

**FINAL
S96 DA
PROCESSED
AND
SCANNED
APPROVED**

Business Hours:

8.00am to 6.00pm, Monday to Thursday

8.00am to 5.00pm, Friday

S96 No: N0108/14/S96/2

12 September 2016

BURLEY KATON HALLIWAY PTY LTD
1/27 CHALLIS AVENUE
POTTS POINT NSW 2011

Dear Sir/Madam

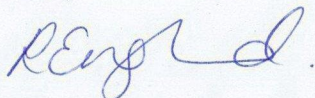
N0108/14/S96/2 Modification of Development Consent N0108/14 for construction of a two and three storey dwelling over 5 levels with associated swimming pool, garage and landscaping at 2A LIVISTONA LANE PALM BEACH NSW 2108.

Your request for modification has been considered by Council and it has been agreed to modify the Consent.

Please find attached the consent as modified.

If there are any matters that require further clarification, please do not hesitate to contact me.

Yours faithfully



Rebecca Englund
EXECUTIVE PLANNER

MODIFICATION OF DEVELOPMENT CONSENT NO: N0108/14

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION

OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

BURLEY KATON HALLIWAY PTY LTD
1/27 CHALLIS AVENUE
POTTS POINT NSW 2011

Being the applicant in respect of S96 Modification Application No N0108/14/S96/2

Pursuant to section 81 of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of this Development Application for: -

N0108/14/S96/2 Modification of Development Consent N0108/14 for construction of a two and three storey dwelling over 5 levels with associated swimming pool, garage and landscaping. Modification Application N0108/14/S96/2 to modify the landscape treatment of the front setback of the subject site.

At:-

Lot 1 DP 1125750

**2A LIVISTONA LANE
PALM BEACH NSW 2108**

Decision:

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

- Architectural drawings A.00.00[2], A.01.00[2], A.01.01[2], A.01.02[2], A.01.03[2], A.01.04[2], A.01.05[2], A.01.06[2], A.02.01[2], A.02.02[2], A.03.01[2] and A.05.01[2], all prepared by Burley Katon Halliday Pty Ltd, dated 23 June 2014;
- Landscape Plans 000, 001, 002, 003, 301, 401, 501, and 502, all revision C, all prepared by Arcadia Landscape Architecture, dated 18 June 2014;
- Geotechnical Risk Management Assessment, reference 2014011, prepared by Crozier Geotechnical Consultants, dated March 2014;
- Geotechnical Risk Management Addendum Letter, reference 2014011.1, prepared by Crozier Geotechnical Consultants, dated 19 June 2014;
- Arboricultural Impact Assessment Report, prepared by Martin Peacock Tree Care, dated 6 February 2014;
- Stormwater Management Drainage Plans, D01, D02, D03 and D04, all revision A, all prepared by Northern Beaches Consulting Engineers Pty Ltd, dated 4 April 2014;
- BASIX Certificate 538686S dated 9 April 2014;

As further modified by:

- *Amended Landscape Plan 'Landscape Plan Entry', issue H, prepared by Arcadia Landscape Architecture, dated 27 June 2016;*
- *Geotechnical Risk Management Assessment Addendum Letter, prepared by Crozier Geotechnical Consultants, dated 29 June 2016;*

as amended in red (shown clouded) or as modified by any conditions of this consent.

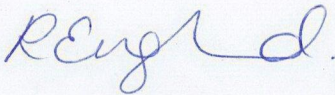
The reason for the imposition of these conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act, pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration 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.

Note: For ease of reference, all of the previous conditions have been re-listed. Those conditions amended or deleted have been highlighted.

Endorsement of date of consent 14/08/2014, **Modified 12 September 2016**

Mark Ferguson
INTERIM 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 hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

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

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:
 1. The name of the owner-builder, and
 2. 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. 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.

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

1. 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.
2. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
3. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by Crozier Geotechnical Consultants dated March 2014 are to be incorporated into the construction plans.

A program of maintenance and inspection is to be undertaken in accordance with the recommendations within Crozier Geotechnical Consultants' "Report on Geotechnical Site Investigation for Proposed New House at 2A Livistona Lane, Palm Beach – Project: 2014-011, March 2014".

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 Pittwater 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 Pittwater Council website www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
6. Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

7. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
8. 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 Pittwater Council website
http://www.pittwater.nsw.gov.au/environment/species_lists
9. At least 6 (in addition to those shown on the approved landscape plan) locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be as per the approved Landscape Plan or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and the Native Plants for Your Garden link on Council's website
http://www.pittwater.nsw.gov.au/environment/species_lists. 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.
10. No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
11. The spa/pool backwash and any overflow waters are to be disposed to the Sydney Water sewer.
12. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
13. The stormwater quality improvement devices shall be maintained and emptied of spoil materials at regular intervals. Spoil materials removed from the stormwater quality improvement devices shall be disposed of as dry household mixed waste.
14. The internal driveway finish is:
 - a. to be a stable surface for all weather conditions
 - b. to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.
15. The four parking spaces within the garage are to be provided and retained over the life of the development.
16. 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.

17. This consent does not authorise the installation of any solid fuel or wood burning appliances.
18. No water pollution shall result from the operation of any plant or equipment or activity carried out.
19. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.
20. No odour nuisance to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
21. No emissions causing air pollution shall be created by the operation of any plant equipment or any procedure carried out at the premise.
22. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
23. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pools Act 1992, Regulation and Australian Standard 1926.1-2012, Safety barriers for swimming pools
24. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.
 - a. The warning notice (i.e. sign) must contain all of the following words:
 - i. "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" and
 - ii. "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - iii. "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",
 - b. In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
 - i. that are set out in accordance with the relevant provisions of that Guideline, and
 - ii. that comply with the other relevant guidelines of the Australian Resuscitation Council, and
 - iii. that are illustrated by drawings with key words only in bold print,
 - c. a statement to the effect that formal instruction in resuscitation is essential,
 - d. the name of the teaching organisation or other body that published the sign and the date of its publication.
25. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
26. All external glazing is to have a maximum reflectivity index of 25%.
27. New electrical connections are to be carried out using underground cabling.

28. The colours and finishes demonstrated on the amended colour schedule (required to be authorised by Council prior to the issue of a Construction Certificate) are to be maintained for the life of the development.
29. The exposed lift shaft shall be finished in dark and earthy tones, with minimal reflectivity.
30. 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.
- 31. This consent does not authorise a stairway or path within the front setback, to the east or north of the garage or Level 1 terrace.**
- 32. This consent does not authorise the installation of an outdoor shower within the front setback of the site.**

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

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

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
2. The 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.
3. A construction management plan is to be prepared to demonstrate construction methodology for the proposed dwelling on the heavily constrained site. The construction management plan is to identify the following;
 - proposed staging of excavation, to minimise reliance upon the road reserve and provide off-street parking for machinery and storage of materials;
 - location for staff/workers parking during construction;
 - truck and machinery waiting areas;
 - use of stop/slow signs along Livistona Lane and at the junction with Palm Beach Road to signal when the road way is blocked by construction vehicles;

A copy of the construction management plan is to be provided to neighbouring property owners and Pittwater Council prior to the issue of a Construction Certificate.

4. Prior to the issue of a Construction Certificate, the architectural drawings are to be amended to delete the proposed garbage enclosure. All garbage bins are to be stored within the bulk of the garage behind the front building line, in a location that is not visible from the street.
5. Prior to the issue of a construction certificate, all approved plans are to be amended to demonstrate a reduction to the size of the front Level 1 lawn terrace. In particular, the north-eastern end of the terrace shall be reduced so that no part of the terrace exceeds 4m

in width, as measured from the external front wall of Level 1 to the external face of the proposed/required retaining wall. Of this 4m width, the 800mm deep x 1m wide planter box that wraps around the perimeter as currently proposed is to be maintained. Where the lawn terrace is not located above the garage or driveway, deep soil zones are to be maintained.

The landscape plans will then require further amendment to provide additional plantings forward of the resultant retaining wall, within the front setback. These plantings shall comprise locally native species, with a variety of maturity heights. The landscape plans shall also be amended to replace the "Mexican Lily" used along the perimeter of the Level 1 lawn terrace with a greater variety of native species with maturity height ranging between 1m and 2m. These plantings are to be maintained for the life of the development and are to be replaced if any die, are destroyed or removed.

6. Prior to the issue of a Construction Certificate, the Geotechnical Risk Management Report (referenced by this consent) is to be amended to include an investigation of the boulders at the rear of the adjoining site at 2 Livistona Lane. The assessment is to be accompanied by the amended forms 1 and 1a, and copies of the assessment report and forms are to be provided to Council and the adjoining property owners at 2 Livistona Lane. Any works required to stabilise the rocks at the rear of 2 Livistona Lane are to be completed in conjunction with the development occurring at 2a Livistona Lane, at the full cost of the developer.
7. 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.
8. Engineering plans including specifications and details of the on-site stormwater detention system, are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institution of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B5.7 of Pittwater 21 DCP.

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

9. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institution of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies 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. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

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

10. Prior to the issue of a Construction Certificate, the Stormwater Management Drainage Plans are to be amended so that no additional excavation occurs within the front setback beyond the extent of the footprint of the driveway and garage. The natural ground within the area that was to be the garbage bin enclosure is to remain free of excavation and the OSD is to be slightly relocated to be maintained within the garage. Furthermore, the stormwater pipes shown on D01 revision A (prepared by Northern Beaches Consulting Engineers Pty Ltd, dated 4 April 2014) to the north-east of the bunk room, shall be located as close as possible to the external walls of the dwelling and shall run parallel to the front external walls and directed towards the driveway in order to minimise any excavation within the natural rock outcrop at the site frontage.
11. Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.
 - a. Section C of the driveway profiles shall be amended to incorporate an ease 1 metre either side of RL 37.57.
 - b. Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
 - c. A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).
 - d. All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
 - e. Council's Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.
12. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the *Roads Act 1993* for the design and construction of any works located on the road reserve including Access Driveways.
13. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
14. A Dilapidation Report is required on all neighbouring properties/structures prior to site work as recommended in the Geotechnical Report dated March 2014 by Crozier - Geotechnical Consultants. The report is to be prepared by a qualified Geotechnical Engineer.
15. Erosion and Sediment Management Plan is to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of the N.S.W. Department of Land and Water Conservations *Urban Erosion and Sediment Control* manual.

The plan is to include specific details required to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

16. The use of Dulux "Milton Moon" for the columns, beams and external walls is unacceptable and must be replaced with a darker colour. An amended schedule of colours and finishes is required to demonstrate the use of dark and earthy tones, that blend into the surrounding bushland as viewed from the greater public domain. The use of red, white or light tones is not permitted. External finishes and materials shall be non-glare and of low reflectivity. The amended schedule of finishes is to be forwarded to Council and authorised by Council prior to the issue of a Construction Certificate.
17. 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.
18. ***The Amended Landscape Plan ('Landscape Plan Entry', issue H, prepared by Arcadia Landscape Architecture, dated 27.06.2016) is to be amended as follows:***
 - ***The proposed 'native frangipani' is to be replaced with Ceratopetalum gummiferum (NSW Christmas Bush) with a minimum 100L pot size.***
 - ***The 'informal stairway' that runs adjacent to the garage and wraps around the Level 1 terrace is to be deleted from all plans and is not authorised by this consent.***
 - ***The 'outdoor shower' is to be deleted from all plans and is not authorised by this consent.***
 - ***The area previously occupied by the 'informal stairway' and 'outdoor shower' is to be replaced with planters and native vegetation, with the retaining walls located in the manner nominated by Council on the stamped Amended Landscape plans.***
 - ***An additional Ceratopetalum gummiferum (NSW Christmas Bush) with a minimum 100L pot size is to be incorporated into the landscape design of the front setback.***
 - ***The retaining walls with TOW heights of RL 41.38 and RL 40.28 shall be rendered and finished in a dark tone, the equivalent of Dulux/Colorbond "Monument", to reduce the visual appearance of the retaining structures and amplify the visual presence of the proposed plantings and rock outcrops to be retained. All other retaining walls are to be finished in sandstone.***

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. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
2. 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.

3. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
4. If access to any adjoining properties is to be restricted during construction, the site manager is required to provide a minimum 24 hours notice to affected property owners. Any restriction should only occur during the hours of construction specified in Part A of this consent, and must not occur outside of these hours.
5. Certificate(s), Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is (are) to be completed and submitted to the Principal Certifying Authority. Certificate(s) is (are) to be submitted where the recommendations of the approved Geotechnical Report prepared by Crozier Geotechnical Consultants dated March, 2014 require sign-offs during the construction phase to achieve the *acceptable level of risk* criteria specified in the *Geotechnical Risk Management Policy*.
6. All excavated material is to be removed from the site.
7. Any fill shall be deposited and works carried out in strict compliance with the NSW Department of Land and Water Conservation's *Urban Erosion and Sediment Control* manual.
8. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
9. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
10. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
11. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
12. 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.
13. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
14. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
15. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

16. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
17. No skip bins or materials are to be stored on Council's Road Reserve.
18. 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.
19. 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 the written approval of the Council.
 - c. That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - d. That no skip bins or materials are to be stored on Council's Road Reserve.
 - e. That the contact number for Pittwater Council for permits is 9970 1111.
20. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
 - a. Quantity of material to be transported
 - b. Proposed truck movements per day
 - c. Proposed hours of operation
 - d. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater.
21. 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 Martin Peacock Tree Care, dated 6 February 2013 are required to be complied with before and throughout the development period, particularly with regard to the following:
 - i. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
 - ii. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;

- iii. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
- iv. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
- v. 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.

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. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. The dwelling is 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.
3. 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.
4. Certification is to be provided to Private Certifying Authority by a qualified experienced practicing Civil Engineer with corporate membership of the Institution of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the on-site detention system has been completed in accordance with the engineering plans and specifications required under this consent.
5. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer, with corporate membership of the Institution of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and

completed in accordance with the engineering plans and specifications required under this consent.

6. 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.
7. Street numbers are to be affixed to a structure on the site, visible from the Lane, prior to occupation.
8. A qualified acoustic engineer is to certify that the maximum noise level associated with the pool filter and plant equipment associated with the lift do not exceed 5dB(A) above ambient background level, when measured from any adjoining premises.
9. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. 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(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and 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 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 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.