

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0570
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Responsible Officer:	Olivia Ramage
Land to be developed (Address):	Lot 59 DP 14682, 1005 Barrenjoey Road PALM BEACH NSW 2108 Lot 57 DP 14682, 1007 Barrenjoey Road PALM BEACH NSW 2108 Lot 58 DP 14682, 1007 Barrenjoey Road PALM BEACH NSW 2108
Proposed Development:	Demolition works and construction of a dwelling house including a swimming pool, cabana and sport court
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	DB19 Pty Limited

Application Lodged:	30/05/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	11/06/2025 to 25/06/2025
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 8,135,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development consists of demolition works and construction of a dwelling house including a swimming pool, cabana and sport court. Specifically, the works comprise the following:

Ground Floor:

- Entry lobby and lounge,
- 3 car garage,
- One bedroom with walk-in-robe and ensuite,
- Drawing room,
- Gym with steam room, sauna and WC,
- Caretaker bedroom with WIR and ensuite,
- Storerooms,
- Laundry,
- Powder room,
- Kitchen with eat-in dining area,
- Scullery with cool room,
- Open plan living and dining,
- Lounge room,
- Rear covered terrace,
- Southern courtyard,
- Northern drying court,
- Internal stair and lift access to first floor,

First Floor:

- Main bedroom with his/her WIRs and ensuites,
- Three bedrooms with ensuites,
- Bunk room with bathroom,
- Lounge,
- Guest bedroom with WIR and ensuite,
- Internal stair and lift access to ground floor,

External Works:

- Construction of a swimming pool, and pool terrace with bathroom and equipment store,
- Construction of a new access driveway and internal driveway,
- Construction of a grass court pickleball court,
- Landscaping, including the removal of 15 individual trees and 1 group of trees,
- Construction of retaining walls and fencing,
- Installation of stormwater infrastructure, and
- Connection to essential services.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;

- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living

Pittwater Local Environmental Plan 2014 - 5.21 Flood planning

Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils

Pittwater Local Environmental Plan 2014 - 7.8 Limited development on foreshore area

Pittwater 21 Development Control Plan - C1.14 Separately Accessible Structures

Pittwater 21 Development Control Plan - D12.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - D12.5 Front building line

Pittwater 21 Development Control Plan - D12.8 Building envelope

Pittwater 21 Development Control Plan - D12.10 Landscaped Area - Environmentally Sensitive Land

Pittwater 21 Development Control Plan - D12.11 Fences - General

SITE DESCRIPTION

Property Description:	Lot 59 DP 14682 , 1005 Barrenjoey Road PALM BEACH NSW 2108 Lot 57 DP 14682 , 1007 Barrenjoey Road PALM BEACH NSW 2108 Lot 58 DP 14682 , 1007 Barrenjoey Road PALM BEACH NSW 2108
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Detailed Site Description:

The subject site consists of three (3) allotments located on the south-western side of Barrenjoey Road.

The site is generally rectangular in shape with a frontage of 45.72m along Barrenjoey Road and a depth of 68.885m. The site is bound by the Mean High Water Mark (MHWM) at the rear where it adjoins Sandy Beach and the Pittwater Waterway. The site has a surveyed area of 3079m².

The site is located within the C4 Environmental Living zone under the PLEP 2014. The site is currently occupied by a two storey dwelling and detached garage on Lots 57 and 58 and Lot 59 is vacant. Vehicular and pedestrian access is gained via a shared driveway in the road reserve from Iluka Road that runs parallel to Barrenjoey Road.

The site is relatively level with a slight fall from the north-eastern frontage towards the south-western waterfrontage at the rear.

The site contains several trees, shrubbery and lawn areas.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by dwelling houses of varying sizes and styles.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- **CDC2024/0818** - Complying Development Certificate for Demolition of existing weatherboard residence. Issued 23 October 2024.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to Aboriginal Heritage and Front Building Line.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Matthew Willis, dated 18 March 2025) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 11/06/2025 to 25/06/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Douglas Bruce McKay	1006 Barrenjoey Road PALM BEACH NSW 2108

The following issues were raised in the submissions:

- **Heritage**

The submission raised concerns that the application proposes the demolition of one of the landmark houses of Palm Beach. The existing dwelling was designed in the early 1980s by eminent Australian architect, Philip Cox O.A. It is considered to be one of his finest houses before he became primarily engaged in major projects throughout Australia and overseas. It is also notable for its magnificent landscape setting which incorporates the only lawn tennis court at Palm Beach. The site also incorporates a large number of endemic Livistona Palms which mitigate its impact on the Barrenjoey Road side. On the Pittwater waterfront, two maturing Norfolk Island Pines are incorporated with its façade, framing the spectacular lobby of the house which links the front with the rear. Concern is raised that the proposal would remove all of the mature Livistona Palms. Although there is no current intent to remove the Norfolk Island Pines, they are not integrated with the proposed design and vulnerable to later removal to improve views. The submission requests that the Heritage Study of Modern Architecture currently being conducted by the Northern Beaches Council should not be completed before a thorough assessment of 1007-9 Barrenjoey Road.

Comment:

The subject site is not identified as a heritage item under Schedule 5 of the Pittwater Local Environmental Plan 2014, nor is it located within a heritage conservation area. Notwithstanding, the proposal has been referred to Council's Heritage Team for consideration of this submission. Council's Heritage Team notes the following:

The construction of the dwelling was completed by 1990. At this time, Cox was already a well-known architect who was the recipient of the 1984 Royal Australian Institute of Architects Gold Medal and the director of Cox Richardson Architects & Planners (later COX Architecture) who worked on numerous large scale public projects including the Sydney Exhibition Centre, Sydney Football Stadium and Rod Laver Arena. Private residential projects completed by Cox were minimal in comparison to public housing projects which his firm preferred to undertake. Cox's private residential projects during the 1980s mostly adhered to traditional forms of the Australian homestead which were expanded and extended in terms of spatiality, material, and form. The subject site likely sits within this group as it demonstrates elements akin to the Australian homestead typology, most notably its wrap around veranda and placement within the surrounding landscape. While the subject site is a good example of this typology, it does not technically fit as an example of the Sydney School architecture which emerged during the late 1950s and early 1960s and was expanded upon in the proceeding decade.

Council is currently undertaking a Modern Architecture Heritage Study, however the subject dwelling (built in 1990), falls outside the time scope for the study, which is concentrating on mid-century buildings from 1945 to the late 1970s. No trees on the site are heritage listed, and heritage defers to Council's Landscape team to assess the significance of any trees proposed to be removed. As Phillip Cox designed the house, it is considered that a photographic archival recording would be appropriate, to record full details of this property (internal, external and its setting), prior to the issue of a construction certificate. A condition of consent will be added to require this.

The proposal retains the existing Livistona Palms and the 2 Norfolk Island Pines. Their retention is supported by an Arborist's Report which includes tree protection methods. Council's Landscape Team has reviewed the proposal noting that trees 2, 3, 18, 19, 20, 23, 24, 25, 26, 27, 28 and G1, proposed for removal, are exempt by species or height and as such may be managed or removed at the discretion of the applicant without consent. Trees 15, 16 and 17 are a species commonly used for hedges or screen planting and their locations indicate that this was their original intent. Tree 4 is a native tree; however, it is not locally native to this area. Trees 4, 15, 16 and 17 can be supported for removal, from a landscape perspective, subject to locally native tree replacement planting.

- **C4 Environmental Living Zoning**

The submission notes that the C4 zoning prescribes the unique scenic character with a high degree of dominance of tree canopy cover with respect to houses built there. The submission claims that the proposed building has the facilities and appearance of a hotel or function centre rather than that of a dwelling house as anticipated by C4 zoning - five living rooms, one of ballroom size, seven or more large bedrooms + bathrooms, and a commercially sized kitchen + scullery etc.

Comment:

It is acknowledged that the proposed dwelling is quite abundant when compared to the immediately surrounding dwellings. However, it is important to note that the proposed dwelling is sited across three lots whereby the larger site can accommodate a larger development.

Importantly, the same controls apply to the site and the proposal is found to be acceptable when assessed against the relevant planning controls.

- **Site Coverage**

The submission raised concerns that the application proposes a site coverage of 52% when the P21DCP requirement is 40%.

Comment:

The proposal provides 60% (1847.4m²) landscaped area including the dispensations permitted for the swimming pool area and central patio which complies with control D12.10 of the P21DCP.

- **Site Access**

The submission raised concerns that the only access to the greatly enlarged building would be via the existing narrow shared driveway of single lane only with no turning bay and with limited visitor parking on one site. The submission claims this is completely inadequate for such a gigantic proposal as would be the provision of only a three car garage.

Comment:

Control B6.5 Off-Street Vehicle Parking Requirements of the P21DCP requires dwellings with 2 bedrooms or more to provide a minimum of 2 parking spaces. The proposed dwelling has more than 2 bedrooms and 3 off-street parking spaces are provided. The proposal therefore complies with this control. The proposal has been reviewed by Council's Development Engineering Team with regards to access and parking, deeming it acceptable subject to the recommended conditions. While no formal turning area is provided within the site, the shared driveway is a low traffic service road that can allow vehicles to reverse out and turn around. Vehicles are able to safely turn onto Barrenjoey Road from Iluka Road.

- **Residential Amenity**

The submission raised concerns that the site is located at the bottom of a natural amphitheater and noise and traffic impact from the proposed reception facilities has the potential to adversely affect the amenity of the adjoining residential area.

Comment:

The proposal is for a residential dwelling house and ancillary structures which are permitted in the zone. General noise impacts are to be expected that is typical of a residential dwelling house and associated structures. Notwithstanding, should unreasonable 'offensive noise' arise from the property, the Protection of the Environment Operations Act 1997 provides generic regulatory instruments that can be applied to this context, allowing action to be taken by council or police officers.

- **Bulk and Scale**

The submission raised concerns that the bulk of the proposed development is at least 2.5x as other dwellings along Sandy Beach, and would completely dominate the Pittwater foreshore in this area.

Comment:

As above, it is acknowledged that the proposed dwelling is quite abundant when compared to the immediately surrounding dwellings. However, it is important to note that the proposed dwelling is sited across three lots whereby the larger site can accommodate a larger development. Additionally, the proposal complies with Clause 7.8 Limited Development on Foreshore Area of the PLEP 2014 ensuring that proposed development is appropriately sited from the foreshore area. The existing dwelling encroaches the foreshore area and therefore the proposed dwelling is setback further from the foreshore allowing greater preservation of the area. Furthermore, the proposal complies with the required building height, landscaped area, side setbacks and sits predominantly within the required building envelope. As such, the proposal provides a level of bulk and scale that is anticipated by the planning controls and is found to be acceptable for the site.

- **Stormwater Runoff**

The submission raised concerns that the area has been subject to flooding for the last 50 years. The application proposed a ground level swimming pool where the rest of the proposed building works are elevated. Concern is raised that any stormwater runoff finding its way across the proposed pool could result in the contamination of Sandy Beach and Pittwater.

Comment:

Council's Flood Team have reviewed the proposal deeming it acceptable subject to the recommended conditions. This includes a condition requiring the pool's coping to be less than 150mm above natural ground level and all chemicals associated with the pool are to be stored at or above the Flood Planning Level of 2.81m AHD. The proposal has also been reviewed and supported by Council's Riparian Lands and Creeks Team noting that the proposal is unlikely to have an adverse effect on the integrity and resilience of the biophysical, ecological and hydrological environment of Pittwater. Conditions are recommended requiring suitable erosion and sediment controls to be implemented during construction.

- **Building Materials**

The submission raised concerns that the existing house and adjoining dwellings have established a local character with the use of weatherboard cladding and sandstone. The application proposes concrete blockwork which would further differentiate it from neighbours rather than reinforcing the existing character of the area.

Comment:

The control D12.3 Building colours and materials of the P21DCP to be dark and earthy tones and finishes are to be of low reflectivity. The application proposes the below colours and finishes. The proposed finishes provide earthy tones and natural finishes in accordance with D12.3. The inclusion of concrete and metal roofing provide durable materials to withstand weathering in this coastal location. As such, the proposed materials and finishes are found to be acceptable.



REN-01 - NATURAL LIME
AND CEMENT RENDER
(GROOVED FINISH)



CONC-01 - IN-SITU
CONCRETE SMOOTH
FINISH



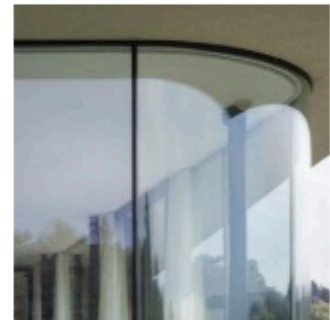
CONC-02 - CONCRETE
AGGREGATE COLUMNS



ST-01 - NATURAL STONE
CLADDING



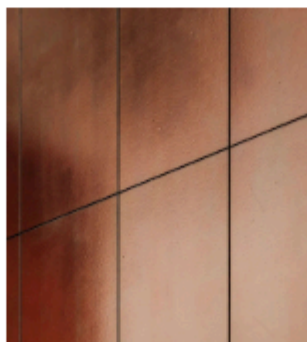
MT-01 - STEEL WINDOW
FRAMES



GL-01 - CLEAR GLAZING



TIM-01 - TIMBER
SCREENS, DOORS AND
WINDOWS



MT-02 - METAL ROOFING

Figure 1 - Proposed materials

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulfate)	<p>General Comments</p> <p>The site is class 3 acid sulphate soils in accordance with the PLEP 2014.</p> <p>The proposal includes excavation to a depth of 1.8 meters for the construction of the swimming pool.</p> <p>A geotechnical report accompanying the proposal describes field sampling and testing.</p> <p>The report concludes that neither acid sulphate soils, or potential acid sulphate soils are present.</p> <p>Accordingly, Environmental Health supports the proposal with the recommendation of a condition of consent requiring notification should previous conclusions about acid sulphate soils change during the course of works.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
Landscape Officer	<p>The proposal is supported with regard to landscape issues.</p> <p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan clause C4 zone Environmental Living, and the following Pittwater 21 DCP controls (but not limited to):</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D12 Palm Beach Locality <p>The Arboricultural Impact Assessment (AIA) identified 29 trees and two tree groups. Trees 2, 3, 18, 19, 20, 23, 24, 25, 26, 27, 28 and G1, proposed for removal, are exempt by species or height and as such may be managed or removed at the discretion of the applicant without consent. Trees 15, 16 and 17 are a species commonly used for hedges or screen planting and their locations indicate that this was their original intent. Tree 4 is a native tree; however, it is not locally native to this area. Trees 4, 15, 16 and 17 can be supported for removal, from a landscape perspective, subject to locally native tree replacement planting. All other trees are shown to be retained. Locally native tree replacement planting shall be prioritised over any other tree species when considering the Asset Protection Zone requirements for canopy cover.</p> <p>The landscape proposal is generally supported and all proposed planting shall be installed in accordance with the requirements outlined in the conditions of consent.</p>

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> • SEPP (Resilience and Hazards) 2021 - Coastal Environment Area • Pittwater LEP - Clause 7.6 Biodiversity Protection <p>The proposal has been submitted with an arborist report that has assessed the condition of a total of 29 trees and two groups of trees and recommended that prescribed trees 4, 15, 16 and 17 be removed. It should be noted that trees 15, 16 and 17 are planted which has been confirmed after a site inspection conducted on 03/05/2025.</p> <p>The submitted landscape plan has included a number of tree replacements that is consistent with PLEP 7.6.</p>

Internal Referral Body	Comments
NECC (Coast and Catchments)	<p>The applicant seeks development consent to undertake the following:</p> <ul style="list-style-type: none"> -demolition works -construction of multi storey dwelling, caban, swimming pool and sports field <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Coastal Management Act (2016) • State Environmental Planning Policy (Resilience and Hazards) 2021 (section 2.10, 2.11 & 2.12); • Relevant LEP and DCP clauses. <p>Comment: SUPPORTED WITH CONDITIONS</p> <p>Coastal Management Act 2016</p> <p>The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development.</p> <p>Comment:</p> <p>On internal assessment, the proposal is generally consistent with the objectives of the Coastal Management Act 2016 with respect to matters related to coastal processes and hazards.</p> <p>This referral has not assessed the compliance of the proposal, for any potential impact on the scenic value of the area in accordance with the objectives of Clause 3 (a) of the Coastal Management Act 2016 that relate to scenic impact. Assessment of compliance with Clause 3 (a) of the Coastal Management Act will be undertaken by the development assessment officer assessing this development application.</p> <p>State Environmental Planning Policy (Resilience & Hazards) 2021</p> <p>The subject land has been included on the 'Coastal Environmental Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H). Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA.</p> <p>Comment:</p> <p>On internal assessment, the modifications outlined within the updated DA including the Statement of Environmental Effects by Northern Beaches Planning dated March 2025 satisfies requirements under clause 2.10, 2.11 & 2.12 of the SEPP R&H. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.</p>

Internal Referral Body	Comments
	<p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>Estuarine Risk Management</p> <p>The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.</p> <p>Comment: In this situation, the EPL for this property is 2.60 m AHD as outlined in the Horton Coastal Engineering Report dated May 2025, however the finished floor level is 2.81 m AHD for the main dwelling therefore the development will not be affected by the Estuarine Hazard in this assessment. However, the ground floor of the cabana sits approximately at 1.85 m AHD and therefore the development will be affected by the Estuarine Hazard in this assessment.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP</p>
NECC (Development Engineering)	<p>The proposed development is in Region 1. Vehicle crossing construction is proposed. A geotechnical report has been provided. Development engineering raises no objections to the proposed development, subject to conditions.</p>
NECC (Flooding)	<p>This proposal is for the demolition of the existing dwelling and construction of a new two-story dwelling on the property. The proposal is assessed against Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP.</p> <p>The proposal is located within the High, Medium and Low Flood risk precincts. The Flood Planning Level and 1% AEP varies across the property and the additional relevant flood characteristics are as follows:</p> <p>1% AEP Hydraulic Category: Floodway, Flood Storage, Flood Fringe</p> <p>Probable Maximum Flood (PMF) Level: 3.71m AHD</p> <p>Max PMF Life Hazard Category: H4 – H1</p> <p>The proposed FFLs of the dwelling are above the respective FPLs at each site. Subject to the following conditions the proposal generally complies with Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP.</p>

Internal Referral Body	Comments
NECC (Riparian Lands and Creeks)	<p>Supported.</p> <p>This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater. The site is close to Pittwater and as such the development must not significantly impact on the biophysical, hydrological or ecological integrity of Pittwater, or the quantity and quality of surface and ground water flows that it receives. Subject to conditions, the proposal is unlikely to have an adverse effect on the integrity and resilience of the biophysical, ecological and hydrological environment of Pittwater.</p>
Parks, reserves, beaches, foreshore	<p>The development adjoins public land to the south-west. All development works must ensure that surface sediment runoff and/or erosion is controlled, managed and contained within the site boundaries and prevented from travelling across the boundary and into the public land.</p> <p>No physical encroachments over the site boundaries are permitted, and structures and built elements are not permitted beyond the site boundaries. As noted in the Landscape Plans a planted buffer is proposed between the pool and the rear boundary adjoining the public land and furthermore the pool and surrounds is at natural ground level and thus the development is not detrimental to the prevailing landscape character when viewed from the adjoining public land and also the Pittwater waterway.</p> <p>Public access to the Reserve and Pittwater waterway is not impacted by the proposed development. Parks, Reserves and Foreshores Referral raise no concerns with the development proposal.</p>

Internal Referral Body	Comments		
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS		
	Discussion of reason for referral		
	This proposal has been referred to Heritage as the potential heritage significance of the subject site was raised in a public submission.		
	Details of heritage items affected		
	The subject site is a two-storey dwelling which was designed by Australian architect Phillip Cox. Construction of the dwelling was completed in 1990. The dwelling was named 'Palm Haven' in reference to a former dwelling on the site.		
	Other relevant heritage listings		
	SEPP (Biodiversity and Conservation) 2021	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		

Internal Referral Body	Comments
	<p>The proposal seeks consent for the demolition of an existing two-storey dwelling, tennis court and detached double garage, and the construction of a new two storey dwelling, swimming pool, pool terrace, grass pickleball court, access and internal driveway and associated landscaping. The subject site is not identified as a heritage item under Schedule 5 of the Pittwater Local Environmental Plan 2014, nor is it located within a heritage conservation area. However, in response to public notification of this development application, a submission was received which raised objections on a number of grounds, including that the dwelling proposed to be demolished is an architecturally significant house designed by Australian architect Phillip Cox. The heritage significance of the existing trees on the site was also raised, notably the Livistona palms at the front of the site. The submission stated that the building was an excellent example of Sydney School architecture. It also requested that the Modern Architecture Study, currently underway by Council, should not be completed without a thorough assessment of this property. Hence, this referral to Heritage for comment.</p> <p>Phillip Cox was commissioned by the previous owner, Phillip Esplin, to design the two-storey dwelling in or around 1989. The construction of the dwelling was completed by 1990. At this time, Cox was already a well-known architect who was the recipient of the 1984 Royal Australian Institute of Architects Gold Medal and the director of Cox Richardson Architects & Planners (later COX Architecture) who worked on numerous large scale public projects including the Sydney Exhibition Centre, Sydney Football Stadium and Rod Laver Arena. Private residential projects completed by Cox were minimal in comparison to public housing projects which his firm preferred to undertake. Cox's private residential projects during the 1980s mostly adhered to traditional forms of the Australian homestead which were expanded and extended in terms of spatiality, material, and form. The subject site likely sits within this group as it demonstrates elements akin to the Australian homestead typology, most notably its wrap around veranda and placement within the surrounding landscape. While the subject site is a good example of this typology, it does not technically fit as an example of the Sydney School architecture which emerged during the late 1950s and early 1960s and was expanded upon in the proceeding decade.</p> <p>Council is currently undertaking a Modern Architecture Heritage Study, however the subject dwelling (built in 1990), falls outside the time scope for the study, which is concentrating on mid-century buildings from 1945 to the late 1970s. No trees on the site are heritage listed, and heritage defers to Council's Landscape team to assess the significance of any trees proposed to be removed. As Phillip Cox designed the house, it is considered that a photographic archival recording would be appropriate, to record full details of this property (internal, external and its setting), prior to the issue of a</p>

Internal Referral Body	Comments
	<p>construction certificate. A condition of consent will be added to require this.</p> <p>Therefore, Heritage raises no concerns regarding the proposal subject to one condition.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
Aboriginal Heritage Office	<p>Reference is made to the proposed development at the above area and Aboriginal heritage.</p> <p>An archaeological assessment under the <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> (2010). Is recommended based on the following:</p> <ul style="list-style-type: none"> • Located within a sand dune system; • The subject area includes archaeologically sensitive landforms defined un the Due Diligence Code of Practice including: <ul style="list-style-type: none"> • Lands within 200m of a watercourse <p>A Due Diligence Aboriginal heritage assessment should be completed for the subject area to confirm if Aboriginal objects are located or area likely to be located within the subject area.</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</p> <p><u>Updated Comment 11 August 2025:</u></p> <p>Reference is made to the proposed development at the above area and Aboriginal heritage.</p> <p>An Aboriginal Heritage Due Diligence report was completed in June 2025. The AHO agrees with the recommendations outlined in the report.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. 1794599S dated 8 May 2025).

The embodied emissions have been quantified in the above BASIX Certificate.

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - b) coastal environmental values and natural coastal processes,
 - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - f) Aboriginal cultural heritage, practices and places,
 - g) the use of the surf zone.

Comment:

The proposal has been reviewed and supported by the following referral teams within Council: Environmental Health (Acid Sulfate), Landscape, Bushland and Biodiversity, Riparian Lands and Creeks, Development Engineering, Flooding, Coast and Catchments, Heritage, and Parks, Reserves, Beaches, Foreshore. The proposal is also supported by a Geotechnical Report, Flood Report, Estuarine Hazard Report, Arborist Report and an Aboriginal Heritage Due Diligence Report. Evidently, the proposal is not likely to cause adverse impacts on the above matters.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The proposed development is designed, sited and will be managed subject to the recommended conditions to avoid adverse impacts on the above matters.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - i) existing, safe access to and along the foreshore, beach, headland or rock
 - ii) platform for members of the public, including persons with a disability,
 - iii) overshadowing, wind funnelling and the loss of views from public places to
 - iv) foreshores,
 - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
 - b) is satisfied that:
 - i) the development is designed, sited and will be managed to avoid an adverse
 - ii) impact referred to in paragraph (a), or
 - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposal has been reviewed and supported by the following referral teams within Council: Environmental Health (Acid Sulfate), Landscape, Bushland and Biodiversity, Riparian Lands and Creeks, Development Engineering, Flooding, Coast and Catchments, Heritage, and Parks, Reserves, Beaches, Foreshore. The proposal is also supported by a Geotechnical Report, Flood Report, Estuarine Hazard Report, Arborist Report and an Aboriginal Heritage Due Diligence Report. Evidently, the proposal is not likely to cause adverse impacts on the above matters. The proposal has also been reviewed and supported by the Aboriginal Heritage Office. Evidently, the proposal has been designed, sited and will be managed subject to the recommended conditions to avoid adverse impacts on the above matters.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposed development is not likely to cause increased risk of coastal hazards.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

The proposal has been reviewed against all relevant legislation and policies.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m or 8.0m above FPL*	8.7m from EGL 7.8m above FPL	N/A	Yes

*As per Clause 4.3

(2A) Despite subclause (2), development on land—

(a) at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the [Coastal Risk Planning Map](#), and

(b) that has a maximum building height of 8.5 metres shown for that land on the [Height of Buildings Map](#), may exceed a height of 8.5 metres, but not be more than 8.0 metres above the flood planning level.

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone C4 Environmental Living

The underlying objectives of the C4 Environmental Living zone

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

Comment:

The proposal comprises the construction of a two storey dwelling house and ancillary structures providing for low-impact residential development.

- *To ensure that residential development does not have an adverse effect on those values.*

Comment:

The proposal has been reviewed and supported by Council's Environmental Health Team, Landscape Team, Bushland and Biodiversity Team, Riparian Lands and Creeks Team, Development Engineering Team, Flooding Team, Coast and Catchments Team, Parks, Reserves, Beaches, Foreshore Team, Heritage Team and the Aboriginal Heritage Office. Evidently, the proposed development does not have an adverse effect on the special ecological, scientific and aesthetic values of the area.

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*

Comment:

The proposed development complies with the required building height and provides a compliant quantum of landscaped area. As such, the proposed development is of a low density and scale integrated with the landform and landscape.

- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Comment:

The proposed development does not impact on riparian and foreshore vegetation and wildlife corridors.

5.21 Flood planning

Under this clause, development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment:

Council's Flood Engineer has reviewed the proposal and concluded that subject to conditions, the proposal generally complies with clause 5.21 of the Pittwater LEP. It can therefore be satisfied that the development achieves the above requirements.

In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Comment:

Council's Flood Engineer has reviewed the proposal and concluded that subject to conditions, the proposal generally complies with clause 5.21 of the Pittwater LEP. It can therefore be satisfied that the development achieves the above requirements.

7.1 Acid sulfate soils

Clause 7.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 3, as indicated on Council's Acid Sulfate Soils Planning Map.

Works at depths beyond 1.0m below the natural ground surface and/or works by which the water table is likely

to be lowered more than 1.0 metre below the natural ground surface within a Class 3 acid sulfate soil area are required to be assessed to determine if any impact will occur.

The development proposes to excavate the site to approximately 1.8m below the natural ground level for the construction of the proposed swimming pool. As such, a Preliminary Acid Sulfate Soil Assessment has been undertaken by White Geotechnical Group dated 7 April 2025. The report concludes that neither acid sulfate soils or potential acid sulfate soils are present.

In this regard, an Acid Sulfate Soil Management Plan (ASSMP) is not considered to be necessary for the development of the site. The Preliminary Assessment was referred to Council's Environmental Health Officer who concurred with the findings and imposed a condition which requires the applicant to notify the principal certifier of any new evidence of the presence of acid sulfate soils.

This condition and the recommendations made in the Preliminary Assessment have been included in the recommendation of this report.

7.8 Limited development on foreshore area

Under Clause 7.8 Limited Development on Foreshore Area, development consent must not be granted for development on land in the foreshore area except for the following purposes:

- *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,*
- *boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

Comment:

The proposed development is for a swimming pool that partly encroaches the foreshore area.

Development consent must not be granted under this clause unless the consent authority is satisfied that:

- *the development will contribute to achieving the objectives for the zone in which the land is located, and*
- *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*
- *the development will not cause environmental harm such as:*
 - *pollution or siltation of the waterway, or*
 - *an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
 - *an adverse effect on drainage patterns, or*
 - *the removal or disturbance of remnant riparian vegetation, and*
- *the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*
- *opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*
- *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*

- *in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*
- *sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change have been considered.*

Comment:

The proposed development is consistent with the objectives of the C4 Environmental Living zone. The appearance of the proposed development is compatible with the surrounding area. The proposed development will not cause environmental harm in relation to pollution, siltation, surrounding uses, marine habitat, wetland areas, flora or fauna habitats, drainage patterns or remnant riparian vegetation. The proposed development will not cause congestion or generate conflict between people using the adjacent open space or waterway. The proposed development retains public access along the foreshore. The proposed development will not result in adverse impacts to any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land. The proposed development will not have an adverse impact on the amenity or aesthetic appearance of the foreshore. The proposed development will not impact upon sea level rise, coastal erosion or recession, or change flooding patterns.

In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following:

- *continuous public access to and along the foreshore through or adjacent to the proposed development,*
- *public access to link with existing or proposed open space,*
- *public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,*
- *public access to be located above mean high water mark,*
- *the reinforcing of the foreshore character and respect for existing environmental conditions.*

Comment:

The proposed development will retain continuous public access to and along the foreshore. The proposed development does not impact upon any public access. The proposed development is acceptable in relation to the foreshore character and the existing environmental conditions.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	10m	Garage: 8.5m Dwelling: 10.2m	15% -	No Yes
Rear building line	FBL	Above Swimming pool permitted below	- -	Yes Yes
Side building line	SE - 2.5m	Cabana: 2.5m Dwelling: 13m	- -	Yes Yes
	NW - 1m	Ground Floor: 2.1m-4.1m First Floor: 2.6m-4.2m	- -	Yes Yes

Building envelope	SE - 3.5m	Within envelope	-	Yes
	NW - 3.5m	Outside envelope	N/A	No
Landscaped area	60%	60% (1847.4m ²)	-	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.16 Seagrass Conservation	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D12.1 Character as viewed from a public place	No	Yes
D12.3 Building colours and materials	Yes	Yes
D12.5 Front building line	No	Yes
D12.6 Side and rear building line	Yes	Yes
D12.8 Building envelope	No	Yes
D12.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D12.11 Fences - General	No	Yes
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

C1.14 Separately Accessible Structures

This control stipulates the following:

A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:

- it is ancillary to a dwelling;
- it is not designed for separate habitation and does not contain any cooking facilities.

Variations

Where the purpose of the structure or its distance from the nearest bathroom facility dictates, bathroom/toilet facilities may be allowed.

Comment:

The proposal includes a detached cabana providing a bathroom. The proposed cabana is adjoining the pool and is ancillary to the dwelling but quite a distance to the nearest bathroom facility. As such, the inclusion of a bathroom is reasonable. A condition is recommended stating that the cabana is not to be used for separate habitation and no cooking facilities are permitted to be installed.

D12.1 Character as viewed from a public place

Description of non-compliance

This control requires the following:

- *Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.*

The proposal provides a three car garage that is 10.8m wide. It is noted the site has a frontage of 45.72m and the garage width is 24% of the frontage.

Merit Consideration

With regard to the consideration for a variation, the proposed development is considered against the underlying outcomes of the control as follows:

- *To achieve the desired future character of the Locality.*

Comment:

The proposal provides a two storey dwelling house that maintains the low density residential nature of the area and achieves the desired future character of the Locality.

- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)*

Comment:

The proposed development is sited across three lots with a frontage of 45.72m wide. Therefore, the width of the garage will not be overbearing given the size of the site and the context of surrounding development.

- *To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.*

Comment:

The proposed development sits below the required building height and promotes a scale and density that is compatible with the natural environment.

- *The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)*

Comment:

The site sits lower than Barrenjoey Road and is accessed via a shared driveway off Iluka Road. There is dense landscaping separating the site from Barrenjoey Road ensuring the visual impact of the built form is secondary to landscaping and vegetation.

- *High quality buildings designed and built for the natural context and any natural hazards. (En, S)*

Comment:

The proposed development presents a high quality design that is compliant with the flood hazard and estuarine hazard requirements.

- *Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)*

Comment:

The proposed dwelling is two storeys and complies with the required building height. The building does not dominate the streetscape and is at 'human scale'.

- *To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.*

Comment:

The proposal reasonable preserves district and local views.

- *To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.*

Comment:

The proposal provides substantial landscaping in compliance with the requirements which includes dense vegetation in the front setback.

- *To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land.*

Comment:

The proposed development is designed to complement the landscape character, public use and enjoyment of the waterway.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D12.5 Front building line

Detailed description of development

This control requires development to be setback a minimum 10m from the front boundary.

The proposed garage is setback 8.5m from the front boundary which does not comply. The proposed dwelling is setback a minimum 10.2m from the front boundary which complies.

Merit consideration

With regard to the consideration of a variation, the proposed development is considered against the underlying outcomes of the control as follows:

- *Achieve the desired future character of the Locality.*

Comment:

The proposal provides a two storey dwelling house maintaining the low density residential nature of the area and achieves the desired future character of the Locality.

- *Equitable preservation of views and vistas to and/or from public/private places. (S)*

Comment:

The non-compliant front building line does not impact on views and vistas to and/or from

public/private places.

- *The amenity of residential development adjoining a main road is maintained. (S)*

Comment:

The site is well-separated from Barrenjoey Road and is accessed via a shared driveway off Iluka Road. The below figure demonstrates the presentation of the site viewed from Barrenjoey Road. As such, the proposed development is not readily visible from Barrenjoey Road and amenity will be maintained.



Figure 2 - View of the site from Barrenjoey Road (Source: Google Streetview)

- *Vegetation is retained and enhanced to visually reduce the built form. (En)*

Comment:

The proposal suitably retains significant vegetation and provides landscaped area in accordance with the requirements. New plantings are provided in the front setback which help to visually reduce the built form.

- *Vehicle manoeuvring in a forward direction is facilitated. (S)*

Comment:

The proposal does not facilitate vehicle maneuvering in a forward direction onto the shared driveway. However, the shared driveway has limited traffic servicing only a few properties. Safe access to Barrenjoey Road is provided off Iluka Road.

- *To preserve and enhance the rural and bushland character of the locality. (En, S)*

Comment:

The proposed Landscape Plan includes several native tree replacements which supports the bushland character of the area. Additionally, the proposal has been reviewed and supported by Council's Landscape Team and Bushland and Biodiversity Team.

- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

Comment:

The non-conforming element is limited to the proposed garage at the ground floor level. The rest of the proposed development sits behind the required building line. Additionally, the proposed development complies with the required building height and is in keeping with the height of the natural environment.

- *To encourage attractive street frontages and improve pedestrian amenity.*

Comment:

The proposal is not readily visible from Barrenjoey Road as it is accessed via a shared driveway off Iluka Road. Additionally, there is no pedestrian footpath adjoining the site. Notwithstanding, the proposal is designed well and contributes to an attractive street frontage.

- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

Comment:

The surrounding properties demonstrate varying front setbacks ranging from 4.6m to 13m along the shared driveway as demonstrated in the below figure. As such, the siting of the proposed garage is appropriate given the context of varying front building lines. Furthermore, the site is subject to the Foreshore Building Line (FBL) which limits development in the rear portion of the site. The proposed dwelling is sited above the FBL which has pushed the proposed garage further to the street resulting in the front setback non-compliance. Evidently, the proposed development responds well to the spatial characteristics of the existing urban environment.

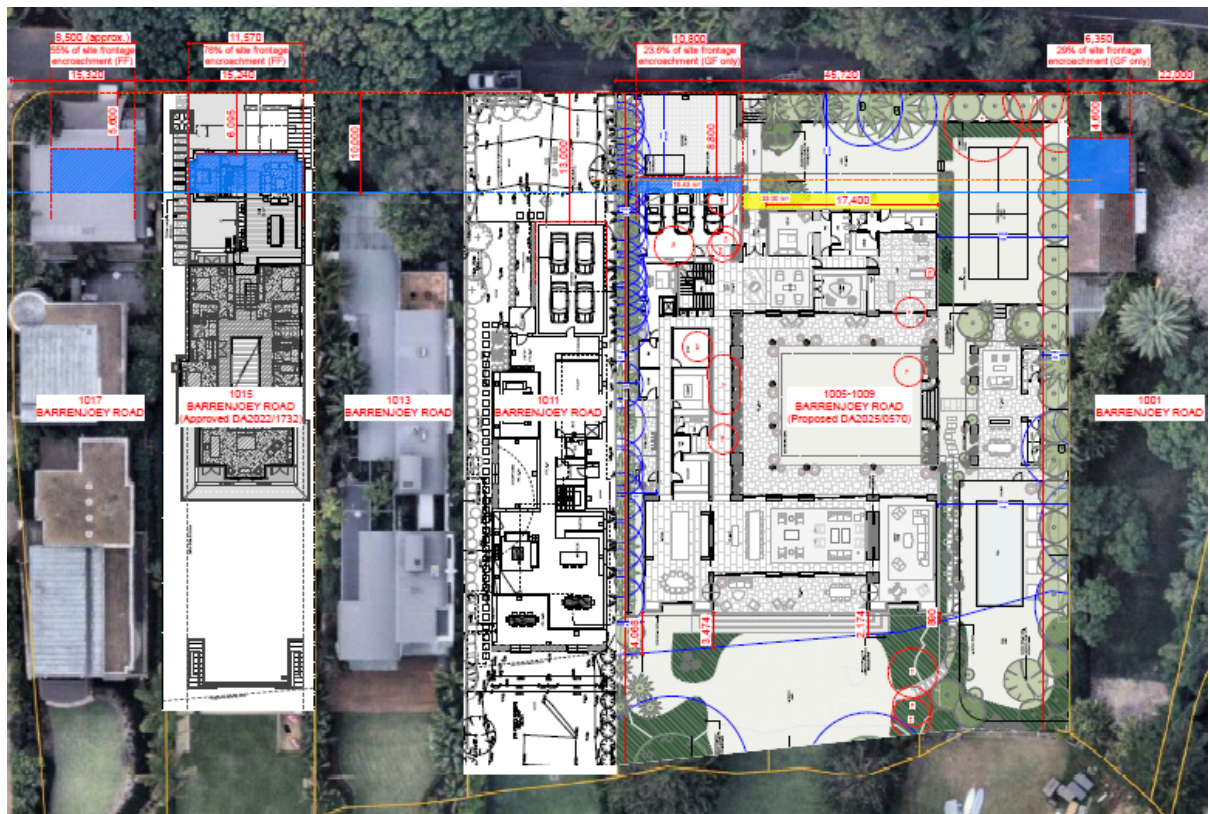


Figure 3 - Front building line of surrounding properties provided by the applicant

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D12.8 Building envelope

Detailed description of non-compliance

This control requires development to be sited within an envelope determined by projecting planes at 45 degrees from a height of 3.5m above ground level at the side boundaries.

The proposed development encroaches the north-western side building envelope as shown below.

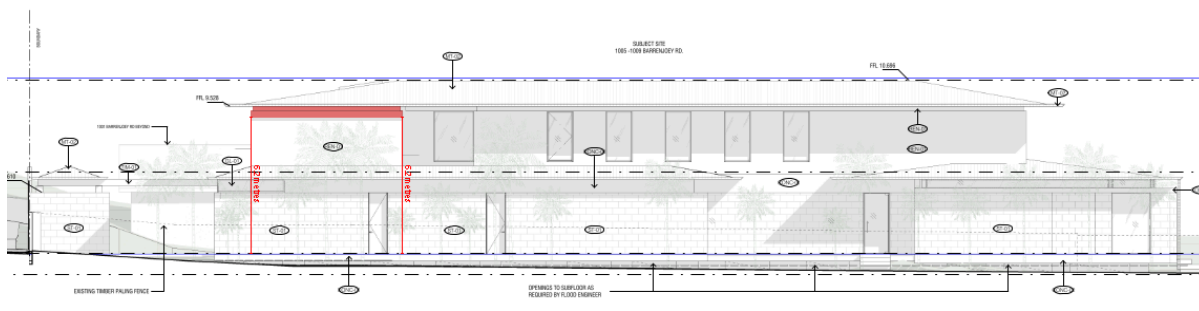


Figure 4 - North-western elevation showing envelope breach in red

Merit consideration

With regard to the consideration of a variation, the proposed development is considered against the underlying outcomes of the control as follows

- *To achieve the desired future character of the Locality. (S)*

Comment:

The proposed development comprises a two storey dwelling housing providing low density residential development and achieves the desired future character of the Locality.

- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

Comment:

The proposal provides well-articulated dwelling that enhances the streetscape and sits below the height of the trees of the natural environment.

- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*

Comment:

The portion of the dwelling that breaches the envelope is limited to the proposed bunk room on north-western side of the first floor. This occurs towards the front of the site away from the waterfrontage and will not be visible from the waterway. As such, the proposed development sensitively relates to the spatial characteristics of the existing natural environment.

- *The bulk and scale of the built form is minimised. (En, S).*

Comment:

As above, the envelope breach is limited to a minor portion of the north-western side of the first floor at the bunk room. This portion of the dwelling complies with the required side and front setbacks and the proposal complies with the required building height. The rest of the north-western side of the first floor is stepped in from the side boundary and sits within the envelope. Evidently, the bulk and scale of the built form is minimised.

- *Equitable preservation of views and vistas to and/or from public/private places. (S)*

Comment:

The envelope breach does not disrupt views and vistas to and/or from public/private places.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties. (En, S)*

Comment:

The bunk room where the envelope breach occurs does not contain any windows that face the side boundary thereby preserving privacy and amenity of the adjoining property. Additionally, the breach occurs on the north-western side and does not cause unreasonable impacts to solar access.

- *Vegetation is retained and enhanced to visually reduce the built form. (En)*

Comment:

The proposal provides new plantings and vegetation to visually reduce the built form.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D12.10 Landscaped Area - Environmentally Sensitive Land

Detailed description of non-compliance

This control requires at least 60% of the site area to be landscaped.

Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:

- impervious areas less than 1 metre in width (e.g. pathways and the like);
- for single dwellings on land zoned R2 Low Density Residential or E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).

The proposal provides 60% (1847.4m²) landscaped area including the above variation permitted for the swimming pool area and central patio which complies.

Merit consideration

With regard to the consideration of a variation, the proposed development is considered against the underlying outcomes of the control as follows

- *Achieve the desired future character of the Locality. (S)*

Comment:

The proposal provides a two storey dwelling house that maintains the low density residential form of the area and achieves the desired future character of the Locality.

- *The bulk and scale of the built form is minimised. (En, S)*

Comment:

The proposal complies with the required side setbacks and the rear setback stipulated by the FBL. The majority of the proposed dwelling complies with the prescribed front building line and building envelope. Additionally, the proposal complies with the required building height. The proposal incorporates architectural elements including varying setbacks and a central landscaped pavilion which effectively breaks up and minimises the built form. As such, the bulk and scale of the built form is minimised.

- *A reasonable level of amenity and solar access is provided and maintained. (En, S)*

Comment:

The proposal includes well-located and designed windows and orientates principal living areas to the rear waterfrontage. This ensures a reasonable level of privacy and amenity is maintained to adjoining properties. As demonstrated in the submitted shadow diagrams, the proposal provides a compliant level of solar access.

- *Vegetation is retained and enhanced to visually reduce the built form. (En)*

Comment:

The proposal requires the removal of some trees which includes exempt species to accommodate the proposed dwelling. Notwithstanding, a number of new plantings and tree replacements are included on the Landscape Plan which assist to visually reduce the built form.

- *Conservation of natural vegetation and biodiversity. (En)*

Comment:

The proposal has been reviewed and supported by Council's Landscape Team and Bushland and Biodiversity Team. As such, natural vegetation and biodiversity is appropriately conserved.

- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*

Comment:

Stormwater will be appropriately managed ensuring runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

- *To preserve and enhance the rural and bushland character of the area. (En, S)*

Comment:

The proposed Landscape Plan includes several native tree replacements which supports the bushland character of the area. Additionally, the proposal has been reviewed and supported by Council's Landscape Team and Bushland and Biodiversity Team.

- *Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)*

Comment:

The proposal has been reviewed by Council's Development Engineering Team with regards to stormwater deeming it acceptable subject to the recommended conditions.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D12.11 Fences - General

This control stipulates the following:

a. Front fences and side fences (within the front building setback)

Front fences and side fences (within the front building setback) shall:

- not exceed a maximum height of 1 metre above existing ground level,
- be compatible with the streetscape character, and
- not obstruct views available from the road.

Comment:

The proposal includes a front fence up to 1.8m high. Whilst above 1m in height, the proposed fence is compatible with the streetscape character and surrounding front fences. The surrounding properties including 1011, 1013 and 1015 Barrenjoey Road provide front fences up to 1.8m in height. It is noted that the site is not immediately visible from Barrenjoey Road as it is accessed via a shared driveway off Iluka Road. Evidently, the proposed fence is compatible with the streetscape character and does not obstruct views available from the road.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$81,350 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$8,135,000.

Reasons for Determination

- The application involves the construction of a single dwelling house and ancillary structures across three allotments. To ensure the orderly development of land, the lots are to be consolidated to form one singular lot. This ensures that continuous structures are not spread across separate land parcels causing potential issues for fire safety.
- The pickleball court is supported as it is a grass surface which permits the area to be included in the landscaped area calculation and achieving compliance.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;

- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2025/0570 for Demolition works and construction of a dwelling house including a swimming pool, cabana and sport court on land at Lot 59 DP 14682, 1005 Barrenjoey Road, PALM BEACH, Lot 57 DP 14682, 1007 Barrenjoey Road, PALM BEACH, Lot 58 DP 14682, 1007 Barrenjoey Road, PALM BEACH, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA050	D	Demolition	Kennon	5 May 2025

DA099	D	Site Plan	Kennon	5 May 2025
DA100	D	Ground Floor Plan	Kennon	5 May 2025
DA101	D	First Floor Plan	Kennon	5 May 2025
DA102	D	Roof Plan	Kennon	5 May 2025
DA200	D	Elevations	Kennon	5 May 2025
DA201	D	Elevations	Kennon	5 May 2025
DA300	D	Sections	Kennon	5 May 2025
DA301	D	Sections	Kennon	5 May 2025
DA600	D	Materials	Kennon	5 May 2025
DA_02	01	Landscape Concept Ground Floor	Wyer & Co	1 April 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	1794599S	Accelerate Sustainability Assessments	8 May 2025
Waste Management Plan	-	-	-
Arboricultural Impact Assessment	A	Hugh The Arborist	9 May 2025
Geotechnical Investigation	J5970	White Geotechnical Group	7 April 2025
Preliminary Assessment: Acid Sulfate	J5970A	White Geotechnical Group	7 April 2025
Bushfire Risk Assessment	-	Matthew Willis	18 March 2025
Estuarine Risk Management Report on 1005-1009 Barrenjoey Road Palm Beach	-	Horton Coastal Engineering	7 May 2025
Flood Inundation & Risk Assessment Report	-	Barrenjoey Consulting Engineers	May 2025
Aboriginal Heritage Due Diligence Report	-	Heritage Now	7 August 2025

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

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. No Approval for Secondary Dwelling

No approval is granted or implied under this Development Consent for the use of any part of the dwelling house or pool cabana for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area.

Reason: To ensure compliance with the terms of this consent.

3. Approved Land Use

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house, in accordance with the Dictionary of the Pittwater Local Environmental Plan 2014, as follows:

dwelling house means a building containing only one dwelling.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) 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:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) 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
 - (iii) 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.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and

- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

5. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.

- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or directly to the Long Service Corporation. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out

v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

(n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

(o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.

(p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$81,350.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$8,135,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

7. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

8. **Flood effects caused by development**

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 2.32m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-

prone property and reduce public and private losses in accordance with Council and NSW Government policy.

9. **Building components and structural soundness**

B1 - All new development below the Flood Planning Level of 2.81m AHD shall be designed and constructed from flood compatible materials.

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 2.81m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

10. **Floor levels**

C1 - New floor levels within the development shall be set at or above the Flood Planning Level of 2.81m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

11. **Car parking**

D5 - The floor level of the proposed garage shall be set at or above the 1% AEP flood level of 2.32m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

12. **Fencing**

New fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area along any straight length, from the natural ground level up to the 1% AEP flood level. Openings shall be a minimum of 75mm x 75mm.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

13. Storage of Goods

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level of 2.81m AHD unless adequately protected from floodwaters in accordance with industry standards.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

14. Pools

The pool's coping is to be less than 150mm above natural ground level

All electrical equipment associated with the pool (including pool pumps) is to be waterproofed and/or located at or above the Flood Planning Level of 2.81m AHD.

All chemicals associated with the pool are to be stored at or above the Flood Planning Level of 2.81m AHD.

Pool fencing shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level of 2.81m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

15. No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

16. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for Development Policy, prepared by an appropriately qualified and practicing Civil or Hydraulic Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) , indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to an absorption/ dispersion trench.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal of stormwater management arising from

the development.

17. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White Geotechnical Group dated 07.04.2025 are to be incorporated into the construction plans. 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 Accredited Certifier. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

18. Vehicle Crossings Application

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing a maximum of 6.0 metres wide in accordance with Northern Beaches Council Standard Drawing A4 3330/3 NL or Council approved profile in accordance with Section 138 of the Roads Act 1993.

Note, driveways are to be in plain concrete only.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

19. Boundary Identification Survey

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

20. Photographic Archival Record

A photographic archival record of the existing dwelling at 1005-1007 Barrenjoey Road, Palm Beach and its curtilage is to be made, including interiors and exteriors and their setting, generally in accordance with the guidelines issued by the NSW Heritage Division of the Department of Planning and Environment.

This record must be submitted and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate and commencement of any works on-site. The photographic

record should be made using digital technology, submitted on archival quality, and should include:

- Location of the house, date of survey and author of survey;
- A site plan at a scale of 1:200 showing all structures and major landscape elements;
- Floor plans of any buildings at a scale of 1:100;
- Photographs which document the site, cross-referenced in accordance with recognised archival recording practice to catalogue sheets. The extent of documentation will depend on the nature of the item.

Reason: To provide an archival photographic record of the existing building.

21. Estuarine Planning Level Requirements

An Estuarine Planning Level (EPL) of INSERT 2.60 m AHD has outlined in the Coastal Engineering Report dated by Horton Coastal Engineering on the 7 May 2025 for the subject site and shall be applied to all development proposed below this level as follows:

1. All structural elements below 2.60 m AHD shall be of flood compatible materials;
2. All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 2.60 m AHD or waterproofed to this level; and
3. The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below 2.60 m AHD.
4. All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.60 m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 2.60 m AHD to avoid the likelihood of contact with splashing waves and spray.

Reason: To ensure vulnerable components of the development are built at the appropriate level.

22. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

23. External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

24. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

25. Consolidation of Lots

Prior to issue of any Construction Certificate, the Applicant must consolidate the existing lots 57, 58 and 59 DP 14682 which forms the development site into a single lot. Evidence of lot consolidation, in the form of a plan registered with NSW Land Registry Services, must be submitted to the Certifier prior to issue of any Construction Certificate.

Reason: To ensure that the legal property description is consistent with the proposed site layout and that continuous structures will not be placed across separate lots.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

26. Tree Removal Within the Property

a) This consent approves the removal of existing prescribed trees on the subject site as identified in the approved Arboricultural Impact Assessment or as listed below:

i) tree 4 - *Araucaria heterophylla*, and trees 15, 16 and 17 - *Syzygium paniculatum*.

b) A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

27. Sediment and Erosion Controls

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a

site-specific ESCP which must be prepared and certified by a suitably qualified professional,

- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

DURING BUILDING WORK

28. **Requirement to notify about new Acid Sulfate Soils evidence**

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Principal Certifier and a report be obtained from a suitably qualified person. Any recommendations provided by the report are to be complied with during works.

Reason: To protect the environment.

29. **Tree and Vegetation Protection**

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work

commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) The Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

30. **Condition of Trees**

a) During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

b) Any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

c) The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

31. **Pre-clearance Survey**

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife prior to its removal. If native wildlife is found within habitat to be removed, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be provided to the Principal Certifier prior to any Occupation Certificate.

Reason: To protect native wildlife.

32. **Wildlife Protection**

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

33. Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

34. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

35. No Access Through Land Owned or Managed by Council

Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

36. Storage of Materials on Land Owned or Managed by Council Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste or any other material in land owned or managed by Council is prohibited.

Reason: Public safety and environmental protection.

37. Protection of Council's Public Assets

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Existing trees shall be protected in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Reason: To protect and/or restore any damaged public asset.

38. Geotechnical Requirements

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

39. Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

40. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

41. **Maintenance of Sediment and Erosion Controls**

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and

building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

42. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

43. Property Boundary Levels

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To maintain the existing profile of the nature strip/road reserve.

44. Stockpiling materials

During construction, all material associated with works is to be contained at source, covered and must be within the construction area. All material is to be removed off site and disposed of according to local regulations. The property is to be kept clean and any building debris removed as frequently as required to ensure no debris enters receiving waters.

Reason: To ensure pollution control measures are effective to protect the aquatic habitats within receiving waters throughout the construction period.

45. Aboriginal Heritage

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Planning, Housing and Infrastructure.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the Department of Planning, Housing and Infrastructure.

Reason: Aboriginal Heritage Protection.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

46. Landscape Completion

a) Landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawings DA_00, DA_01, DA_02 by Wyer & Co dated 01/04/25 revision 01), and inclusive of the following conditions:

- i) landscape works are to be contained within the legal property boundaries,
- ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) the four locally native replacement trees shall achieve at least 8.5 metres height at maturity, be selected from Northern Beaches Council's Native Planting Guide - Pittwater Ward, be located at least 3.0 metres from buildings and other trees or more, and at least 1.5

metres from common boundaries,

iv) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of AS2303 – Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,

v) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,

vi) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone,

vii) where the property is certified Bush Fire Prone Land, any new planting may be managed in accordance with Planning for Bushfire Protection 2019.

b) Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

47. **Certification of Works as Executed**

A suitably qualified engineer and/or registered surveyor is to certify that the completed works have been constructed in accordance with this consent and the approved plans with respect to the following:

1. Floor levels for ground floor, and garage are set at or above the required level
2. There has been no filling on the land other than what has been approved
3. Openings are provided under floor areas where required for the free passage of flood waters
4. Openings are provided in fencing where required for the free passage of flood waters

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

48. **Building Components and Structural Soundness**

B2 - A suitably qualified structural engineer is to certify the structural integrity of the new development up to the Flood Planning Level of 2.81m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 2.81m AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

49. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

50. Priority Weed Removal and Management

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

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

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

51. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

52. Waste Disposal Verification Statement

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

53. Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan by a Registered Surveyor), and Civil Engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water absorption/ dispersion trench as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

54. Geotechnical Certification Prior to Occupation Certificate

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

55. Swimming Pool Requirements

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifier, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating 'YOUNG CHILDREN SHOULD BE ACTIVELY SUPERVISED WHEN USING THIS POOL' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To protect human life.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

56. Landscape Maintenance

a) If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

c) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.

d) The approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

57. Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

58. Control of Domestic Dogs/Cats

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.

Reason: To protect native wildlife and habitat.

59. Geotechnical Recommendations

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

60. Swimming Pool/Spa Motor Noise

The swimming pool / spa motor shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Olivia Ramage, Planner

The application is determined on 12/08/2025, under the delegated authority of:



Adam Richardson, Manager Development Assessments