

**CONSENT NO: N0056/08**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)**  
**NOTICE TO APPLICANT OF DETERMINATION**  
**OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:

MICHAEL WAYNE KING  
13 BRUCE STREET  
MONA VALE 2103

Being the applicant in respect of Development Application No **N0056/08**

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 **N0056/08** for:

**Alterations and additions to the existing dwelling.**

**At: 13 BRUCE STREET, MONA VALE (Lot 10 DP 15762)**

**Decision:**

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with **Architectural plans DA01, DA02, DA03, DA04, DA05, DA06 and DA07 by Koostudio dated January 2008. Landscape plan LDA - HL - 01/C by Terragrams Pty Ltd dated 30-01-08** 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 **17 March 2008**

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. 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, there is to be such a contract in force.
  
3. 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.
  
4. 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 house, 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.

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.
6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) 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.
7. Conditions A8 and A9 do 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.
8. 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 an integrated on-site stormwater management system, stormwater overflow from the rainwater tank is to be discharged into the adjacent coastal area with erosion minimisation facilities installed.
2. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
3. The pool backwash water is to be disposed to the Sydney Water sewer.
4. All pool overflow water and waste water from the filtration process is to be directed to the sewer when available or to an approved on site disposal system.
5. No water pollution shall result from the operation of any plant or equipment or activity carried out.
6. Noise from the operation of any plant or equipment at the premises shall not exceed 5dB(A) above the background noise level.
7. Pool fencing is to be designed and located and maintained in accordance with the Swimming Pool Act 1992, AS 1926.1-1993 *Fencing for swimming pools*, AS 1926.1-1995 *Location of fencing for private swimming pools*.
8. A Resuscitation and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.

9. All plumbing and drainage fixtures are to be concealed and not exposed to public view on buildings over one storey in height.
10. All external glazing is to have a maximum reflectivity index of 25%.
11. New electrical connections are to be carried out using underground cabling.
12. The finished surface materials, including colours and texture of any building, shall match the detail and materials of the existing building.
13. Roofs to all structures are to be of dark grey, brown and/or green tones only.
14. The maximum height of any fence within the front building line shall be 1.0m above natural ground level. In this regard fences are to be constructed of open, see-through, dark-coloured materials.
15. 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.
16. In accordance with Pittwater Councils Tree Preservation Order, all existing trees as indicated on the Survey Plan and/or approved Landscape Plans shall be retained except where Councils prior written consent has been obtained, or where after approval of the relevant Construction Certificate Application(s), trees stand within the envelope of approved development areas.
17. The existing landscaping required to be retained together with any additional landscaping required by this Development Consent is to be maintained for the life of the development.

18. At least three locally native canopy trees are to be planted on the site to replace a mature tree recommended for removal. Canopy tree species are to be from the vegetation community(s) on the site as per the lists in the Pittwater Book *Native Plants for Your Garden* book available from Council and on the Pittwater Web Site. 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.
  
19. Any vegetation planted outside approved landscape zones is to be consistent with:
  - Species listed in the Ecological Sustainability Plan
  - Species listed from the Endangered Ecological Community
  - Locally native species or locally native plants growing on site and / or selected from the list pertaining to vegetation community(s) on the site as per the Pittwater Book *Native Plants for Your Garden* - book available from Council and on the Pittwater Web Site.
  
20. Over the life of the development all declared noxious weeds are to be managed / removed in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and/or controlled.
  
21. Fencing is to be passable by Native Wildlife.

**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. 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.
  
2. A certificate is to be provided to the Accredited Certifier or Council with the Construction Certificate application by a qualified Civil Engineer/Surveyor that the existing stormwater system performs satisfactorily and is capable of servicing the proposed additions

3. 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.
4. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
5. A Certificate from a qualified practising Structural 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, certifying the adequacy of the existing structure to support the additional loading is to be submitted to the Accredited Certifier or Council.
6. The finished surface materials, including colours and texture of any building, shall be dark, earthy, of a low reflectivity and compliant with Councils colour palette for the locality, blend with the surrounding and/or natural materials and shall be non-glare. A satisfactory specification which achieves this shall be submitted to the Accredited Certifier or Council with the Construction Certificate application in the form of a Schedule of Finishes.
7. 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. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.

2. 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.
3. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
4. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
5. No skip bins or materials are to be stored on Council's Road Reserve.
6. 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.
7. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
8. 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 Urban Forestry Australia, dated December 2007 are required to be complied with before and throughout the development period, particularly with regard to the following: 1. 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; 2. 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; 3. 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. 4. 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. 5. 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.

9. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.
  
10. Protection measures are to be installed in accordance with all approved plans including the Arborist Report and /or Ecological Sustainability Plan. Protection measures are to be maintained for the duration of works.

**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. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
  
2. A positive covenant/ restriction on the use of land is to be created prior to the issue of the Occupation Certificate where the recommendations of the approved Geotechnical Report requires on-going maintenance / inspections to ensure that the development achieves the *acceptable level of risk* criteria over the life of the development, the terms of which are to require the landowner to comply with the recommendations contained in that report.
  
3. 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.
  
4. The existing dwelling shall 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.
  
5. The maximum noise level associated with the pool filter does shall not exceed 5dB(A) above ambient background level, when measured from any adjoining premises.
  
6. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

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

1. Protection fencing that is no longer required for protection is to be removed.

## **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. The applicant is also advised to contact the various supply and utility authorities, ie Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
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(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.

5. To ascertain the date upon which the determination becomes effective, 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 1 year from the date of 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 12 months of the date of endorsement of this Consent.
  
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
  
9. Electrical insect killing light devices should not be used outside and not installed anywhere that they can attract and kill micro-bats.