

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0055
Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 4 DP 27133, 4 Taminga Street BAYVIEW NSW 2104
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Watershed Architects
Application Lodged:	29/01/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	10/02/2025 to 24/02/2025
Advertised:	Not Advertised
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 2,340,250.00

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves alterations and additions to an existing dwelling, including the construction of a new double garage with internal stair and vertical passenger lift access to the upper levels of the dwelling. The works will involve partial demolition of elements of the existing structure to accommodate the proposed additions. An existing double carport located on the north-eastern side of the driveway access is to be retained.

The proposed works include:

Level 1 – RL 56.994m

- New double garage
- Entry foyer
- Planter
- Internal vertical passenger lift shaft and stairs
- Proposed “green roof” above the garage (RL 60.244m)

Level 2 – RL 61.460m to 62.000m

- Alterations and additions to provide a new entry
- Open plan living, dining and kitchen areas with a bar and walk-in pantry
- Study and reading area
- Bathroom
- Stairwell
- New operable roof over the existing balcony

Level 3 – RL 65.090m

- Alterations and additions to provide:
 - Master suite with ensuite and walk-in robe
 - Two (2) additional bedrooms, each with ensuite
 - Laundry
 - Mini bar
 - Lounge area

External Works

- New portion of driveway to service the proposed garage
- New landscaping works
- Re-pitching of existing pergola roofs over Levels 1 and 2

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 - 4.3 Height of buildings
Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection

Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards

Pittwater 21 Development Control Plan - B3.1 Landslip Hazard

Pittwater 21 Development Control Plan - B8.1 Construction and Demolition - Excavation and Landfill

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D4.6 Side and rear building line

Pittwater 21 Development Control Plan - D4.10 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 4 DP 27133 , 4 Taminga Street BAYVIEW NSW 2104
Detailed Site Description:	The subject site consists of one (1) allotment located on the western end of Taminga Street. The site is irregular in shape and is accessed via a shared access handle from Taminga Street. The site has a minimum depth of 37.8m (north-eastern side boundary) and the rear boundary measures 44.175m. The total site area is 2191.2m². The site is located within the C4 Environmental Living zone and accommodates a double storey dwelling house with a detached carport and a swimming pool. The south-western portion of the site falls to the north-east, with the north-eastern portion of the site sloping towards the street. The car parking area is accessed via a concrete driveway from Taminga Street, with parking provided in a detached metal carport. The site slopes from the rear, north-western boundary to the eastern frontage, with a total fall of 14.7m over the length of the site (excluding the access handle). The site has a mix of native and exotic species of plants, shrubs and trees. Detailed Description of Adjoining/Surrounding Development Adjoining and surrounding development is characterised by single, double and three storey dwellings within landscape settings with associated outbuildings/structures.

Map:



SITE HISTORY

N0991/01 - Swimming pool approved 7 December 2001

T0106/14 - Tree/Bushland Works approved 10 March 2014

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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<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. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested after initial referral comments from Council's Development Engineer and planning issues raised by Council's Planner. Additional information has been submitted by the applicant and all applicable referral departments are supportive of the proposal (subject to conditions). <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. <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. <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.
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	(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. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact

Section 4.15 Matters for Consideration	Comments
	The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 10/02/2025 to 24/02/2025 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 3 submission/s from:

Name:	Address:
Mr Frank Alexander Coates	4A Taminga Street BAYVIEW NSW 2104
Mrs Philippa Kim Melanie Spencer	167 Whale Beach Road WHALE BEACH NSW 2107
Ms Nicola Ann Stone	5 Taminga Street BAYVIEW NSW 2104

The following issues were raised in the submissions:

- Building Height**

Issue: Concern was raised that the proposed development exceeds the 8.5m height control.

Comment: Clause 4.3 (Height of Buildings) of the Pittwater Local Environmental Plan 2014 (PLEP 2014) allows for a maximum height of 10m where the slope of the land exceeds 16.7% (i.e., greater than 30%) and the extent of height breach minor. The subject site meets this criterion, and the proposed additions are no greater than 10m above existing ground level, with the extent of building breaching the height limit deemed to be minor. Accordingly, the development is consistent with Clause 4.3.

- Landscaping**

Issue: Non-compliance with landscaping provisions under Clause C1.1 Landscaping and Clause D4.10 Landscape Area – Environmentally Sensitive Land of the Pittwater 21 Development Control Plan (P21DCP),

including the removal of 14 trees.

Comment: Of the 14 trees proposed for removal, three (3) are native species rated as Z10 in the submitted Arboricultural Impact Assessment (AIA) report—T6 (Syzygium, exempt under 5m), T8 (Hymenosporum), and T9 (Hakea)—and are considered suppressed. The remaining eleven (11) trees (T4, T5, T7, T10, and T13–T19) are all exempt species.

The proposed landscaping satisfies the outcomes of Clause C1.1, and the required variation to Clause D4.10 has been considered and supported by Council's Planner and Senior Landscape Architect, subject to conditions. Additionally, the proposed landscape design is considered to visually complement and soften the built form.

- **Side setback**

Issue: *Concern regarding the originally proposed 0.35m side setback to the western boundary.*

Comment: Council issued a Request for Further Information on 3 April 2025, identifying non-compliance with Clause 4.6 Side and Rear Building Line. The applicant submitted amended plans, which now provide a compliant 1m setback to the western boundary.

- **Building envelope**

Issue: *Non-compliance with Clause D4.8 Building Envelope.*

Comment: A detailed assessment confirms that the proposal complies with the applicable building envelope controls.

- **Visual Privacy**

Issue: *Potential overlooking impacts from windows W2.02 (stair void) and W3.03 (lift landing).*

Comment: Amended plans (DA06 and Section DD on DA11) show that W2.02 does not result in significant privacy impacts due to sill height and internal stair orientation. However, W3.03 does not currently meet Clause C1.5 Visual Privacy. A condition of consent will require W3.03 to be fitted with either obscured/frosted glazing or fixed external louvres angled to prevent direct views to the southwest.

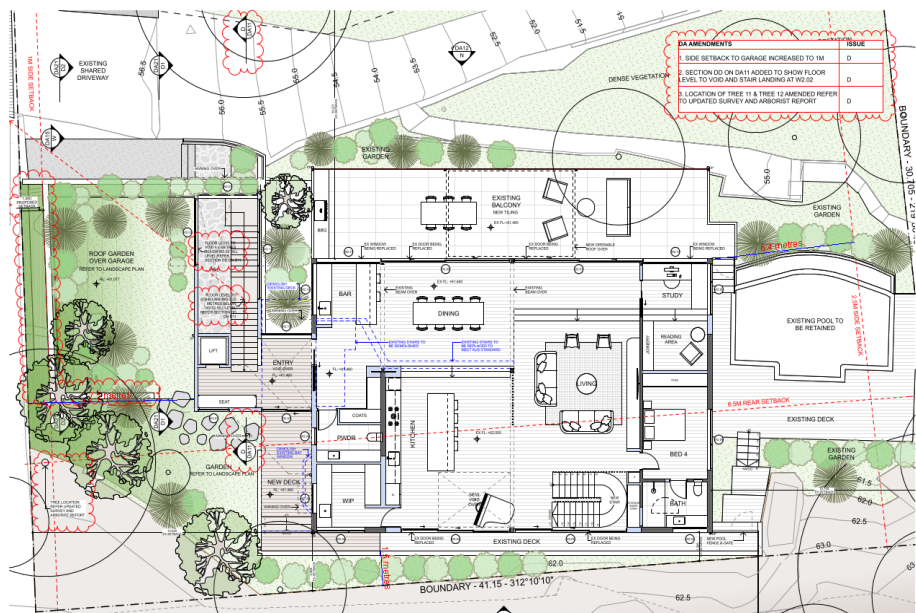
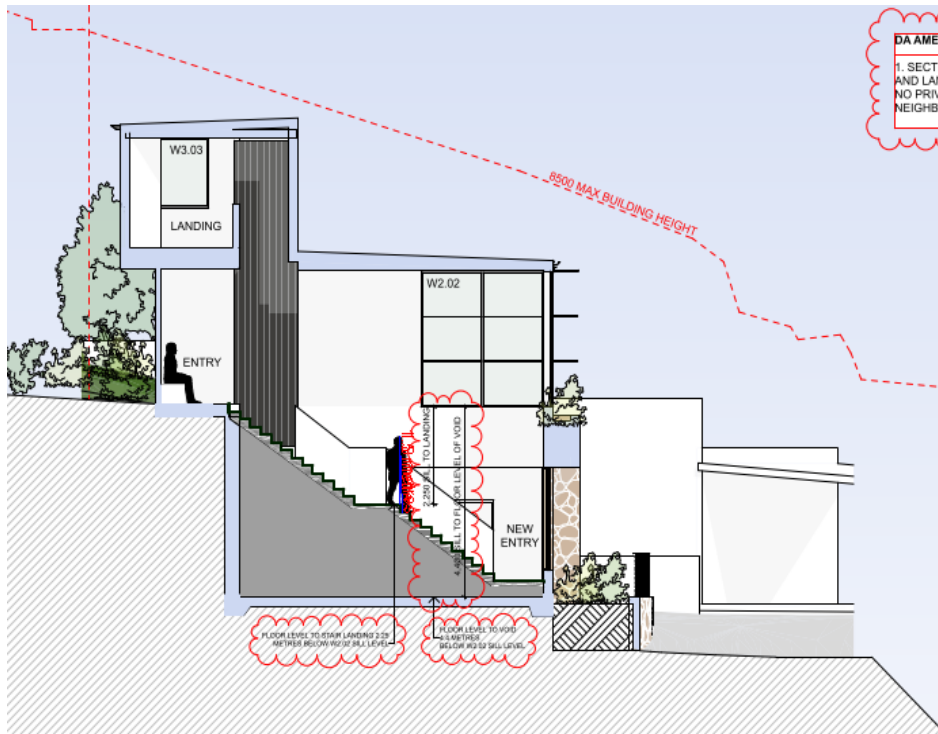


Image 1 - Demonstrating sill height provides adequate amenity for 4A Taminga St
Red dotted line indicates no direct views in private open of 4A Taminga St

Image 2 -

- Site disturbance**

Issue: Excavation of up to 4.9m for the garage adjacent to the western boundary, raising concerns about the existing retaining wall and pool at 4A Taminga Street, and boulder stability at 21 Ilya Avenue.

Comment: Concerns were raised by a geotechnical engineer (Troy Crozier) on behalf of 21 Ilya Avenue regarding a previously stabilised boulder near the site boundary. A maximum vibration limit of 3mm/s PPV was recommended to avoid disturbing these stabilisation works. Council has reviewed the submitted Geotechnical Investigation Report (White Geotechnical Group). Conditions of consent will include:

Preparation of a dilapidation report for 4A Taminga Street and relevant portions of the shared driveway.



Image 4 - Blue line indicates Council's Stormwater Pipeline (Source: Spatial Enabled Application)

- **Flora and fauna**

Issue: Potential disruption to local habitat and breeding cycles.

Comment: A Flora and Fauna Impact Assessment (FFA) was submitted and reviewed by Council's Biodiversity Officer. The development is supported subject to conditions requiring implementation of the report's recommendations.

- **Traffic issues, noise and hours of operation**

Issue: Proximity of the driveway to the dwelling at 5 Taminga Street and potential construction noise.

Comment: Standard construction hours will apply:

- **Building works & deliveries:**
 - 7:00am – 5:00pm Monday to Friday
 - 8:00am – 1:00pm Saturday
 - No work on Sundays/Public Holidays
- **Demolition & excavation:**
 - 8:00am – 5:00pm Monday to Friday only

A Construction Traffic Management Plan will be required to ensure public safety and mitigate impacts on pedestrian and vehicular traffic.

- **Dust and Dirt Control**

Issue: Excessive dust and dirt generation from works.

Comment: Conditions will require appropriate dust suppression and sedimentation controls during construction to minimise impacts on adjoining properties.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	Updated comments: The amended MasterSet Plans include re-positioning of the garage as illustrated on the plans. Existing tree 11 is in proximity to the revised garage position and the updated Arboricultural Impact Assessment (AIA) has accounted for this in the AIA report and determines that the "level of encroachment is considered to be minor and is expected to have a low level of impact on this tree. The re-positioning of the garage results in a landscape buffer along the side boundary and this shall be utilised for planting, and thus the Landscape Plans shall be updated to co-ordinate with the MasterSet Plans and a condition shall be imposed. Previous comments: The application is for alterations and additions as described in reports and as illustrated on plans. An Arboricultural Impact Assessment (AIA) and Landscape Plans are submitted for consideration by Landscape Referral. The submitted AIA report includes removal of existing trees, and it is noted that the property is located within the Biodiversity Values Map (BVM) area, that is identified across the lower slopes of the property below the existing access driveway and at the upper slopes where trees 9-12 are located. Works under this development application are contained to the upper slopes as illustrated on plans. Of the trees proposed for removal three are native species but rated as Z10 in the AIA report - T6 Syzygium (exempt under 5m), T8 (Hymenosporum) and T9 (Hakea) that are suppressed. The other eleven trees (4, 5, 7, 10, 13-19) are all exempt species. Any tree removal, and in this case tree 9, within the BVM may trigger the Biodiversity Offsets Scheme (BOS) and may require a Biodiversity Development Assessment Report (BDAR). This specific matter is deferred to Council's Bushland & Biodiversity Referral team. Otherwise, Landscape Referral raise no concerns with the AIA report recommendations for tree removal. The submitted Landscape Plans enhance the existing landscape setting commensurate with the landscape objectives of the C4 Environmental Living zone, and no concerns are raised with the exception of the requirement to substitute environmental weeds as proposed on the plant schedule, and conditions of consent shall be imposed.
NECC (Bushland and Biodiversity)	Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions: • NSW Biodiversity Conservation Act 2016 • NSW Biodiversity Conservation Regulation 2017 • Pittwater LEP cl. 7.6 Biodiversity Protection • Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor Portions of the site are identified on the NSW Governments Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR). Whilst the proposed garage works may be located within the

Internal Referral Body	Comments
	BV mapped area, only minor clearing of three native species that are not characteristic, or diagnostic, species for Pittwater Wagstaff Spotted Gum Forest Endangered Ecological Community will be impacted. The area is also within a highly modified and landscaped area adjoining a built structure. No native canopy trees are required for removal. A Flora and Fauna Assessment (Danny O'Brien January 2025) was submitted with the application with the aim to provide advice as to the extent and severity of likely impacts associated with the proposal. The FFA concluded that impacts to the BV mapping area are unlikely, and mapped the area as more representative of Sandstone Gully Forest rather than the EEC. To minimise biodiversity impacts of the proposal, a range of recommendations were provided by the Ecologist. A Test of Significance in accordance with the BC Act was prepared by and these have been conditioned. be retained and protected. As such, Council's Biodiversity Referrals team are not requesting a BDAR to accompany the application. The development is proposed in the area of least impact on native vegetation and there will be no net loss of native vegetation. Therefore the development is designed, sited and will be managed to avoid any significant adverse environmental impact.
NECC (Development Engineering)	12/05/2025 <u>Development Engineering 2nd Referral Comments.</u> <u>Council's Development Engineer raises no objection to this proposal subject to conditions.</u> Site Access The garage entrance slab level is shown as RL56.795m, which is satisfactory. Conditions have been applied to ensure driveway and parking compliance. 28/02/2025 <u>Development Engineering 1st Referral Comments.</u> <u>Council's Development Engineer requests additional information regarding the proposed site access and parking.</u> Stormwater Stormwater runoff from the proposed development is proposed to be directed to an unformed open channel traversing the site, which is generally satisfactory subject to conditions. The OSD system design is generally satisfactory. Site Access and Parking <u>Council's Development Engineer requests additional information regarding the proposed site access and parking as detailed below.</u> The proposed transition gradients to the proposed garage are too steep. Driveway long-sections shall be prepared by a suitably qualified civil/traffic engineer along both sides of the driveway starting from the existing driveway to the proposed parking slab. Of note that part of the existing driveway must be included to show the change in the driveway gradients from the existing driveway to the proposed driveway.

Internal Referral Body	Comments
	Geotechnical Investigation The site is located within the Geotechnical Hazard Zone. A geotechnical report has been provided by White Geotechnical Group with completed forms 1 and 1(a), which is generally satisfactory subject to conditions. In the condition, it has been emphasized that no damage should be caused to the neighbouring properties.
NECC (Riparian Lands and Creeks)	Supported This application was assessed in consideration of: • Supplied plans and reports; • Water Management Act 2000; • Water Management (General) Regulation 2018; and • Relevant LEP and DCP clauses. Proposal is for alterations and additions. The property includes land within 40 metres of a watercourse as a consequence of the a watercourse passing under the long access to the property. All works proposed are further than 40 meters from the watercourse i.e., no major works proposed on waterfront land. No concerns provided appropriate sediment and erosion controls are exercised.

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	Reference is made to the proposed development at the above area and Aboriginal heritage. No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites. If areas of in situ sandstone outcrop are in the proposed development area or revealed during works (i.e. platforms over 2m square), the Aboriginal Heritage Office would recommend a preliminary inspection by a qualified Aboriginal heritage professional prior to any further development. If the outcrops that are present are properly excluded from future impacts, then no further assessment is required and the Aboriginal Heritage Office would not foresee any further Aboriginal heritage constraints on the proposal. 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.

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. A1775914 dated 4 December 2024).

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 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
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Height of Buildings:	10m*	8.9 - 10m (Dwelling) 5.4m (Garage)	- -	Yes Yes
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* Subject to the requirements of Clause 4.3 2(D), which is discussed elsewhere in this report.

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone C4 Environmental Living

The proposed development involves demolition works of the existing dwelling house and associated structures and construction of a new dwelling house, garage, swimming pool and associated landscaping works. Dwelling houses are permissible with consent in the C4 Environmental Living zone. The proposal is considered against the objectives of the zone as follows:

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

Comment:

The area of the site that is subject to the development has been subject to previous disturbance by previous development. The proposed development will maintain sufficient landscape open space and subject to conditioning suitable native plants, shrubs and trees will be able to be planted and grow which will soften the visual impacts of the development when viewed from adjoining and surrounding properties. Furthermore, the proposed development will be appropriately sited and scaled, such that the works will not unreasonably detract from the visual qualities of the locality.

Overall, the development is considered to have an acceptable impact upon the ecological, scientific or aesthetic values of the area.

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

Comment:

As demonstrated above, the proposed development does not have an adverse effect on the ecological, scientific or aesthetic values listed above.

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

Comment:

The proposed development will require removal of some vegetation and this will be replaced with appropriate landscaping on site. Furthermore, the building height steps up with the slope of the land, which visually reduces the built form and sensitively responds to the natural topography. The proposal also does not change the

existing low density residential land use and the scale of the development is commensurate with nearby residential development within the locality. Overall, the proposal meets this objective.

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

Comment:

The proposal does not result in the removal of the vegetation in the rear portion of the site. Conditions have been included with this consent to mitigate impacts to this vegetation and incorporate plants surrounding the dwelling including landscaping above the garage.

Conclusion

As demonstrated above, the proposed development satisfies the objectives of the C4 Environmental Living zone.

4.3 Height of buildings

The site is located within Area I on the Pittwater LEP 2014 Height of Buildings Map. Within this area, the maximum building height permitted is 8.5m above the existing ground level. The maximum height of the proposed development is 10m above the existing ground level, which exceeds the 8.5m prescribed requirement.

Notwithstanding, Clause 4.3(2D) of the Pittwater LEP 2014 contains an exemption provision that stipulates that the maximum building height within Area I can be increased to 10m, providing the following is demonstrated:

(a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and

Comment:

The areas of the dwelling house that protrude above the 8.5m height plane are confined to minor portions of the pergola over the top floor balcony and the roof within these portions of the dwelling. The breaches occur for a horizontal length of 3.9m for a vertical length of 1.5m. Figure 5 below depicts the areas that protrude above the 8.5m height plane. These areas above the 8.5m height limit are considered minor given the low percentage (7.2%) these areas demonstrate overall versus the high percentage (82.8%) of the building demonstrates compliance with the 8.5m height control. It is important to note and recognise that where the roof breaches the height limit, it is in a similar position and extent of breach of the existing roof, which is being replaced.

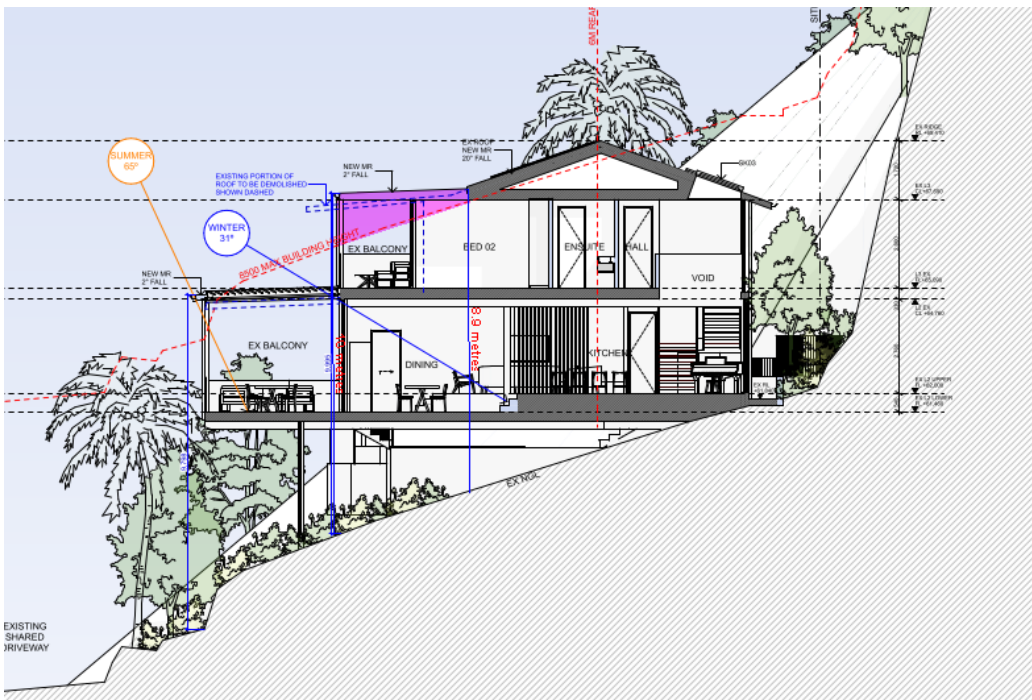


Figure 5: Area above 8.5m height plane highlighted in purple

(b) the objectives of this clause are achieved, and

Comment:

A detailed assessment against the objectives of Clause 4.3 of Pittwater LEP 2014 is provided below. In summary, the proposal is found to be consistent with the objectives of this clause.

(c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and

Comment:

The slope of the land under the building footprint is 22.5 degrees (41.4%).

(d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.

Comment:

The building provides a semi-terraced style design that steps down in height with the slope of the land to integrate with the landform and landscape.

When considered against the objectives of Clause 4.3 of Pittwater LEP 2014, it is noted as follows:

(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,

Comment:

The built form is considered consistent with the desired scale of development within low density residential areas. Sufficient areas of landscaped open space will be maintained allowing for the planting of native plants, shrubs and trees to be into the proposal.

(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The height, bulk and scale of the proposed development is commensurate with established low density residential

development within the Bayview area.

(c) to minimise any overshadowing of neighbouring properties,

Comment:

The proposed development provides adequate levels of solar access to neighbouring properties and associated principal private spaces.

(d) to allow for the reasonable sharing of views,

Comment:

It is considered that the proposal allows for reasonable view sharing to adjoining and surrounding properties.

(e) to encourage buildings that are designed to respond sensitively to the natural topography,

Comment:

The proposal steps down in height with the slope of the land to integrate with the landform and landscape. Thus, it is considered that the proposal responds sensitively to the natural topography.

(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

Comment:

The site does not contain a heritage item, is not located within a heritage conservation area and is not located in close proximity to heritage items. Therefore, the proposal will not have an adverse impact upon environmental and built heritage. The chosen colours and materials also harmonise with the coastal setting.

Conclusion

Having regard to the above assessment, it is concluded that the proposal satisfies the requirements of Clause 4.3(2D) of Pittwater LEP 2014. Therefore, the 10m maximum building height is applied to the site. The maximum height of the proposed development is 10m above the existing ground level, which complies with the 10m dispensation.

7.2 Earthworks

The objective of Clause 7.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

Comment:

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality (subject to conditions).

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment:

The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment:

The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction including a request for a dilapidation reports for the adjoining property to the west 55 Kananook Avenue, Bayview (4A Taminga Street, Bayview) and the driveway (commencing at Taminga Street up to the western side boundary shared with 55 Kananook Avenue (4A Taminga Street, Bayview).

(e) the source of any fill material and the destination of any excavated material

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(f) the likelihood of disturbing relics

Comment:

The excavation works are generally limited to previously disturbed areas of the site and thus, the earthworks are not likely to disturb relics.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment:

Council's Biodiversity and Coastal Officers have reviewed the application and are satisfied that the proposal is not likely to have an adverse impact upon the foreshore vegetation, subject to adherence to the conditions of consent.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment:

Conditions are included in the recommendation of this report that will minimise the impacts of the development.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment:

The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Conclusion

Having regard to the above assessment, it is concluded that the proposed development is consistent with Clause 7.2 of Pittwater LEP 2014, subject to conditions.

7.6 Biodiversity protection

Before determining a development application for development on land to which this clause applies, this clause requires the consent authority to consider:

(a) whether the development is likely to have:

- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and*

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, it is considered that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land; the importance of the vegetation on the land to the habitat and survival of native fauna; or the habitat elements providing connectivity on the land. Furthermore, it is considered that the development will not unreasonably fragment, disturb, or diminish the biodiversity structure, function, or composition of the land.

- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

The development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, it is considered that the proposal includes appropriate measures to avoid, minimise, or mitigate the impacts of the development.

Before granting development consent, this clause also requires the consent authority to be satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—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 development has been assessed by Council's Biodiversity Team, who raised no objections to approval. Therefore, it is considered that the development is designed, sited and will be managed to any significant adverse environmental impact.

Conclusion

Having regard to the above assessment, it is concluded that the proposal satisfies the requirements of Clause 7.6 of Pittwater LEP 2014, subject to conditions.

7.7 Geotechnical hazards

Under Clause 7.7 Geotechnical Hazards, before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment

The proposed development is supported by a geotechnical risk assessment, architectural plans and stormwater management plans that demonstrate all geotechnical risks have been taken into account. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

Development consent must not be granted to development on land to which this clause applies unless:

(a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and

Comment

The proposed development is supported by a geotechnical risk assessment and stormwater management plans that demonstrate waste water, stormwater and drainage are suitably managed on site. The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent.

(b) the consent authority is satisfied that:

(i) the development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or

(ii) if that risk or impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that risk or impact, or

(iii) if that risk or impact cannot be minimised - the development will be managed to mitigate that risk or impact.

Comment

The application has been reviewed by Council's Development Engineer, who is supportive of the proposal, subject to conditions of consent. Additionally, a specific condition will be included for a geotechnical engineer to investigate the large boulder located above the site at 19A & 21 Ilya Avenue, Bayview to ensure its condition and a condition for monitoring at the crest of the cliff to be no more than 3mm/s PPV.

As such, it is considered that the proposed development has been designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development.

Conclusion

Having regard to the above assessment, it is concluded that the proposal satisfies the requirements of Clause 7.7 of Pittwater LEP 2014, subject to conditions.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation	Complies
Front building line	6.5m (north)	25.8m (Dwelling)	-	Yes
		25.9m (Garage)	-	Yes
Rear building line	6.5 (south)	1.226m* - 5.209m	19.9%	No
Side building line	1m (west)	7.5m (Dwelling)	-	Yes
		1m (Garage)	-	Yes
	1m (east)	6.4m (Dwelling)	-	Yes
Building envelope	3.5m (west)	Within envelope	-	Yes
	3.5m (east)	Within envelope	-	Yes
Landscaped area	60% (1314m ²)	56% (1230.9m ²)*	6.3%	No

* Existing southeast corner of the dwelling (unaltered)

** Including allowable 6% variation under Clause D4.10 Landscaped Area - Environmentally Sensitive Land of P21DCP

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.4 Church Point and Bayview Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B5.15 Stormwater	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
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	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D4.1 Character as viewed from a public place	Yes	Yes
D4.2 Scenic protection - General	Yes	Yes
D4.3 Building colours and materials	Yes	Yes
D4.5 Front building line	Yes	Yes
D4.6 Side and rear building line	No	Yes
D4.8 Building envelope	Yes	Yes
D4.10 Landscaped Area - Environmentally Sensitive Land	No	Yes
D4.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

B3.1 Landslip Hazard

See development engineer's comments and Clause B8.1 Construction and Demolition - Excavation and Landfill for further detail.

B8.1 Construction and Demolition - Excavation and Landfill

As highlighted by Council's Development Engineer earlier in this report, the proposal include excavation exceeding 4.9m in depth. In order to address the requirements of this clause, the applicant submitted the original and addendum Geotechnical Report, Certified Forms 1 and 1A. Council's Development Engineer reviewed these documents, and raised no objections, subject to conditions as recommended. It is therefore considered that supporting information submitted addresses concerns relating to potential impact of excavation on land stability.

Based on the above, the proposal is considered to therefore meet the outcomes of the control and is supported on merit in this particular instance.

C1.5 Visual Privacy

Detailed description of non-compliance

Clause C1.5 Visual Privacy stipulates that private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9m, by building layout, landscaping, screening devices or greater spatial separation.

The proposed development includes the following:

Level 1 – RL 56.994m

- New double garage, entry, planter, internal vertical passenger lift shaft and stairs
- Proposed “green roof” over the garage (RL 60.244)

Level 2 – RL 61.460m - 62.000m

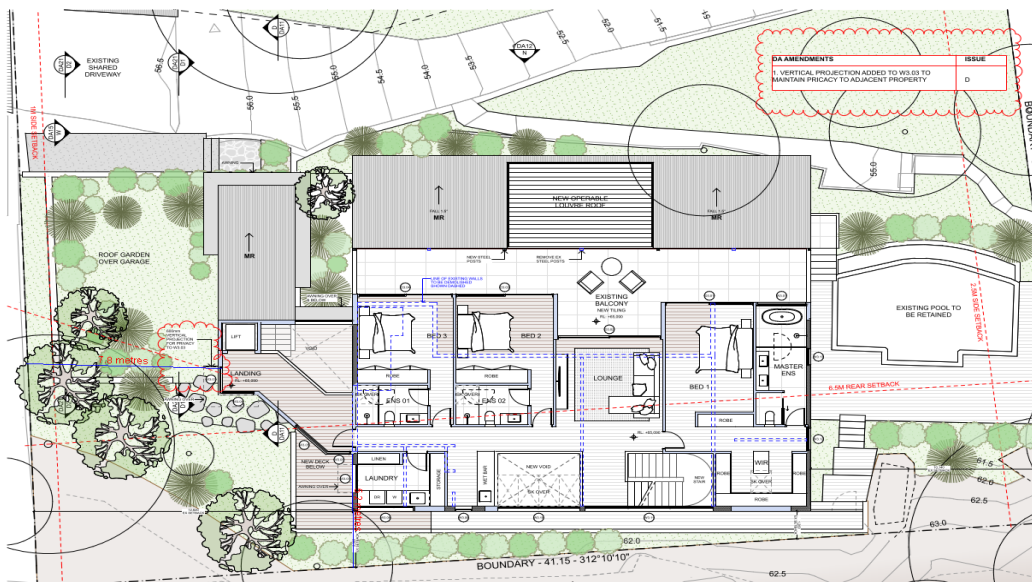
- Alterations and additions to existing Level 2 to provide for new entry, open plan living, dining and kitchen with bar and walk-in pantry, study, reading area, bathroom, stairs and new operable roof over existing balcony

Level 3 – RL 65.090m

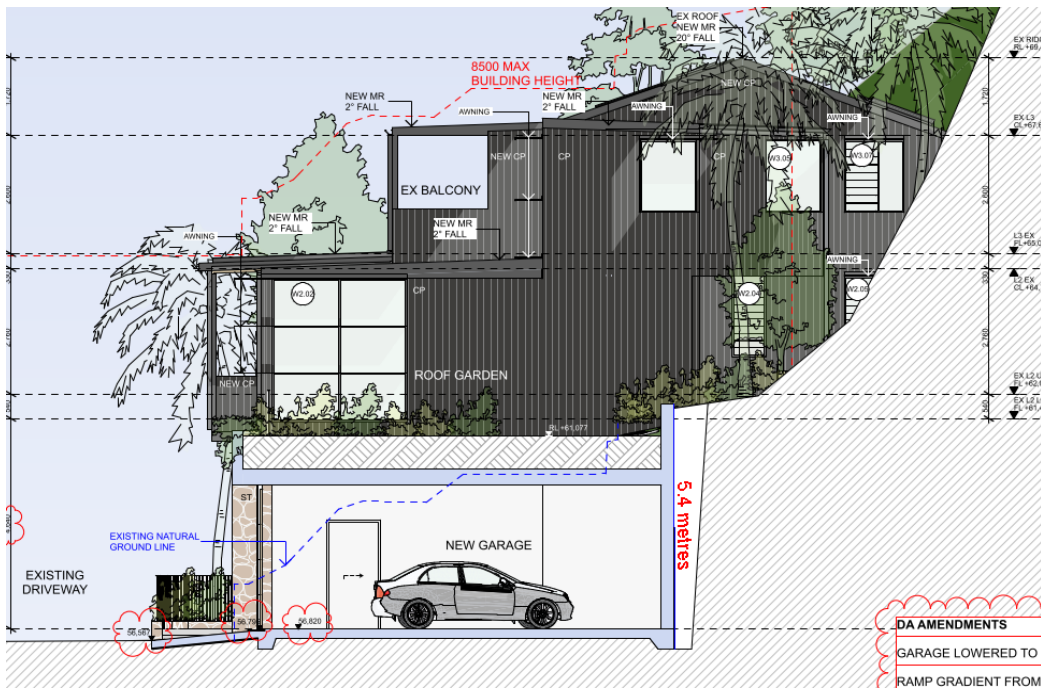
- Alterations and additions to existing Level 3 to provide for master suite with ensuite and walk-in robe, 2 bedrooms with ensuites, laundry, mini bar and lounge

External Works

- New portion of driveway to provide access to proposed garage
- New landscaping works
- Existing pergola roofs over Levels 1 & 2 to be re-pitched



Level 3 Floor Plan - W3.03 with vertical projection on the northern edge



Section BB - Window 3.03 with awning (located on top floor)

Reviewing the proposed awning projection is only 0.6m from the northern edge of the window it is considered that the views can still be achieved into the privacy open space of 4A Taminga Street and the distance to the western side boundary is only 7.8m (therefore within 9m of the principal private open space of 4A Taminga Street). It is considered that a condition with either obscured/frosted glazing be fitted or affixed to the window and/or external louvres be fitted angled to the southwest to maintain reasonable amenity for the adjoining property.

Merit consideration

- *Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)*

Comment: Subject to conditions of consent, the habitable rooms and outdoor living areas of the proposed development optimise visual privacy through good design.

- *A sense of territory and safety is provided for residents. (S)*

Comment: The proposed development provides a sense of territory and safety for residents.

Having regard to the above assessment, it is considered 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 (subject to conditions).

D4.6 Side and rear building line

Detailed description of non-compliance

This control requires development to be setback a minimum 2.5m from one side boundary, 1m from the other side boundary and 6.5m from the rear boundary.

The proposed development demonstrates compliance with the side setbacks to the western (1m) and eastern (2.5m) side boundaries. The existing dwelling is located at the southeastern corner only 1.26m from the rear southern boundary and is considered to be unaltered, however, new works including a new deck will be located at 1.5m and the new landing on the first floor located at 5.2m from the rear southern boundary which does not comply.

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 proposal maintains the low density residential nature 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 provides varied setbacks and steps in at several points on the first floor levels. This adds articulation to break up the bulk of the built form and visually soften the development. The proposed dwelling is setback sufficiently from adjoining and surrounding properties so as not to appear dominant. Furthermore, the proposed development is compatible with the scale and density of surrounding development.

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

Comment:

The proposal maintains equitable preservation of views and vistas to and/or from public/private places.

- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

Comment:

The proposed additions are appropriately designed and maintain reasonable view sharing.

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

Comment:

The proposal provides privacy screening and vegetation to assist with maintaining privacy and amenity. Solar access is maintained as per the submitted shadow diagrams.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*

Comment:

The proposal requires the removal of native and exempt species of trees which has been reviewed and supported by Council's Landscape Officer (subject to conditions). This ensures substantial landscaping is maintained enhancing the existing existing landscape setting commensurate with the landscape objectives of the C4 Environmental Living zone.

- *Flexibility in the siting of buildings and access. (En, S)*

Comment:

The site is constrained by the location of the existing dwelling and driveway on the site (battleaxe allotment) which restricts compliance with the controls. The proposed amended additions are appropriately sited and respond well to the topography of the site.

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

Comment:

The proposal retains significant vegetation and provides an enhanced landscape setting to visually reduce the built form.

- *To ensure a landscaped buffer between commercial and residential zones is established.*

Comment:

N/A, the site does not adjoin a commercial zone.

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.

D4.10 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 1m in width (e.g. pathways and the like);

-) for single dwellings on land zoned R2 Low Density Residential or C4 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 1m above ground level (existing)).

The proposal provides 56% (1230.9m²) landscaped area including the above variation permitted for the swimming pool and terrace area.

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 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 proposed development consists of alterations and additions which provide varied setbacks and stepping in at various elements which help break up the bulk and scale of the built form. Additional landscaping and plantings are introduced to further minimise bulk and scale.

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

Comment:

The proposal provides privacy screening and vegetation to assist with maintaining privacy and amenity. Solar access is maintained as per the submitted shadow diagrams.

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

Comment:

The proposal retains significant vegetation and provides an enhanced landscape setting to visually reduce the built form.

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

Comment:

The proposal has been reviewed by Council's Bushland and Biodiversity Officer stating that the proposal is unlikely to impact upon native flora and fauna. Conditions are recommended to ensure the conservation of biodiversity.

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

Comment:

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

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

Comment:

The proposal is designed and sited so as not to detract from the bushland character of the area.

- *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 provides sufficient soft surface and conditions are recommended to ensure adequate stormwater management.

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.

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 \$23,403 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$2,340,250.

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 DA2025/0055 for Alterations and additions to a dwelling house on land at Lot 4 DP 27133, 4 Taminga Street, BAYVIEW, 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
DA00	D	Cover Sheet	Watershed Architects	15/5/2025
DA04	D	Site & Roof Plan	Watershed Architects	15/5/2025
DA05	D	Level 1 Plan	Watershed Architects	15/5/2025
DA06	D	Level 2 Plan	Watershed Architects	15/5/2025
DA07	D	Level 3 Plan	Watershed Architects	15/5/2025
DA08	D	Section AA	Watershed Architects	15/5/2025
DA09	D	Section BB	Watershed Architects	15/5/2025
DA10	D	Section CC	Watershed Architects	15/5/2025
DA11	D	Section DD	Watershed Architects	15/5/2025
DA12	D	Elevation - North	Watershed Architects	15/5/2025
DA13	D	Elevation - East	Watershed Architects	15/5/2025
DA14	D	Elevation - South	Watershed Architects	15/5/2025
DA15	D	Elevation - West	Watershed Architects	15/5/2025
DA16	D	Excavation & Fill Plan	Watershed Architects	15/5/2025
DA18	D	Proposed Landscaped Area	Watershed Architects	15/5/2025
DA20	D	Sediment & Erosion Plan	Watershed Architects	15/5/2025
DA21	D	New Driveway Gradients	Watershed Architects	15/5/2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document/Submitted
Arboricultural Impact Appraisal and Method Statement - Revised	-	EZIGROW	22 April 2025
Waste Management Plan	-	-	21 January 2025
Geotechnical Investigation	-	White Geotechnical Group	17 December 2024
Flora & Fauna Impact Assessment Report	-	Danny O'Brien	January 2025
BASIX Certificate (A1775914)	-	Green Future Group Pty Ltd	4 December 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. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated/Submitted
Ausgrid	Ausgrid Referral Response	7/2/2025
Aboriginal Heritage Office	Aboriginal Heritage Office Referral	10/3/2025

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. 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.

4. 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 alternatively to Northern Beaches Council in person at a Customer Service Centre. 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

5. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$23,402.50 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 \$2,340,250.00.

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.

6. 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

7. Amended Landscape Plans

Amended Landscape Plans shall be issued to the Principal Certifier prior to the issue of a Construction

Certificate to include the following details:

- a) co-ordination with the approved MasterSet Plans,
- b) all landscape areas shall be planted with vegetation.

Certification shall be submitted to the Principal Certifier that these amendments have been documented.

Reason: Landscape amenity.

8. 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.

9. On-Site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Northern Beaches Consulting Engineers, drawing number 2410116, D01-D06, D10 & D21, Issue A, dated 05/12/2024. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

10. 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 17/12/2024, 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.

No damage should be caused to the neighbouring properties. Dilapidation reports of the adjoining properties by a suitably qualified person may be necessary.

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.

11. Off Street Parking Design

The Applicant shall submit a design for the parking facility and the associated driveway in accordance with the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

12. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). 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 areas 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.

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

Reason: To protect the receiving environment.

13. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- Window W3.03, located adjacent to the landing on Level 3, must be fitted with obscured/frosted glazing and/or external louvres angled to the southwest. The louvres must have a maximum spacing of 0.2m and a minimum blade length of 0.4m to ensure compliance with visual privacy controls.
- A heavy-duty, pedestrian-safe box grate drain must be installed across the full width of the existing driveway. The drain is to have a minimum width of 0.2m and a minimum depth of 0.2m, and must connect to the proposed drainage system detailed in the plans prepared by Northern Beaches Consulting Engineers.
- The stormwater drainage plans prepared by Northern Beaches Consulting Engineers must be updated where necessary to reflect the approved amended architectural plans prepared by Watershed Architects (Revision D).

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

14. 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.

15. 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.

16. 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.

17. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via <https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
 - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
 - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture
 - demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in

- accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
 - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on
 - the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets
 - (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved

by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

18. Construction Methodology Plan

A Construction Methodology Plan is to be prepared to detail/demonstrate the following:

- The storage of waste and materials within the site, in a manner that does not conflict with or restrict access along the Right of Carriageway,
- Where trades people are to park, and
- How materials are to be transported from the public roadway to the dwelling.

The Construction Methodology Plan is to be presented to the certifying authority prior to the issue of the Construction Certificate.

Reason: To ensure that the construction of the proposed development does not impact upon the terms of the Right of Carriageway or access to adjoining dwellings

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. Tree Removal Within the Property

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

- a) T6 Syzygium, T8 (Hymenosporum) and T9 (Hakea),
- 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.

20. Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property / Properties: 55 Kananook Avenue, Bayview (4A Taminga Street, Bayview) and the driveway (commencing at Taminga Street up to the western side boundary shared with 55 Kananook Avenue (4A Taminga Street, Bayview).

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

21. 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.

22. **Implementation of Construction Traffic Management**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic

Management Plan (CTMP) required by this consent. All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council's Traffic Engineer for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council staff on request.

Reason: To ensure the developer/builder adheres to the Construction Traffic Management Plan.

23. **Geotechnical Investigation and Vibration Monitoring**

Prior to the commencement of any site works, including excavation and construction activities, a geotechnical investigation shall be undertaken by a suitably qualified Geotechnical Engineer at the crest of the cliff where the large boulder is located on Nos. 19A & 21 Ilya Avenue, Bayview.

Additionally, a vibration monitoring system shall be installed at the crest of the cliff line to ensure that vibration levels do not exceed a Peak Particle Velocity (PPV) of 3mm/s during all construction-related activities.

Reason: To ensure geotechnical stability and public safety in accordance with Clause B8.1 (Construction and Demolition – Excavation and Landfill) of the Pittwater 21 Development Control Plan (P21DCP) and Clause 7.7 (Geotechnical Hazards) of the Pittwater Local Environmental Plan 2014 (PLEP 2014).

DURING BUILDING WORK

24. **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 AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment, and in particular sections 4, and Appendix 7 and 8,
- 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 AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 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 AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

c) The arboricultural works listed in a) and b) are undertaken as complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment and/or Project Arborist as applicable.

Reason: Tree and vegetation protection.

25. **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.

26. **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.

27. **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.

28. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established.

Reason: To protect the receiving environment.

29. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

30. **Site Maintenance**

While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:

- Protective fencing and any hoardings to the perimeter on the site
- Access to and from the site
- Construction traffic management measures
- Protective measures for on-site tree preservation and trees in adjoining public domain
- Onsite temporary toilets
- A garbage container with a tight-fitting lid

Reason: To protect workers, the public and the environment.

31. **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.

32. **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.

33. **Implementation of Construction Methodology Plan**

The development is to be undertaken in accordance with the Construction Methodology Plan required by this consent.

Reason: To ensure that the construction of the proposed development does not impact upon the terms of the Right of Carriageway or access to adjoining dwellings.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

34. **Landscape Completion**

Landscape works are to be implemented in accordance with the approved Landscape Plans as Amended, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plans as Amended, unless otherwise imposed by conditions,
- c) all tree planting shall be a minimum pre-ordered planting size of 45-75 litres or as otherwise scheduled if greater in size; meet the requirements of Australian Standard 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,
- d) mass planting at grade shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- e) the following species nominated in the plant schedule shall be substituted with non self-seeding species of similar form and size: all *Raphiolepis* species, and *Pennisetum*,
- f) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

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.

35. **Condition of Retained Vegetation**

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all

existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by vegetation as a result of the construction works,
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

36. Protection of Habitat Features

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

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

Reason: To protect wildlife habitat.

37. 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.

38. 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.

39. Post-Construction Dilapidation Report

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report,
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

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

Reason: To maintain proper records in relation to the proposed development.

40. 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.

41. **Positive Covenant and Restriction as to User for On-site Stormwater Detention System**

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 detention 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 stormwater detention as to user is to be submitted.

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

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

42. **Certification of Off Street Parking Works**

The Applicant shall submit a certificate from a suitably qualified person certifying that the parking facility and the associated driveway were constructed in accordance within this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.6 Design of Domestic Driveways.

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

Reason: Compliance with this consent.

43. **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.

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

44. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. 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. 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 Plans as Amended and any conditions of consent.

The approved landscape area 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.

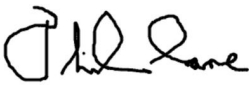
45. **Passenger Lift Noise**

Noise produced by the passenger lift shall not exceed 60dB(A), when measured one (1) metre from any adjoining premises.

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



Phil Lane, Principal Planner

The application is determined on 20/05/2025, under the delegated authority of:



Adam Richardson, Manager Development Assessments