

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1120
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Responsible Officer:	Nick Keeler
Land to be developed (Address):	Lot 17 DP 270907, 20 Baz Retreat WARRIEWOOD NSW 2102
Proposed Development:	Construction of a swimming pool
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Bradley John Ingram Lauren Anne Westbrooke
Applicant:	Paul Norman

Application Lodged:	16/09/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	23/09/2020 to 07/10/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 42,900.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the construction of a swimming pool and associated works at the rear of the approved dwelling.

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 21 Development Control Plan - B8.3 Construction and Demolition - Waste Minimisation
 Pittwater 21 Development Control Plan - D16.5 Landscaped Area for Newly Created Individual Allotments
 Pittwater 21 Development Control Plan - D16.7 Side and rear building lines

SITE DESCRIPTION

Property Description:	Lot 17 DP 270907 , 20 Baz Retreat WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northeast side of Baz Retreat.</p> <p>The site is irregular in shape with a frontage of 11.14m along Baz Retreat and a depth of 26.06m. The site has a surveyed area of 323.3m².</p> <p>The site is located within the R3 Medium Density zone and is currently vacant. At the time of writing, a separate development application is under assessment seeking consent for the construction of a two-storey residential dwelling.</p> <p>The site falls approx. 1.5m from the northeast towards the southwest.</p> <p>The site does not contain any significant vegetation.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by low density residential dwellings and a medium density residential flat building to the west. Many blocks around the site are yet to be developed but have consent for the construction of dwelling houses and dual occupancies.</p>

Map:



SITE HISTORY

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

Application **N0182/13** for 40 Lot subdivision of existing sites and demolition of existing structures was refused on 30/12/2013 by Council staff under delegated authority. Council's determination was appealed to the NSW Land and Environment Court which was upheld on 15/10/2014 with amended plans.

Application **N0182/13/S96/1** for Modification of Development Consent N0182/13 granted for the 40 Lot subdivision of existing sites and demolition of existing structures was approved on 03/08/2015 by the NSW Land and Environment Court.

Application **N0182/13/S96/2** for Modification of Development Consent N0182/13 granted for the 40 Lot subdivision of existing sites and demolition of existing structures was refused on 31/07/2015 by Council staff under delegated authority. Council's determination was appealed to the NSW Land and Environment Court which was dismissed on 03/12/2015.

Application **Mod2017/0344** for Modification of Development Consent N0182/13 granted for the 40 Lot subdivision of existing sites and demolition of existing structures was approved on 27/04/2018 by Council staff under delegated authority.

Application **Mod2018/0617** for Modification of Development Consent N0182/13 granted for the 40 Lot community title subdivision of the existing sites was approved on 12/03/2019 by Council staff under delegated authority.

Application **Mod2020/0352** for Modification of Development Consent N0182/13 granted for 40 Lot subdivision of existing sites and demolition of existing structures was approved on 09/10/2020 by Council staff under delegated authority.

Application **DA2020/0869** for Construction of a dwelling house was approved on 02/11/2020 by Council staff

under delegated authority.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted. .</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to a Geotechnical Report.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p>

Section 4.15 Matters for Consideration'	Comments
	<p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p>Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

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 development application has been publicly exhibited from 23/09/2020 to 07/10/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	<p>General Comments</p> <p>Environmental Health have reviewed the Acid Sulfate Soil (ASS) information and have determined the development is suitable with no conditions for ASS. Excavation works are proposed to go 2.5m below ground level and are within 100m of Class 4 ASS however the watertable is unlikely to be lowered below 1 meter on adjacent Class 4 land.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
Landscape Officer	<p>The proposal for the construction of a swimming pool, replacement of fencing, and new retaining walls.</p> <p>Council's Landscape Referral staff have assessed the proposal against the following Pittwater 21 DCP Controls (but not limited to):</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D16 Warriewood Valley Locality <p>A Landscape Plan is submitted indicating the calculated landscape area only. No existing vegetation exists within the site nor on adjoining property nor within the road verge. Landscape Referral has no objection to the proposal subject to the provision of screen planting along the boundary extent of the proposed pool and paved area.</p>
NECC (Development Engineering)	No objections to the proposed pool subject to conditions
NECC (Water Management)	<p>This application has been assessed for compliance with the Water Management Report for the subdivision of 29-31 Warriewood Road, prepared by Civil Cert and dated 1/1/2018. The proposed swimming pool increases impervious area of the lot to greater than the allowable 65% under the water management report, but as the non-compliance is minimal, the proposal is accepted.</p> <p>Sediment and erosion controls apply, and dewatering has been conditioned should it be necessary during construction.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs 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, REPs 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 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for rural/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 Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	10.5m	2.6m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	Articulation zone - 6.5m Garage - 4.0m Building line - 3.0m	Sited behind approved dwelling	N/A	Yes
Rear building line	4.0m	0.9m	77.5%	No

Side building line	0.9m	NE - 1.0m	N/A	Yes
		SW - 7.5m	N/A	Yes
Landscaped area	35% with minimum 4m dimensions (113.2m ²)	11.7% (37.8m ²)	66.6% (75.4m ²)	No

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: 38/40 x 100 = 95 then 100 - 95 = 5% variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency with Aims/Objectives
A4.16 Warriewood Valley Locality	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	No	Yes
C1.3 View Sharing	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	No	Yes
D16.6 Front building lines	Yes	Yes
D16.7 Side and rear building lines	No	Yes
D16.9 Solar access	Yes	Yes
D16.10 Private and Communal Open Space Areas	Yes	Yes
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes
D16.13 Building colours and materials	Yes	Yes

Detailed Assessment

B8.3 Construction and Demolition - Waste Minimisation

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

D16.5 Landscaped Area for Newly Created Individual Allotments

Description of non-compliance

The minimum landscaped area requirements of the Control for new dwellings on lots 9m to 14m wide is 35% of the site area with minimum dimensions of 4m.

The proposed development includes 37.8m² of landscaped area with dimensions greater than 4m, representing 11.7% of the site area, when including the dwelling proposed under DA2020/0869.

There are areas within the site that will facilitate the infiltration of stormwater runoff. However, due to the minimum dimensions of 4m, these areas are not included in the calculation of overall landscaped areas on the site.

Under Pittwater Local Environmental Plan (PLEP) 2014, landscaped area is defined as a part of the site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. When applying this definition to the calculation of landscaped area for the site (that is, by including areas with a dimension of less than 4m), the total landscaped area is increased to 104.1m² (32.2%). With this, the landscaped area remains numerically non-compliant.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Outcomes of the Control as follows:

- *Conservation of significant natural features of the site and contribution to the effective management of biodiversity.*

Comment:

The subject site was recently part of a major subdivision and is generally void of any significant vegetation. The site contains adequate soft landscape area for the establishment of a variety of vegetation types and sizes.

- *Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place.*

Comment:

The proposed development allows for a high quality landscape character to be established on the site.

- *Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing biological diversity and ecological processes.*

Comment:

As above, the proposed development allows for a high quality landscape character to be established on the site.

- *The area of site disturbance is minimised.*

Comment:

The proposed excavation for the swimming pool and levelling of the rear lawn area will not inhibit the establishment of grass, soft landscaping and the required canopy tree planting.

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

Comment:

While the site is numerically non-compliant with the minimum requirements for landscape area, the site does maintain areas of deep soil which will ensure that stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

- *Landscaped areas should be predominately areas of deep soil.*

Comment:

The areas throughout the site which are landscaped consist of deep soil areas suitable for canopy tree planting and the establishment of soft landscaping vegetation.

- *New development is blended into the streetscape and neighbourhood through the retention and enhancement of vegetation.*

Comment:

The proposed swimming pool is located within the rear yard of the subject site. The future dwelling will obstruct the pool from the street frontage, as such, there will be no impact upon the streetscape and surrounding neighbourhood.

- *To ensure a reasonable level of privacy and amenity is provided within the development site and maintained to neighbouring properties.*

Comment:

The proposed swimming pool will not have an unreasonable impact upon privacy and amenity of adjoining and surrounding properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of 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.

D16.7 Side and rear building lines

Description of non-compliance

The control required structures at the ground floor to be setback a minimum of 4m from the rear boundary. The rear edge of the swimming pool is setback between 0.9m and 1.3m from the boundary. This represents variations of up to 77.5%.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying

objectives of the Control as follows:

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

Comment:

The proposed development will be consistent and comparable in terms of bulk, scale and siting with similar recently approved developments in the locality, such that the desired future character of the locality will be achieved, notwithstanding the minor contravention of the numeric controls.

- *The area of site disturbance is minimised and soft surface is maximised.*

Comment:

The proposed development does not require a significant degree of excavation, thereby minimising the area of site disturbance. While not compliant in terms of minimum dimensions, the adequate soft surface area of the site has been maintained.

- *The bulk and scale of the built form is minimised and the impact of the proposed development on the adjoining properties is minimised.*

Comment:

The swimming pool is to be in-ground and largely complies with the built form controls prescribed within the DCP such that the resultant built form is consistent and comparable with surrounding development. The development is also considered to provide reasonable amenity for the dwelling occupants and those of adjoining and surrounding properties, as a result of the increased building setbacks, the orientation of the private open space area as well as the visual buffer that will be provided between properties once the proposed landscaping is established.

- *To create meaningful breaks between adjoining buildings and regular rhythm of built form, particularly with regard to the built forms presentation to public places.*

Comment:

Given the swimming pool will be in-ground, it will remain unseen as viewed from the public domain and will not result in an overbearing visual impact to adjoining or surrounding properties given its minor scale.

- *To create usable curtilage areas around buildings for viable access, landscaping and open space.*

Comment:

The site will remain afforded with sufficient areas around the built form for access, landscaping and open space. The swimming pool structure itself is located 1.0m from the southeast side boundary, thereby allowing significant usable curtilage throughout the rear yard.

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

Comment:

No views or vistas will be hindered as a result of the proposal.

- *Vegetation and natural features of the site is retained and enhanced within the development site design to screen the visual impact of the built form.*

Comment:

The site does not currently contain any vegetation or natural features, however, the proposed landscaping under DA2020/0869 will ensure that vegetation is enhanced within the site design to screen the visual impact of the built form, including the swimming pool.

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

Comment:

The development is considered to provide reasonable amenity for the dwelling occupants and those of adjoining and surrounding properties as a result of the lower ground level relative to adjacent properties, the orientation of the private open space areas toward the rear of the property and the proposed landscape treatment that will further mitigate opportunities for overlooking. The swimming pool is to be in-ground therefore no additional solar impacts are considered likely to arise for adjoining properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of 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.

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 2000;
- 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 DA2020/1120 for Construction of a swimming pool on land at Lot 17 DP 270907, 20 Baz Retreat, WARRIEWOOD, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
RADD20019 P1	May 2020	Right Angle Design & Drafting
RADD20019 P2	May 2020	Right Angle Design & Drafting
RADD20019 P3	May 2020	Right Angle Design & Drafting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation (Ref: J3046)	29/10/2020	White Geotechnical Group

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans

Drawing No.	Dated	Prepared By
RADD20019 P4	May 2020	Right Angle Design & Drafting

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

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
Ausgrid	Ausgrid Referral Response	16/10/2020

(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 Certifying Authority 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 Certifying Authority 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 Certifying Authority 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) 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.
- (c) At all times after the submission 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 a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

- (d) 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.
- (e) 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.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) 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.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) 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.

- (l) 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.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) 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 2008
 - (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. Security Bond

A bond (determined from cost of works) of \$1,000 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 Certifying Authority 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.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

9. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

6. **Structural Engineers Report Recommendation adjoining retaining wall**

The Applicant is to submit certification from a structural engineer that the proposed swimming pool structure/excavation has no impacts on the existing adjoining boundary retaining wall . If there are impacts measures to be incorporated into the pool structure to alleviate the impacts. Certification/details are to be submitted to the Accredited Certifier, prior to issue of the Construction Certificate.

Reason: To ensure geotechnical risk is managed appropriately.

7. **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 Certifying Authority prior to the issue of the Construction Certificate.

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

8. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with Council's Waste Management Guidelines.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. **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.

11. **Survey Certificate**

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

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

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

12. **Dewatering management for small sites**

Groundwater or rain can fill your excavation and you will need to remove it before you continue work. The water might just be rain, or it might be groundwater that is seeping into your excavation. Groundwater in particular might not be very good quality and if it mixes with sediment and is pumped into the stormwater system, can affect fish and vegetation in the receiving waterway, for example a local lagoon.

There are a number of guidelines, policies and laws that govern this work, including Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy, the Protection of the Environment Operations Act 1997, and the Contaminated Lands Act 1997.

When you begin excavating to greater than one metre below the soil surface, you should:

- Note any advice you have received with your development application about acid sulphate soils, and how to respond if acid sulphate soils are exposed.
- Watch the excavation for signs of water seeping in or collecting at the bottom. If any water collects in your excavation, you should STOP WORK.

What to do:

Option 1:

Arrange for a vacuum sucker truck (search these words online to find companies) to remove the sediment-laden water in the excavation. This is a good option if the water is seeping in slowly and you think you can remove it on one or two occasions before sealing the excavation. If this option is chosen, there must be no discharge of water to Council's stormwater system (including the gutter). The company you use will provide advice on disposal of the water.

Option 2:

1. Hire a settling tank, sometimes called a sediment tank. There are several specialist companies that hire these eg. Sydney Sediment Tank Hire, or The Plant Yard, but most construction equipment hire companies will have these eg. Kennards or Coates Hire.
2. Hire a small pump.
3. Get a liquid pH kit (available from hardware stores or pet stores).

4. Test the water from the excavation for pH. Take a photo of the result with something white behind the vial so the colour is obvious.
5. If the sample has a pH
 - a. between 6.5 and 8.5 the water will not require any additives – you can just pass the water through the hired settling tank.
 - b. below 6.5 or over 8.5, the water will need treatment and you will need to get advice from an environmental consultant on how to treat it. It's a simple process either way, but you need advice based on your specific test results.
6. Send an email to catchment@northernbeaches.nsw.gov.au and include:
 - a. pH test results and photo of test
 - b. how you will treat pH (if necessary, see 5b)
 - c. hire confirmation for the sediment settling tank.
7. Council will issue a dewatering permit and tell you where you can discharge the water.
8. Keep a copy of the permit and test results on site, in case of Council inspection.
9. When you need to remove water from your excavation, pump the water to the tank.
10. Discharge the treated water from the tank directly to the approved location indicated in your Council dewatering permit.
11. When you have sealed the excavation and emptied the last amount of clean water from the top of the tank, you can disconnect the pump and tank setup. You should clean out any sediment/sludge that has settled to the bottom of the tank. This needs to go to Kimbriki for disposal.

Reason: Protection of the receiving environment

13. **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 Certifying Authority.

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

14. **Installation and Maintenance of Sediment and Erosion Control**

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 prepared by RIGHT ANGLE DESIGN & DRAFTING PTY LTD (RADD20019 p5) and stormwater plan by VNK Consulting (090720-01).

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 across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

The discharge of sediment-laden waters from the site may result in clean-up orders and/or fines under Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

15. **Acoustic Treatment of Pool Filter**

The pool filter is to be enclosed within a housing and acoustically treated so that it does not emit any noise louder than 5dB(A) above background noise at the nearest residential receiver.

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

Reason: To ensure the acoustic amenity of the neighbouring residents.

16. **Required screen planting**

Screen planting shall be planted along the boundaries to an equal alignment of the pool and pavement extent, in accordance with the following schedule:

- Native shrub species such as *Acmena* or *Syzygium* or any other native shrub, along the southern and eastern boundary.

The selected planting shall be capable of attaining a height of 3.0 metres at maturity, or be maintained to such a height.

Plants are to be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Reason: to maintain environmental amenity.

17. **Swimming Pool Requirements**

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

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

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

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

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

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

- (e) Signage showing resuscitation methods and emergency contact
- (f) All signage shall be located in a prominent position within the pool area.
- (g) Swimming pools and spas must be registered with the *Division of Local Government*.
- (h) An Occupation Certificate for a dwelling on the site is issued.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life (DACPLF09)

18. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

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

Signed



Nick Keeler, Planner

The application is determined on 03/11/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments