may access the construction site and attempt to shelter in/under cavities, stockpiles or machinery.

28 (3TS02)

All workers, including site inspectors and sub-contractors, are to be made aware of the potential presence of Long-nosed Bandicoots through a site induction prior to commencement of works. The site induction is to include information about the conservation significance of this endangered population, their potential activities on-site, means of identification and the measures to be implemented for their protection. A confirmation of induction is to be signed by every worker and the site foreman/supervisor. Evidence of the site induction is to be documented and provided to the Principle Certifying Authority.

Reason: To avoid direct physical harm to Long-nosed Bandicoots, it is important that workers are aware of their presence, their conservation significance and the measures in place to protect them.

29 (3TS06)

Appropriate runoff and sedimentation control devices must be installed prior to and maintained for the duration of works to prevent impacts on Little Penguins and their habitat, particularly within the adjoining Little Penguin Critical Habitat areas.

Reason: Silt and sediment runoff can degrade Little Penguin terrestrial and aquatic habitats. It is also an offence under the Protection of Environment Operations Act 1997 to pollute waters.



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CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

30 (4AP02)

A copy of all stamped approved drawings, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: To ensure the form of the development undertaken is in accordance with the determination of Council, public information and to ensure ongoing compliance.

31 (4CD01)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- 1) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- 2) Demolition must be carried out by a registered demolition contractor.
- 3) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- 4) No blasting is to be carried out at any time during construction of the building.
- 5) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 6) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- 7) Any demolition and excess construction materials are to be recycled wherever practicable.
- 8) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- 10) All waste must be contained entirely within the site.
- 11) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- 12) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- 13) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.



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- 14) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- 15) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- 16) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- 17) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- 18) Any work must not prohibit or divert any natural overland flow of water.

Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.

32 (4CD02)

In order to maintain the amenity of adjoining properties, audible site works must be restricted to between 7.00am and 6.00pm, Monday to Friday and 7.00am to 1.00pm Saturday (including works undertaken by external contractors). No site works can be undertaken on Sundays or public holidays.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Reason: To prevent disturbance to the surrounding community.

33 (4CD03)

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

Reason: To maintain sanitary conditions on building sites.

34 (4CD07)

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence.

All removal, repair or disturbance of or to asbestos material must comply with the following:

- The Work Health and Safety Act 2011.
- The Work Health and Safety Regulation 2011.
- How to Safety Remove Asbestos Code of Practice – WorkCover 2011.



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The owner or occupier of the premises must consult an appropriately qualified and Australian Institute of Occupational Hygienists registered professional to undertake an assessment of the site to determine the potential for contamination. The owner or occupier must develop a management plan and be issued with Clearance Certificate before the commencement of any work.

Reason: To ensure the health of site workers and the public.

35 (4CD10)

Noise arising from the works must be controlled in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Reason: To ensure compliance with legislation and to prevent disturbance to the surrounding community.

36 (4CD11)

The activity of rock-breaking associated with the development of the site, must only occur between the hours of:

- 9.00 AM – 5.00 PM on weekdays (Monday – Friday) only.

Rock-breaking activities must not occur on weekends or public holidays.

Adjoining properties must be notified in writing of the times and days in which rock-breaking activities will be carried out. Notices must be distributed at least seven (7) days before the activity is to occur.

Reason: To protect the acoustic amenity of neighbouring properties and the public.

37 (4DS03)

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- Australian/New Zealand Standard AS/NZS 3500:2003,
- NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR).
- Council's rainwater tank policy

Reason: To protect public health and amenity.

38 (4HT04)

Should any potentially historic relics be discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Division of the NSW Department of Environment and Heritage should be informed in accordance with Section 146 of the Heritage Act 1977. "Relics" are any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and are of State or local heritage significance.



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Should any potentially significant Aboriginal material be discovered on the site, all excavation or disturbance of the area is to stop immediately and the Heritage Division of the NSW Department of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

Reason: To ensure the proper management and preservation of potentially significant archaeological material.

39 (4LD03)

The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited.

Reason: To prohibit the unnecessary damage or removal of trees without permission from Council during any construction.

40 (4LD04)

The following precautions must be taken when working near trees to be retained:

- harmful or bulk materials or spoil must not be stored under or near trees,
- prevent damage to bark and root system,
- mechanical methods must not be used to excavate within root zones,
- topsoil from under the drip line must not be added and or removed,
- ground under the drip line must not be compacted, and
- trees must be watered in dry conditions.

Reason: This is to ensure no damage is caused to trees from various methods of possible damage.

41 (4LD06)

All disturbed surfaces on the land resulting from the building works authorised by this approval must be revegetated and stabilised to prevent erosion either on or adjacent to the land.

Reason: To prevent/contain erosion.

42 (4MS02)

In order to ensure compliance with approved drawings, a Survey Certificate, to Australian Height Datum, must be prepared by a registered surveyor as follows:

- a) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries, and
- b) at the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials, and
- c) at completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) must be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved drawings and the proposed works.

Reason: To ensure compliance with the development consent.



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43 (4MS04)

An approved Erosion and Sediment Management plan is to be implemented from the commencement of works and maintained until completion of the development.

The design and controls addressed in the Sediment and erosion management plan must comply with the criteria identified in:

- Manly Development Control Plan 2013, Amendment 2, and
- Manly Councils Guidelines for Sediment and Erosion Controls on building sites, 2005, and
- The document "Managing Urban Stormwater: Soils and Construction" Volume 1, 2004.

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

44 (4TS01)

Construction hours are to be adhered to, with no construction vehicles or heavy machinery used outside the hours of 7:30am and 4:30pm.

Reason: Noise and vibration may disturb local native fauna (including species and populations listed as threatened under State or Federal legislation) and discourage their use of adjoining areas.

45 (4TS02)

Before any vegetation/materials/debris stockpiles are removed, a pre-clearance survey for Long-nosed Bandicoot activity and presence is required. Clearing may only proceed if this survey concludes that no Long-nosed Bandicoots are present within the area to be cleared or the immediate vicinity. All clearing must initially be carried out with hand tools to identify whether any Bandicoots are sheltering within the area to be cleared (e.g. at the base of vegetation or under deep litter). Machinery may only be used once it has been confirmed that no Bandicoots are sheltering within the area to be cleared. Clearing should ideally be carried out at dusk and completed within one day so that Long-nosed Bandicoots do not reoccupy partially cleared areas overnight. A record of each inspection is to be made in the daily inspection register log-book. The log-book is to be made available to Principal Certifying Authority.

Reason: To avoid injury or death of Long-nosed Bandicoots which may be utilising stockpiles of vegetation, materials or debris.



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46 (4TS03)

An inspection register log-book must be kept on site recording daily inspections of all holes (created for footings, installations etc.), machinery and construction material stockpiles, checking for Long-nosed Bandicoots. These inspections are to be undertaken each work day prior to commencement of works and works may only proceed once the Bandicoot has safely vacated the work site. If a Long-nosed Bandicoot is found within the work area, no work shall proceed until the Bandicoot has safely vacated the area. The log-book is to be made available to Principal Certifying Authority.

Reason: To ensure no Long-nosed Bandicoots are injured or killed during construction/demolition.

47 (4TS05)

Construction is to be undertaken in accordance with the Construction Management Plan (CMP). All workers are to be made aware of the content of the CMP.

Reason: To ensure that all conditions of consent relating to the protection of native fauna are documented and complied with for the duration of works.

48 (4TS06)

An inspection register log-book must be kept on site recording daily inspections of all holes (created for footings or installations etc.), machinery and construction material stockpiles, checking for Long-nosed Bandicoots and Little Penguins. These inspections are to be undertaken each work day before the commencement of works and works may only proceed once the Bandicoot or Little Penguin has safely vacated the work site. The log-book is to be made available to Principal Certifying Authority.

Reason: To ensure no Long-nosed Bandicoots or Little Penguins are injured or killed during construction/demolition.

49 (4TS07)

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) or Manly Council. 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); or
- Manly Council – Natural Resources Branch (9976 1500).

Reason: To ensure that any Long-nosed Bandicoots utilising the worksite are safely relocated by an appropriately trained officer, and that injured Bandicoots receive expert care so that they can be returned to endangered population where possible. It is also important that any dead individuals are reported so that causes of mortality can be identified and addressed.



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50 (4TS10)

All Little Penguin Critical Habitat areas, including the rocky cliff and the inter-tidal area are to be fully protected for the duration of the works. This prevents any machinery use, storage of construction materials, supplies storage, or waste receptacles placed in the area. It also prevents any clearing of vegetation, soil, rock or rubble, and dumping of any material within these areas.

Reason: These areas are critical to the survival and recovery of the endangered Little Penguin population and approval has not been given for work in these areas.

51 (4TS12)

All slurry associated with works (including all drilling) is to be contained at source and within the construction area. All slurry is to be removed off site.

Reason: To mitigate against any resulting damage to Little Penguin habitat.

52 (4TS13)

Any spilt concrete must be cleaned up before it dries and removed offsite.

Reason: To mitigate against any resulting damage to Little Penguin habitat.

53 (4WM01)

The only waste derived material which may be received at the development site is:

- 1) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- 2) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any (b)-type material received at the development site must be accompanied by documentation certifying the materials compliance with the exemption conditions; and this documentation must be provided to the Principal Certifying Authority on request.

Reason: To ensure imported fill is of an acceptable standard for environmental protection purposes.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

The following Condition ANS02 is to be added as per Section 96(2) Application – Part 2 – determined on 14 March 2018:

ANS02

A qualified Landscape Consultant is to submit a Certificate of Practical Completion to the Principal Certifying Authority prior to the issue of the Occupation Certificate, stating the work has been carried out in accordance with the approved Landscape Drawing and Conditions, and a maintenance program has been established.

Reason: This is to ensure the landscaping is planted in accordance with the drawing



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54 (5DS01)

Stormwater drainage from the proposed addition/extension must be disposed of to the existing drainage system. All work is to be carried out in accordance with Council standards and specifications for stormwater drainage. Work is to be completed prior to the issue of the Occupation Certificate.

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure infrastructure reverting to Council's care and control is of an acceptable standard.

55 (5FR01)

An automatic fire detection and alarm system must be installed in the proposed dwelling in accordance with the requirements of the Building Code of Australia.

Reason: To comply with the Environmental Planning and Assessment Act 1979.

56 (5LD02)

Evidence of an agreement for the maintenance of all plants for a period of twelve (12) months from the date of practical completion of the building is to be provided to the Principal Certifying Authority prior to issue of the final Occupation Certificate.

Reason: To ensure landscaping will be appropriately maintained.

57 (5NL02)

Prior to the issue of a Construction Certificate, the Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of Australian Standard 1558.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements and Australian Standard 4282:1997 Control of the obtrusive effects of outdoor lighting.

Reason: To protect public health and amenity.

58 (5SP01)

All protective fencing and gates are to be in accordance with Australian Standard AS 1926 prior to the pool being filled with water. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the prior approval of Council. No water can be in the swimming pool until the required protective fencing has been inspected and approved by Council.

Reason: To comply with Australian Standard AS1926 and provide a reasonable level of child safety.



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59 (5TC01)

Prior to issue of the Occupation Certificate, a durable termite protection notice must be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with the Manly Code for the protection of Buildings against Termite Attack.

Reason: To inform owners and future owners of the type of termite protection installed and of the need for regular inspections.

ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT

60 (6AQ01)

The use of the premises must not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997 and must be controlled in accordance with the requirements of this Act.

Reason: To ensure compliance with legislation and to protect public health and amenity.

61 (6DS01)

The ongoing use and operation of the rainwater tank(s) must be maintained in accordance with:

- Sydney Water Guidelines for Rainwater Tanks on Residential Properties, 2003.
- Australian Government EnHealth Council publication Guidance on the use of Rainwater Tanks, 2004.

Reason: To protect public health and amenity.

62 (6FC01)

The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Council does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences.

Note: Further information can be obtained from the NSW Department of Lands. Community Justice Centres provide a free mediation service to the community to help people resolve a wide range of disputes, including dividing fences matters. Their service is free, confidential, voluntary, timely and easy to use. Mediation sessions are conducted by two impartial, trained mediators who help people work together to reach an agreement. More than 85% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. Contact the Community Justice Centre either by phone on 1 800 990 777 or at <http://www.cjc.nsw.gov.au/>

Reason: To ensure the applicant is aware the Dividing Fences Act 1991 may be used to resolve disputes about dividing fences.



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63 (6LP03)

Landscaping is to be maintained in accordance with the approved Landscaping Drawing.

Reason: This is to ensure that landscaping is maintained appropriately.

64 (6MS02)

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

Reason: Statutory requirement, Environmental Planning and Assessment Act 1979.

65 (6NL01)

Glare from internal lighting is not permitted to extend beyond the limits of the building authorised by this approval.

Reason: To ensure there is no glare from internal lighting to neighbouring properties and land.

66 (6NL02)

All lights used to illuminate the exterior of the buildings or site must be positioned and/or fitted with cut off luminaires (baffles) so as to prevent the emission of direct light onto adjoining roadways, adjoining land, dwellings and waterways.

Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

67 (6NL03)

The ongoing use of the premises/property must not give rise to 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.

Reason: To ensure compliance with legislation and to protect public health and amenity.

68 (6NL08)

All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and must comply with where relevant, Australia Standard AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements and Australian Standard AS 4282:1997 Control of the obtrusive effects of outdoor lighting.

Reason: To protect the amenity of adjoining properties.

69 (6NL12)

Swimming pool and spa pumps must be installed and operated at times so as not to cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997. Swimming pool and spa pumps must not be audible in nearby dwelling between 8:00PM to 7:00AM Monday to Friday, and 8:00PM to 8:00AM on Saturdays, Sundays and public holidays.

Reason: To ensure compliance with legislation and to protect the acoustic amenity of neighbouring properties.



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70 (6WM10)

The operation of the premises must be conducted in a manner that does not pollute waters as defined by the Protection of the Environment Operations Act, 1997.

Reason: To ensure compliance with legislation and to protect public health and amenity.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building works is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

Please note that all building work must be carried out fully in accordance with this development consent and conditions of approval. It is an offence to carry out unauthorised building work or building work that is not in accordance with this consent.

In accordance with Clause 284 of the *Environmental Planning and Assessment Regulation 2000*, non-compliance with the above conditions may result in Council issuing a Penalty Notice which may incur a fine.

Notes:

If you are dissatisfied with this decision, Section 97AA of the *Environmental Planning and Assessment Act 1979* gives the applicant the right to appeal to the Land and Environment Court of New South Wales (their address being Level 4, 225 Macquarie Street, Sydney NSW 2000).

Should you have any questions in relations to the matter, please contact Council's Planning, Place & Community, on (02) 9976 1414, during business hours.

Signed below on behalf of the consent authority.

Yours faithfully,

Date: 23 March 2018

Rodney Piggott
Planning Assessment Manager
Northern Beaches Council