

CONSENT NO: N0030/17
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS
AMENDED) NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicant name and address:
MERRIN DEVELOPMENTS PTY LTD
155 REGENT ST
RIVERSTONE NSW 2765

Being the applicant in respect of Development Application No N0030/17

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of Development Application No **N0030/17** for:

Construction of a dwelling

At: Future Lot 209 on 53 A WARRIEWOOD ROAD, WARRIEWOOD (Lot 2 DP 1115877) & 53 B WARRIEWOOD ROAD, WARRIEWOOD (Lot 3 DP 1115877)

Decision:

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

Site Plan Drawing C0363-DA200-1 dated 10-11-16 prepared by Intercapital Consultants

Floor Plans, Elevations and Sections Drawing C0363-DA209-1 dated 10-11-16 prepared by Intercapital Consultants

Details Drawing INT04-DA-901 Issue B dated 9/11/16 prepared by Sym Studio

Landscape Plan - Lot 209 Drawing INT04.08-DA-101 Issue B dated 9/11/16 prepared by Sym Studio

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: 27 April 2017

Mark Ferguson
INTERIM GENERAL MANAGER

Per:

PART 1
DEFERRED COMMENCEMENT
CONSENT

This consent does not operate until the following deferred commencement conditions are satisfied and the Applicant has received written confirmation of the satisfactory completion of the requirements within this condition and the activation of the consent from Council. The information required by the deferred commencement conditions below are to be provided to the Council within 2 years from the date of this consent. If this information is not provided within this time frame, the consent will lapse.

1. Proposed Lot 209 is to be registered with Land Titles (NSW Lands and Property Information Office). Evidence that the lot has been registered with Land Titles is to be provided to Council.

2. Demonstrate consistency with the Building Envelope Plan for proposed lots 201 to 210, as required by deferred commencement condition 3 for the Stage 2 of Development Consent N0350/14. For reference, the Building Envelope Plan was to demonstrate:
 - the site coverage for each lot as modelled for each lot in the Water Management Report for the site;
 - the location of a 3000 litre rainwater tank for each lot required to contain this infrastructure.

3. The Landscape Plan is to be amended in the following way:
 - remove *Pittosporum tobira* 'Miss muffet' and ensure the proposed species (specifically trees) are compliant with the requirements in DCP Control D16.5;
 - amend the landscape plan so that all hard surface areas (i.e. pathways and the like) shown on the landscape plan are equivalent and the same as the hard surface areas shown on the site plan (architectural drawing);
 - relocate trees, shrubs, accents and ferns and groundcovers away from within any maintenance easements;
 - relocate pathways adjacent to the side boundary so that these structures are located over any maintenance easements.

4. The architectural plans are to be amended in the following way:
 - finished site levels and finished floor levels are to be provided on architectural plans;
 - relative heights (RLs) are to be provided on plans to show the maximum building height of the dwelling.

PART 2

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. This approval/consent relates to future Lot 209 as shown on the approved consent plans.
2. Any building work in relation to the development consent is to be carried out in accordance with the requirements of the Building Code of Australia.
3. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
4. A sign must be erected in a prominent position onsite only showing:
 - a) the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b) the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - c) that unauthorised entry to the work site is prohibited.

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

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

- c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under a or b above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information

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

1. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.
2. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.
3. All water management facilities associated with the lot and consistent with Development Consent N0350/14, including rainwater tanks, stormwater quality improvement devices, stormwater filters, the onsite detention basin, and private stormwater drainage including the pipe outlet to Narrabeen Creek are to remain in private ownership, be located within private property (except where the private stormwater crosses public land or the outlet enters the public creek corridor) and maintained in accordance to manufacturer's specifications
4. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for noxious/environmental weed lists.
5. No environmental weeds are to be planted on the site. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
6. In accordance with Pittwater Councils DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
7. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
8. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
 - a) Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)

- b) Species listed from the Endangered Ecological Community
 - c) Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Council website
http://www.pittwater.nsw.gov.au/environment/species_lists
9. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted BASIX certificate and water management strategy.
 10. To satisfy the off-street parking requirements for development, the minimum number of two (2) vehicle space requirements shall be provided.

These spaces are to be provided and retained over the life of the development.
 11. The first floor level north (rear) facing Bath window and the balustrade of the Bed 2 balcony are to be of obscure glazing.
 12. Dwelling(s) are to be constructed to allow internal access for telecommunications, intelligent lighting and home automation facilities from underground street electrical and telecommunications cabling.
 13. Roofs to all structures are to be dark grey, brown and/or green tones only. External colours and materials shall be natural tones such as green, brown and dark earthy colours. The use of red, white or light tones is not permitted.
 14. Dogs are to be restricted to within the building at night and otherwise to be either within a fenced compound on the lot or on a lead.
Cats are to be restricted to within the building at night.
 15. No fencing is permitted forward of the front building line.

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. Engineering details showing the Stormwater Harvesting and Reuse Scheme 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 practicing Water/Environmental/Civil Engineer with corporate membership of the Institution of Engineers Australia (MIE Aust), 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 Pittwater 21 DCP.
2. Drainage plans including specification and details showing the site stormwater management are to be submitted to the Principal Certifying Authority. The drainage plans must be designed and implemented in accordance with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage
3. The driveway from the right of way to the proposed parking area must be designed to comply with the requirements of AS/NZ 2890.1 -2004 "off-street

parking facilities". Details of the driveway are to be certified by a surveyor or civil engineer and be provided to the Principal Certifying Authority prior to issue of a Construction Certificate.

4. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

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

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

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

Note: This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the States building laws.

2. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
3. The following facilities must be provided on the site:
 - a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - b) a garbage receptacle for food scrapes and papers, with a tight fitting lid.

Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

4. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
5. 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.
6. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
7. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations
8. Personnel with appropriate training, or demonstrated knowledge and experience in erosion and sediment control shall be responsible for supervising the installation and maintenance of approved erosion and sediment control measures – during

and after construction and until the site has been restored to the satisfaction of council.

9. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

10. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

Note: Separate approval is required for access driveways, paths, connections to underground services (stormwater, gas, sewer, electricity, etc.), and landscaping works within Council's Road Reserve.

11. No skip bins or materials are to be stored on Council's Road Reserve.
12. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
13. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - a) The builder's name, builder's telephone contact number both during work hours and after hours.
 - b) That no works are to be carried out in Council's Road Reserve without prior application and approval of a Road Opening Permit from Council.
 - c) That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - d) That no skip bins or materials are to be stored on Council's Road Reserve.
 - e) That the contact number for Northern Beaches Council for permits is 9970 1111.

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 that the commitments identified in the BASIX Certificate have been fulfilled.
2. 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.
3. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
4. Post-Subdivision BAL Certificate (PSBC)
Prior to the issue of an Occupation Certificate, a PSBC is to be obtained which relates to future Lot 209.
5. Certification is to be provided to a Principal Certifying Authority by an experienced Water/Environmental/Civil Engineer who is NPER accredited by the Institution of Engineers, Australia that the stormwater harvesting and reuse scheme has been completed in accordance with the engineering plans and specifications required under this consent.
6. The stormwater drainage system must be constructed and completed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards must be provided.
7. A Certificate is to be submitted to the Principal Certifying Authority with the Occupation Certificate application by a qualified practising Civil Engineer or Surveyor 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.
8. 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.
9. Creation of a restriction on the use of land, at the applicant's expense, and a Section 88B instrument burdening all lots and benefiting Northern Beaches Council which provides for:

- a) prohibition on the keeping of domestic cats on properties adjacent to the creekline corridor;
 - b) restriction of dogs to within the building at night and otherwise to be either within a fenced compound on the lot or on a lead; and
 - c) restriction of cats to within the building at night.
10. House/building number is to be affixed to the dwelling to be readily visible from the road.

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

11. Certification is to be provided by a suitably qualified landscape architect from Sym Studio to the certifying authority that all landscaping works have been completed in accordance with the approved landscape plans prior to issue of any Occupation Certificate.

G. Advice:

1. Failure to comply with the relevant provisions of the Environmental Planning and Assessment Act, 1979 (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. Dial before you dig: Prior to excavation the applicant is advised to contact Australia's National Referral Service for Information on Underground Pipes and Cables telephone 1100 or www.1100.com.au
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the EPA Act 1979, this development consent lapses 5 years after the date from which this consent operates if the development is not commenced.
5. To ascertain the date upon which a consent operates, refer to Section 83 of the Environmental Planning and Assessment Act, 1979 (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the Environmental Planning and Assessment Act, 1979. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 6 months of the determination.

7. If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you a right of appeal to the Land and Environment Court within 6 months of the date of endorsement of this Consent.

8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.