

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/0190
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Responsible Officer:	Adam Croft
Land to be developed (Address):	Lot 2 SP 57603, 2 / 32 Golf Avenue MONA VALE NSW 2103 Lot 2 SP 57603, 2 / 32 Golf Avenue MONA VALE NSW 2103 Lot 4 SP 57603, 4 / 32 Golf Avenue MONA VALE NSW 2103 Lot 4 SP 57603, 4 / 32 Golf Avenue MONA VALE NSW 2103 Lot 1 SP 57603, 1 / 32 Golf Avenue MONA VALE NSW 2103 Lot 1 SP 57603, 1 / 32 Golf Avenue MONA VALE NSW 2103 Lot 3 SP 57603, 3 / 32 Golf Avenue MONA VALE NSW 2103 Lot 3 SP 57603, 3 / 32 Golf Avenue MONA VALE NSW 2103 Lot CP SP 57603, 32 Golf Avenue MONA VALE NSW 2103
Proposed Development:	Demolition works and construction of a residential flat building
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	DDP
Land and Environment Court Action:	No
Applicant:	The Trustee For Laxdtx 2 Unit Trust

Application Lodged:	08/03/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New multi unit
Notified:	15/03/2024 to 05/04/2024
Advertised:	15/03/2024
Submissions Received:	9
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 4,129,446.80
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EXECUTIVE SUMMARY

The application seeks consent for demolition works and construction of a two-storey residential flat building comprising 6 units with basement car parking.

The application is reported to the Development Determination Panel (DDP) as it attracted more than 5 submissions in objection to the proposal.

The proposal does not rely on any Clause 4.6 variation request as it complies with the 8.5m height of buildings standard and is not subject to a floor space ratio standard pursuant to the Pittwater Local Environmental Plan (PLEP).

The proposal exhibits a high level of compliance with the applicable built form controls contained in the Pittwater 21 DCP (P21 DCP), with relatively minor non-compliances with the front setback, side setback, building envelope and landscaped area controls, as described further in this report. Notwithstanding the departures from these controls, the proposal is generally consistent with the development outcomes anticipated by the medium-density controls and is found to achieve the desired future character of the Mona Vale locality.

The application was referred to Council's Design and Sustainability Advisory Panel for review. The Panel provided written advice concluding that, *"the Panel is supportive of many aspects of the proposal, however, significant improvements to several aspects of the scheme require refinement as detailed in the recommendations herewith"*. The amended proposal incorporates the majority of the recommendations made by the DSAP as detailed in this report. The amendments made are considered to adequately resolve the concerns raised by the Panel in that they achieve substantial improvements in relation to the overall design outcome, the amenity of the development and minimisation of impacts to surrounding properties and the public domain.

The application was also referred to Council's Landscape, Bushland and Biodiversity, Development Engineering, Water Management, Traffic, Waste, Environmental Health and Building Assessment sections for review. None of these internal referral bodies raised objection to the proposed development, subject to the conditions of consent included in the recommendation of this report.

The application was publicly exhibited in accordance with Council's Community Participation Plan, whereby the proposal was notified to 143 surrounding residents/owners. In response to Council's exhibition a total of 9 submissions were received, all of which were in objection to the proposal. The issues raised in the submissions are addressed in this report and are broadly categorised as follows:

- Dwelling density
- Amenity impacts, including solar access, privacy, views/outlook and light spill
- Streetscape impacts
- Excavation and construction impacts
- Landscaping and tree impacts

The issues raised in the submissions are sufficiently addressed where necessary by the amendments made to the proposal (described below) and the conditions of consent included in the recommendation of this report. An assessment of each of the concerns raised in the submissions is undertaken in this report and none of the matters raised are found to justify the refusal of the application in the public interest.

The proposal is considered to satisfy the relevant planning controls and has sufficient merit to be recommended for **approval** by the Development Determination Panel, subject to the conditions listed in the recommendation.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for demolition works and construction of a two-storey residential flat building with basement car parking.

Specifically, the development comprises:

- Demolition of all existing structures;
- Tree removal, excavation and site preparation works;
- New driveway and crossover;
- Lower basement level comprising a battery/services room and wine cellar;
- Basement car parking accommodating 12 residential spaces, 2 visitor spaces and storage areas;
- 6 x three bedroom apartments over two levels; and
- Landscaping works and entry structure accommodating letterboxes and bin storage.

The below image illustrates the general character, design and external appearance of the proposal.



Figure 1. 3D render of the proposed development as viewed from Golf Avenue.

Amendment of Application

On 4 July 2024, amended plans were lodged including the following amendments to the proposed development:

- Increased front setback to entry and bin store structure and inclusion of parcel locker;
- Relocated fire hydrant booster provision;
- Revised driveway gradient and increased unit 1 living room front setback;
- Increased rear setbacks to basement and ground floor, reduced overall excavation;
- Reduced floor levels and overall height of rear pavilion by 200mm;
- Minor reconfigurations of units 1, 2, 5 and 6 to provide paved private open space areas;
- Replace body corporate meeting room with wine cellar;
- Revised landscape design to suit the above amendments.

On 11 July 2024, a further set of amended plans were lodged. These plans did not involve any change to the proposed development; the amendments were limited to the revision of the ground levels depicted on the plans to reflect the existing surveyed levels of the site.

As the amendments result in a reduction in environmental impacts relative to the submitted proposal the application was not re-notified, in accordance with the Council's Community Participation Plan. Residents that made submissions in relation to the development application were informally notified of the amended proposal on 10 July 2024 and provided an opportunity to make further submissions. No additional submissions were received in response to the informal re-notification of the amended proposal.

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

Assessment - Housing and Productivity Contribution
Pittwater Local Environmental Plan 2014 - Zone R3 Medium Density Residential
Pittwater Local Environmental Plan 2014 - 5.10 Heritage conservation

Pittwater Local Environmental Plan 2014 - 5.21 Flood planning
 Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils
 Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
 Pittwater 21 Development Control Plan - A4.9 Mona Vale Locality
 Pittwater 21 Development Control Plan - B2.5 Dwelling Density and Subdivision - Medium Density Residential
 Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
 Pittwater 21 Development Control Plan - B8.6 Construction and Demolition - Traffic Management Plan
 Pittwater 21 Development Control Plan - C1.3 View Sharing
 Pittwater 21 Development Control Plan - C1.4 Solar Access
 Pittwater 21 Development Control Plan - C1.5 Visual Privacy
 Pittwater 21 Development Control Plan - C1.6 Acoustic Privacy
 Pittwater 21 Development Control Plan - C1.7 Private Open Space
 Pittwater 21 Development Control Plan - C1.9 Adaptable Housing and Accessibility
 Pittwater 21 Development Control Plan - D9.6 Front building line
 Pittwater 21 Development Control Plan - D9.7 Side and rear building line
 Pittwater 21 Development Control Plan - D9.9 Building envelope
 Pittwater 21 Development Control Plan - D9.10 Landscaped Area - General
 Pittwater 21 Development Control Plan - D9.12 Fences - General

SITE DESCRIPTION

Property Description:	Lot 2 SP 57603 , 2 / 32 Golf Avenue MONA VALE NSW 2103 Lot 2 SP 57603 , 2 / 32 Golf Avenue MONA VALE NSW 2103 Lot 4 SP 57603 , 4 / 32 Golf Avenue MONA VALE NSW 2103 Lot 4 SP 57603 , 4 / 32 Golf Avenue MONA VALE NSW 2103 Lot 1 SP 57603 , 1 / 32 Golf Avenue MONA VALE NSW 2103 Lot 1 SP 57603 , 1 / 32 Golf Avenue MONA VALE NSW 2103 Lot 3 SP 57603 , 3 / 32 Golf Avenue MONA VALE NSW 2103 Lot 3 SP 57603 , 3 / 32 Golf Avenue MONA VALE NSW 2103 Lot CP SP 57603 , 32 Golf Avenue MONA VALE NSW 2103
Detailed Site Description:	<p>The subject site consists of one allotment located on the northern side of Golf Avenue.</p> <p>The site is regular in shape with a frontage of 19.81m along Golf Avenue and a depth of 70.41m. The site has a surveyed area of 1395.5m².</p> <p>The site is located within the R3 Medium Density Residential zone and accommodates a one and two-storey multi-dwelling housing development comprising four units.</p> <p>The site slopes approximately 3.3m from front to rear.</p>

The majority of the site is occupied by the existing dwellings, paved surrounds and driveway. Landscaping is generally limited to areas adjoining the site boundaries and comprises 12 trees in addition to hedging and small plants.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development within the R3 zone predominantly consists of residential flat buildings. Land to the south-west of Golf Avenue is zoned RE1 and accommodates Mona Vale Golf Club. Mona Vale Beach is located to the east of the site and the Mona Vale town centre is located to the west across Barrenjoey Road.

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:

Development Application No. 86/194 - 4x2 bedroom townhouses with associated landscaping and carparking - Approved 12 June 1986.

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	See discussion on “Environmental Planning Instruments” in this report.

Section 4.15 Matters for Consideration	Comments
environmental planning instrument	
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in the form of amended plans to address concerns raised by Council.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact</p>

Section 4.15 Matters for Consideration	Comments
	in the locality considering the character of the proposal. (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.
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 15/03/2024 to 05/04/2024 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 9 submission/s from:

Name:	Address:
Mr Ross William Fleming	1 / 9 Narabang Way BELROSE NSW 2085
Mr Paul Frederick Stead	4 / 28 - 30 Golf Avenue MONA VALE NSW 2103
Calvin Wallis Fawle	12 / 34 - 36 Golf Avenue MONA VALE NSW 2103
Mr Lance Robin Barnes	Po Box 340 MONA VALE NSW 1660
Mr Robert Neil McNamara	1 / 34 - 36 Golf Avenue MONA VALE NSW 2103
Mr Grahame Robert Clinton	15 / 34 - 36 Golf Avenue MONA VALE NSW 2103
Mr Geoffrey John Harper	30 Mudies Road ST IVES NSW 2075
Linda Mary Dadic	13 / 28 - 30 Golf Avenue MONA VALE NSW 2103
Mr Peter Crawford Mrs Susan Barbara Crawford	8 / 28 - 30 Golf Avenue MONA VALE NSW 2103

A total of 10 submissions were received in response to Council's notification of the application. One

submission solely relating to the proposed entry and bin store structure was withdrawn on 7 July 2024 following lodgement of the amended design.

The issues raised in the submissions are addressed as follows:

- **Dwelling density & subdivision**

The submissions raised concerns that the proposal does not comply with P21 DCP control B2.5 with regard to the dimensions of lots to be developed for medium density housing.

Comment:

The proposal has been assessed against the provisions of control B2.5 in this report. The control states that variations may be permitted where the outcomes are achieved and where development *"on an isolated lot that would otherwise be prohibited only because of non-compliance with the street frontage controls"*. In this case, the single-width allotment is isolated and there is no opportunity for amalgamation with adjoining properties, which have previously been amalgamated and developed for medium density housing. The proposed development is a reasonable in-fill response to the site context and results in a comparable built form outcome to the development 33 Darley Street (consent N0124/13) to the rear.

- **Amenity**

The submissions raised concerns that the proposed development will adversely impact the privacy of, and solar access to, surrounding dwellings. Concerns were also raised in relation to view impacts and light spill.

Comment:

The privacy and solar access impacts of the development are addressed in detail against the provisions of P21 DCP C1.4 and C1.5 in this report and are found to be acceptable. In summary, the proposal maintains a compliant level of solar access and reasonable privacy for adjoining dwellings as anticipated by the controls. Similarly, the level of compliance demonstrated by the proposal ensures that reasonable outlook is retained from surrounding properties. The proposed bin store is not of a height or bulk that would unreasonably impact views or outlook from neighbouring dwellings. The proposed density and dwelling typology is compatible with the surrounding locality and is not anticipated to cause significant light spill, glare or noise impacts in the context of the medium density zone.

- **Streetscape and bin store**

The submissions raised concerns that the proposed entry and bin store will adversely impact the streetscape due to the associated front setback breach.

Comment:

The proposed entry and bin store structure has been amended to provide an increased front setback and enable the provision of landscaping at the street frontage. Council's Waste Management Guidelines require that bin store areas are a maximum distance of 6.5m from the front boundary. The proposed location satisfies the Waste Guideline location requirement and

is adjacent to the driveway of the neighbouring property, so will not cause unreasonable impacts to residents of that development. The front setback variation is assessed against the outcomes of the control and is satisfactory.

- **Excavation and construction impacts**

The submissions raised concerns regarding the proposed excavation volume and associated construction impacts. Concern was also raised in relation to the accuracy of the ground levels illustrated on the plans.

Comment:

The amended proposal reduces the footprint of the basement excavation by approximately 29m² at the rear of the site and complies with the front and rear setback requirements. The proposed excavation is adequately set back from the site boundaries and will not unreasonably impact adjoining properties or the natural environment. Conditions are recommended requiring the preparation of dilapidation surveys of the adjoining properties to identify any damage caused by excavation and construction works. Standard conditions are recommended in relation to construction traffic management and to minimise disturbance caused to nearby residents during works. The amended plans include both the existing and proposed ground levels within the site and demonstrate that the existing ground levels are generally maintained beyond the proposed building footprint.

- **Landscaping**

The submissions raised concerns regarding the proposed removal of and impacts to trees and vegetation on the site and adjoining properties. Concern was also raised in relation to the height of the proposed planting.

Comment:

The submitted plans and Arborist Report have been reviewed by Council's Landscape and Biodiversity sections with no concerns raised, subject to the recommended conditions in relation to the protection/condition of retained trees on the subject site and adjoining properties and provision of compensatory planting. A condition is also included to restrict the height of any new tree species within 4m of the southeastern side boundary to a maximum of 4m.

- **Rainwater tanks**

The submissions raised concerns regarding the details and locations of the proposed water tanks.

Comment:

A condition is recommended requiring the relocation of the proposed water tanks and the provision of landscape screening adjacent to the tanks.

REFERRALS

Internal Referral Body	Comments
Design and Sustainability Advisory Panel	<p>Not supported (based on DA as lodged - amended plans and conditions satisfactorily address issues)</p> <p>The application was referred to the DSAP for consideration and comment.</p> <p>The Panel concluded that there were <i>"supportive of many aspects of the proposal, however, significant improvements to several aspects of the scheme require refinement as detailed in the recommendations herewith."</i></p> <p>The DSAP made a total of 15 recommendations in relation to Scale, built form and articulation, Access, vehicular movement and car parking, Landscape, Amenity, Facade treatment/aesthetics and Sustainability.</p> <p>The applicant has sought to respond to the DSAP recommendations through the amended proposal (including the submission of an itemised written response).</p> <p>Each of the Panel's recommendations are listed below with commentary from the assessing planner.</p> <p style="text-align: center;"><u>Scale, built form and articulation</u></p> <ol style="list-style-type: none"> <p><i>Further consideration should be given to street interface. Booster assembly should be positioned and enclosed such that appearance does not detract from the quality of the landscape and such that planting along street interface is maximised.</i></p> <p><u>Comment:</u> The proposed entry structure and bin store has been set back by 1.6m-2m to enable additional landscaping at the street frontage. The booster assembly location has been nominated at the northwestern side of the frontage to provide continuous landscaping adjacent to the entry. The design response to this recommendation is considered acceptable.</p> <p><i>Provide well integrated paved and covered private open space for all dwellings to avoid future piecemeal approach to same.</i></p> <p><u>Comment:</u> Each of the proposed ground floor dwellings has been provided with paved and covered or partially covered terraces. The design response to this recommendation is considered acceptable.</p>

Internal Referral Body	Comments
	<p data-bbox="624 342 1259 376"><u>Access, vehicular movement and car parking</u></p> <p data-bbox="560 376 1307 443">3. <i>Integrate parcel locker and mail boxes into entry structure.</i></p> <p data-bbox="624 483 1401 584"><u>Comment:</u> A parcel locker is incorporated into the letter box area of the entry structure. The design response to this recommendation is considered acceptable.</p> <p data-bbox="560 658 1374 725">4. <i>Reduce extent of basement to reduce excavation and increase deep soil.</i></p> <p data-bbox="624 766 1426 934"><u>Comment:</u> The extent of the basement excavation has been reduced by approximately 29m² at the rear of the site and the deep soil area of the amended proposal is sufficient. The design response to this recommendation is considered acceptable.</p> <p data-bbox="560 1008 1347 1075">5. <i>Explore potential to reduce width of driveway and increase landscape area across front setback zone.</i></p> <p data-bbox="624 1115 1377 1249"><u>Comment:</u> The proposed driveway width is unable to be reduced and therefore this recommendation has not been taken up. The landscaped area within the front setback is considered acceptable.</p> <p data-bbox="624 1290 780 1323"><u>Landscape</u></p> <p data-bbox="560 1359 1326 1426">6. <i>Prepare a tree Protection Plan to manage building construction stage.</i></p> <p data-bbox="624 1467 1434 1635"><u>Comment:</u> A tree protection plan is provided within the original and amended arboricultural reports submitted with the application. Council's Landscape section have also recommended conditions in relation to tree and vegetation protection. The submitted documentation is acceptable.</p> <p data-bbox="560 1675 1347 1742">7. <i>Redesign all outdoor spaces to include at least one outdoor sitting space of adequate size.</i></p> <p data-bbox="624 1783 1414 1883"><u>Comment:</u> As noted in response to recommendation 2, all dwellings now incorporate paved outdoor areas. The design response to this recommendation is considered acceptable.</p> <p data-bbox="624 1924 743 1957"><u>Amenity</u></p> <p data-bbox="560 1993 1417 2094">8. <i>Consider altering the planning of units No.1 and No.2 so that they are similar in configuration to units No.3 and No.4 respectively, making sure to avoid creating</i></p>

Internal Referral Body	Comments
	<p><i>habitable rooms that depend on obscure glazing for privacy.</i></p> <p><u>Comment:</u> This recommendation has not been taken up. The design of units 1 and 2 in relation to privacy and solar access are considered acceptable.</p> <p>9. <i>Remove or relocate Body Corporate Meeting Room to avoid unnecessary excavation.</i></p> <p><u>Comment:</u> This recommendation has not been taken up. The body corporate room has been replaced with a wine cellar. Given that the lower basement level is necessary to accommodate the battery/services room and that the wine cellar is centrally located and limited to 20m², the retention of this space is not likely to cause adverse impacts to adjoining properties or constitute excessive excavation. The proposed excavation volume is considered acceptable.</p> <p><u>Façade treatment/Aesthetics</u></p> <p>10. <i>Provide more specific detail on finishes and materials.</i></p> <p>11. <i>Promote finishes which will have inherent material characteristic and that will stand up to and compliment the marine environment. Avoid 'faux' finishes.</i></p> <p><u>Comment:</u> Sufficient detail of the proposed finishes and materials is provided on the elevation plans and perspective drawings. The proposed finishes and materials are appropriate for the site context and are considered acceptable.</p> <p><u>Sustainability</u></p> <p>12. <i>Consider relocating the on-site battery storage. Determine whether a battery could be efficiently located outside the building envelope at much reduced cost, but requiring further design to achieve a good fit with the landscape and surrounds.</i></p> <p><u>Comment:</u> The applicant has advised that the on-site battery storage is unable to be located elsewhere on site.</p> <p>13. <i>Should the installation of the PV array breach the height limit in order to optimise performance it is the Panel's view that this is a justifiable breach although it appears that this is achievable within the height limit.</i></p> <p><u>Comment:</u> The proposed building is located well below the height limit and a breach of the standard for the purpose of the PV array does not appear necessary.</p>

Internal Referral Body	Comments
	<p>14. <i>Provide EV charging points for each unit (Min 15 amp) to suit level 1 charging.</i></p> <p><u>Comment:</u> The applicant has advised that this recommendation is accepted. A condition is recommended in this regard.</p> <p>15. <i>The commitment to 5kW of PV per unit needs to be a condition of consent as it is not recognised or formalised on the BASIX certificate due to the inadequacies of the current BASIX online tool.</i></p> <p><u>Comment:</u> The applicant has advised that this recommendation is accepted. A condition is recommended in this regard.</p> <p><u>Conclusion</u></p> <p>The comments and recommendations provided by the DSAP were based on the original design of the proposal at the time of lodgement of the DA, which has since been amended to respond directly to the majority of the recommendations. The amendments made improve the development's overall level of compliance and reduce impacts to the surrounding properties and public domain. The building is assessed as exhibiting a high level of design and amenity for future residents. Whilst the design and amenity of development could almost always be improved, the quality of the revised proposal achieves that which is envisaged by the provisions of the Pittwater LEP and DCP and SEPP BASIX, as detailed in this report.</p>
Building Assessment - Fire and Disability upgrades	<p>Supported with conditions.</p> <p>The application has been investigated with respects to aspects relevant the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Industrial)	<p>Supported with conditions.</p> <p>General Comments</p> <p>This application is seeking consent for demolition of existing townhouses and construction of a residential flat building containing a total of 6 apartments over 2 levels with basement car parking for 14 vehicles including 2 visitor spaces.</p>

Internal Referral Body	Comments
	<p>Environmental Health has reviewed the master plans and note the majority of the bedrooms have been placed away from the road frontage and not in direct line of sight to the Golf Club therefore reducing noise from its operations however the operation of the Club has recently received approval to extend operating hours and provide one function a week operating until 12 midnight (not precluding the number of ancillary functions/events held within the 8:00am-9:00pm hours of operation).</p> <p>Prior to Construction, an acoustic engineer is to be engaged to provide advice to ensure effective construction materials are used to reduce any potential noise impacts to the occupants within the Apartments facing Golf Avenue and the apartments facing 34-36 Golf Avenue. The proposed location of air conditioning units is to be discussed with the acoustic engineer and any acoustic controls provided to reduce noise impacts on neighboring residential occupants.</p> <p>A Demolition and Construction Operational Management Plan will need to be prepared detailing how air, noise and dust pollution is to be effectively controlled so as not to create a potential pollution event.</p> <p>Environmental Health recommends approval subject to conditions.</p>
Landscape Officer	<p>Supported with conditions.</p> <p><u>Amended Plans Comment 10/07/2024</u> Amended Landscape plans and Arborist's Report provided are noted.</p> <p>The amended information indicates that no additional landscape impacts are proposed and improved landscape outcome to the Golf Ave frontage is achieved.</p> <p>Minor amendment to the recommended conditions have been included to update reference to the updated plans and report.</p> <p><u>Original Comment</u> The application seeks consent for: Demolition works and construction of a residential flat building.</p> <p>The Arborist's Report prepared by Selena Hannan and Landscape Plans prepared by Plot are noted.</p> <p>The Arborist's Report assesses 23 trees on or adjacent to the site. 15 trees are indicated to be able to be retained with an acceptable level of impact. Some trees on adjoining land will require pruning as they overhang the site in the location of the proposed buildings. The Report details the required pruning, which is considered acceptable</p>

Internal Referral Body	Comments
	<p>in terms of impacts on the trees.</p> <p>8 trees within the site are indicated for removal. 6 of these are rated as Low retention value and two Medium retention value. The trees indicated for removal are not considered significant and no objections are raised to removal, subject to replacement planting.</p> <p>The Landscape Plans indicate replanting of 31 trees capable of attaining a minimum height of 5m, 16 of which range in height from 8-30m, which is supported.</p> <p>No objections are raised with regard to landscape issues subject to conditions as recommended.</p>
NECC (Bushland and Biodiversity)	<p>Supported with conditions.</p> <p>AMENDED COMMENTS</p> <p>An amended landscape plan has been submitted to address matters raised. No environmental weeds or exempt species are included in the amended landscape plan and the condition for the Amendment of Landscape Plans (Pre-CC) will be removed.</p> <p>The development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p> <p>ORIGINAL COMMENTS</p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> Pittwater DCP - Clause B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land <p>The application has been submitted with an arborist report that has recommended the removal of a of trees 11, 16, 19a, 19b, 20, 21, 22, 23 and 24. Trees 19a, 19b, 20, 22 and 23 are prescribed trees that would be directly impacted by the proposed works and have a low retention value. Their removal will not be objected to subject to like for like replacement.</p> <p>The proposed landscape plan includes a number of replacement trees consistent with PDCP B4.5 but will have to be amended to avoid inclusion of environmental weeds such as Lagerstroemia and include a total of 60% or more native vegetation.</p> <p>The development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>
NECC (Development Engineering)	<p>Supported with conditions.</p> <p>The submitted stormwater plan including the connection of stormwater from the site via the existing easement benefiting the site</p>

Internal Referral Body	Comments
	<p>and extension of the Council drainage system in Darley St is acceptable subject to conditions.</p> <p>The proposed driveway crossing is acceptable using Council's Normal profile. The existing crossing is to be reinstated to kerb, footpath and turf.</p> <p>The submitted Geotechnical report addresses the relevant DCP controls.</p> <p>Development Engineering support the proposal, subject to conditions as recommended.</p>
NECC (Water Management)	<p>Supported with conditions.</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Northern Beaches Water Management for Development Policy (WMD Policy); and • Relevant LEP and DCP clauses <p>The proposal is for demolition of existing townhouses and construction of new residential flat building.</p> <p>Section 4.1 of the WMD Policy applies and as such the proposal is required to meet Table 5 – General Stormwater Quality Requirements.</p> <p>The proposed water management chain includes rainwater tanks, filter pits, and infiltration system. A MUSIC model has been provided, and the output from the model provided in the stormwater report and stormwater plans. On review, the proposed water management chain includes measures that encourage on-site water reuse and infiltration. The output from the MUSIC model indicates that the proposal meets the water quality requirements.</p> <p>No objections regarding water management.</p>
Traffic Engineer	<p>Supported with conditions.</p> <p>Further Comments - dated 2/08/2024</p> <p>The applicant has provided additional information addressing the concerns except for bicycle parking. The amended traffic report prepared by Genesis Traffic, dated 27 June 2024 states that, "all the parking spaces will be oversized and there will be sufficient area within each parking module to accommodate bicycle spaces". While this is acceptable, these bicycle spaces must be shown on the plans and designed as per AS2890.3:2015.</p> <p>The DA can now be supported subject to conditions.</p> <p>Original Comments - dated 27/05/2024</p> <p>Proposal description: Proposed demolition works and construction of Residential Flat Building at 32 Golf Avenue, Mona Vale</p> <ul style="list-style-type: none"> • The traffic team has reviewed the following documents:

Internal Referral Body	Comments
	<ul style="list-style-type: none"> Plans (Master set) – Revision A, designed by Walsh Architects, dated 19/01/2024. Traffic Impact Assessment, prepared by Genesis Traffic, dated 23 February 2024 (Reference No. GT24001) The <i>Statement of Environmental Effects</i> prepared by Boston Blyth Fleming Town Planners, dated February 2024 <p>Comments</p> <ul style="list-style-type: none"> It is noted that the proposed development is for a Residential Flat Building consisting of 6 x 3-bedroom dwellings served by 14 parking spaces. Vehicular access is provided off Golf Avenue, via a new double width driveway. The development is required to provide 12 residential parking spaces (2 per dwelling) and 2 visitor spaces (one for each 3 units). Accessible parking is not required as only 3% of spaces are required to be accessible (0.42 of a space) and there is no requirement for adaptable parking spaces to be provided for the proposed silver level development. The traffic report states that the access driveway width is 5.8 metres and has 300mm kerb on both sides. However, these dimensions are not annotated on the plans. Furthermore, a two-way crossover is minimum 5.5metres wide between kerbs as per AS 2890.1:2004 clause 2.5.2 i.e. the total width of the driveway is 6.1metres (5.5m + 2x300mm) if the ramp is bordered by kerbs on either side in excess of 150m in height. The above is to be clarified and the relevant dimensions must be shown on the plans. On the ground floor, RL, ramp widths, lengths and grades must be shown. It is noted that driveway longitudinal sections have been provided along with ground clearances checked for B85 and B99 vehicles. The longitudinal section 1 shows transition grade of 14% at 1.929 metres from the boundary and transition of 15% at the bottom of 25% ramp. Similarly, the longitudinal section 2 shows transition grade of 17.5% at 1.758 metres from the boundary and transition of 15% at the bottom of 25% ramp. Although no scraping is apparent on the ground clearance checks, these ramp transitions are not compliant with AS2890.1 Clause 2.5.3 and should be amended for compliance. Traffic report on page 16 states, “the proposed ramp is substandard as the grade of first 6m of the ramp exceeds 5% (12.5%)”. The applicant's traffic consultant then justifies this steeper grade by saying that the the footpath gradient is flat so the driver will have adequate sight lines. The Australian Standard only allows a gradient steeper than 5% within the property where the driveway slopes down to street level. In this case the driveway slopes up to street level and, as the Golf Avenue footpath is well used by pedestrians carries high volumes of traffic and having high levels of parking activity, it

Internal Referral Body	Comments
	<p>is considered that there a significant reasons to require compliance with the standard. The driveway grades approaching the property boundary should be designed for compliance with the standard i.e sloping at no more than 5% for the first 6m inside the property.</p> <ul style="list-style-type: none"> • It is noted that there are RLs and grades provided in the basement level, although no RL is provided on ground floor. There is a note on the ground floor driveway that states, “driveway to basement as per Civil Engineer’s drawing”. However, it is noted that some RLs do not match on the Civil and Architectural plans. Consistent plans showing the same RLs must be provided. • It is noted that a sight triangle is shown on the exit side of the driveway in the architectural plan. The dimensions of this sight triangle must be annotated on the plans. The sight triangle must be clear of any visibility obstructions in accordance with AS2890.1: 2004. Furthermore, the location of sight triangle in the driveway as shown in the architectural plan is not correct. The sight triangle should be placed along the edge of the driveway wall/kerb. • It is noted that the Traffic report mentions loading and deliveries activities are to be carried out on on-street using the kerbside parking. Given the small size of proposed development and the development being only residential development, this provision is acceptable. • It is noted that the traffic report states that a minimum of 45m of SSD is achieved for sight distance. A sight distance diagram is also provided in Attachment 2, page 29. However, the distance of 45m is not shown in the diagram. Hence, a complete diagram must be presented. • The passing swept paths at the entry must be updated to show B99 entering and B85 exiting. Furthermore, the proposed driveway width and wings must be shown in order to see if the vehicle manoeuvres are accommodated within the driveway. • It is noted that swept paths are provided for some of the parking spaces. It is required that a swept path plot be provided for a B85 vehicle entering and exiting the first parking space east of the ramp, as this is a critically located space. • A car turntable is provided in the northeast corner to assist with access to/from the four residential parking spaces located in the northeast corner. Swept paths are shown to demonstrate forwards entry and exit. The swept path plots for the vehicle entering the space in the north eastern corner should be replotted to show a continuous path of travel avoiding the break in the manoeuvre and avoiding encroachment into the adjacent parking space. • the plans doe not show any bicycle parking spaces. The Pittwater DCP requires one secure bicycle rack for each 3

Internal Referral Body	Comments
	<p> dwellings. The development therefore requires at least 2 bicycle parking spaces. These should be shown on the plans</p> <p>Conclusion</p> <p>The application is not supported at this stage with further information as outlined above required prior to further consideration of the proposal.</p>
Waste Officer	<p>Supported with conditions.</p> <p>Waste Management Assessment Supported - Subject to conditions.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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)

Housing and Productivity Contribution

Part 2 Development for which contribution is require and determination of contribution, Division 2 Housing and productivity contribution amounts, Clause 7 Base component.

This Clause details the base component amounts that apply to the calculation of the housing and productivity contribution, as set out in the following table:

Region	HPC class of development	Amount	HPC unit
Greater Sydney	Residential subdivision	\$12,000	new dwelling lot
	Residential strata subdivision	\$10,000	new strata dwelling lot
	Non-strata multi-dwelling development	\$10,000	new non-strata dwelling
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA

Comment:

The subject site is located within the Greater Sydney region and currently comprises four multi-dwelling housing dwellings. The proposed development is for a residential flat building containing six dwellings, resulting in an increase of two dwellings relative to the existing development. As such, the contribution required for the additional two dwellings is \$20,986.22.

SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. 1737016M_02 dated 27 June 2024).

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

SEPP (Housing) 2021

Application of Chapter

Clause 144 of State Environmental Planning Policy Housing 2021 (SEPP Housing) stipulates that:

(1) This chapter applies to development only if:

(a) the development consists of:

- (i) the erection of a new building,
- (ii) the substantial redevelopment or the substantial refurbishment of an existing building, or
- (iii) the conversion of an existing building, and

(b) the building concerned is at least 3 or more storeys, not including underground car parking storeys, and

(c) the building contains at least 4 dwellings.

As previously outlined the proposed development is for the erection of a two-storey residential apartment development plus basement car parking. In accordance with the provisions of Clause 144 above, the provisions of Chapter 4 SEPP Housing are **not** applicable to the assessment of the proposed development.

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
Height of Buildings:	8.5m	7.7m	N/A	Yes
Density controls for certain residential accommodation	1 dwelling per 200m ²	1 dwelling per 232.6m ²	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
4.5A Density controls for certain residential accommodation	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes

Clause	Compliance with Requirements
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone R3 Medium Density Residential

The proposal is assessed against the objectives of the R3 Medium Density Residential Zone as follows:

- To provide for the housing needs of the community within a medium density residential environment.*

Comment:

The proposed development provides increased housing supply that is consistent with the medium density zoning of the site.

- To provide a variety of housing types within a medium density residential environment.*

Comment:

The proposed residential flat building use is permitted with consent in the zone and is compatible with surrounding housing types.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

N/A - The proposal is for residential development.

- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

Comment:

N/A - The proposal is for residential development.

Conclusion

Based on the above assessment, the proposed development is found to be consistent with the objectives of the zone.

5.10 Heritage conservation

The subject site is not located in proximity to any listed heritage items, nor is it identified as having a high potential for Aboriginal sites.

5.21 Flood planning

The site is not identified as flood affected land.

7.1 Acid sulfate soils

The site is mapped as Class 5 Acid Sulfate Soils. The submitted geotechnical report advises that no evidence of Acid Sulphate Soils was identified on the site and that the watertable will not be intersected by the proposed works.

7.2 Earthworks

The proposed excavation works are sufficiently set back from all property boundaries and will not adversely impact surrounding properties or the natural environment.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement		Proposed	% Variation*	Complies
Front building line	6.5m or streetscape		Bin store: 1.6m-2m	75.4%	No
			Basement: 6.5m	N/A	Yes
			GF: 11.99m	N/A	Yes
			FF: 6.5m-10.99m	N/A	Yes
Rear building line	GF: 2.65m		5.4m-7m	N/A	Yes
	FF: 4.45m		5.4m-6m	N/A	Yes
Side building line	Northwest	GF Unit 1&2: 3.7m	3m-4.1m	19%	No
		GF Unit 5&6: 3.6m	3.5m	2.8%	No
		FF Unit 1&2: 4.5m	3m-4.5m	33.3%	No
		FF Unit 5&6: 4.5m	3.5m-4.5m	22.2%	No
	Southeast	GF Unit 1&2: 3.4m	3.5m-4.5m	N/A	Yes
		GF Unit 5&6: 3.3m	3.5m	N/A	Yes
		FF Unit 1&2: 4.2m	3.5m-4.5m	16.7%	No
		FF Unit 5&6: 4.1m	3.5m-4.5m	14.6%	No
Building envelope	Bin store: 3.3m		Nil	100%	No
	Northwest: 4.2m		2 breaches: - length 800mm, up to 350mm	N/A	No

		- length 1.2m, up to 350mm		
	Southeast: 4.2m	Within envelope	N/A	Yes
Landscaped area	50% 697.75m ² (site area 1395.5m ²)	Deep Soil / LEP: 32.1% 447.8m ²	35.8%	No
		DCP C1.1: 45.8% 639m ²	8.4%	
		DCP D9.10: 37.6% 524.8m ²	24.8%	

Note: The criteria for *Landscaped Area* varies between the PLEP definitions and Pittwater DCP C1.1 and D9.10 controls. Refer to the assessment undertaken under PDCP D9.10 for further detail.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B2.5 Dwelling Density and Subdivision - Medium Density Residential	No	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.10 Building Facades	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.20 Undergrounding of Utility Services	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	No	Yes
D9.7 Side and rear building line	No	Yes
D9.9 Building envelope	No	Yes
D9.10 Landscaped Area - General	No	Yes
D9.12 Fences - General	Yes	Yes
D9.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

A4.9 Mona Vale Locality

The Desired Future Character (DFC) of the locality is detailed within Clause A4.9 Mona Vale Locality. The below extracts are applicable to the proposed development, with the bold emphasis added to the most relevant sections.

- Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. **Any medium density housing will be located within and around commercial centres, public transport and community facilities.***
- Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment.***

Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

- ***A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.***

Comment:

The proposed medium density housing development is appropriately located in proximity to the Mona Vale commercial centre.

The proposed building height remains below the building height control and the tree canopy. The proposal's performance against the applicable built form controls demonstrates that the bulk and scale of the development is appropriate for the context. Existing vegetation is retained where possible and substantial new vegetation, including natives and canopy trees, are proposed to be planted on the site. The proposed development is highly articulated and incorporates a range of colours and materials suitable for the surrounding environment.

The proposal achieves a suitable balance between the natural environment and the development of the land. Council's Landscape and Biodiversity sections are satisfied that the proposal appropriately maintains existing vegetation. New planting proposed through the development will ensure compatibility with the surrounding landscape character and the enhancement of wildlife corridors.

Conclusion

The proposal represents a site and context-responsive design that is compatible with surrounding development and the desired future character as set out above and informed by the applicable built form controls.

Accordingly, the proposal is assessed as being consistent with the desired future character of the Mona Vale locality.

B2.5 Dwelling Density and Subdivision - Medium Density Residential

Description of non-compliance

Control

Medium density housing must not be carried out unless the street frontage is greater than or equal to one third of the length of the longest side boundary.

The 19.81m street frontage of the subject site is equivalent to 28.1% of the 70.41m depth of the site. Therefore, the proposal is non-compliant with the above control.

Variations

Variations to this control may be permitted provided it is demonstrated that the outcomes are achieved.

Variations may be applied to the following: development on a battleaxe lot, non-frontage lot or on an isolated lot that would otherwise be prohibited only because of non-compliance with the street frontage

controls.

The subject site is isolated and there is no opportunity for amalgamation with any adjoining property. The proposal is considered to be a reasonable in-fill development that responds to the site context and achieves the outcomes of the control as assessed below. Accordingly, it is appropriate to allow flexibility in the application of the control in this case.

Merit consideration

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

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

Comment:

The proposed development is found to be consistent with the desired future character of the locality as assessed in this report.

- *The density and scale of development reflects the infrastructure capability of the area.*

Comment:

The proposed density and scale of the development is compatible with the site area, surrounding development and the infrastructure capability of the area.

- *Design opportunities and site layout efficiencies are improved through amalgamation of allotments.*

Comment:

As noted above, there is no opportunity for amalgamation with adjoining properties. The proposal is therefore eligible for the variation to the control.

- *The development does not adversely impact upon adjoining residential development.*

Comment:

The proposal is appropriately designed with regard to density, layout and bulk and scale to avoid adverse impacts upon the amenity of adjoining properties.

- *To encourage development of sites with sufficient width to provide design opportunities and site integration and to avoid long, narrow "gun barrel" development.*

Comment:

The site width is sufficient to accommodate dwellings of adequate dimensions with setback distances that generally comply with the applicable controls.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of the control. Accordingly, this assessment finds that the proposal is

supported in this particular circumstance.

B6.3 Off-Street Vehicle Parking Requirements

The proposal includes a compliant number of car parking spaces with 12 residential spaces (2 per apartment) and 2 visitor spaces.

B8.6 Construction and Demolition - Traffic Management Plan

Conditions are recommended requiring the preparation and implementation of demolition and construction traffic management plans.

C1.3 View Sharing

Based on an inspection of the site and surrounds and review of the submissions received by Council, the proposed development is not expected to unreasonably impact any significant views available from surrounding properties.

C1.4 Solar Access

Compliance with control

Controls

The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.

Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).

Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.

Comment:

The main private open space areas and living room windows of units 2, 4, 5 and 6 will receive the required 3 hours of sunlight. Units 1 and 3 will receive the required sunlight to living room windows, but not to the main private open space areas, primarily due to the orientation of the site.

The private open space areas of units within the adjoining development at 34-36 Golf Avenue are not materially affected by overshadowing until after 12pm, and will maintain the the required 3 hours of sunlight between 9am and 12pm. Approximately 5 hours of sunlight will be maintained to 50% of the glazed areas of the northwest-facing windows of those units from 9am until around 2pm, in compliance with the control. The roofed areas of adjoining developments are not overshadowed by the proposal, so there will be no impact to existing/future solar collectors.

Merit consideration

With regard to the impact of the development on adjoining properties and the variation relating to solar access to private open space areas within the site, the proposal is assessed against the outcomes of the control below.

Outcomes

*Residential development is sited and designed to maximise solar access during mid-winter.
A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development.
Reduce usage and/dependence for artificial lighting.*

Comment:

A reasonable level of solar access is provided to each of the proposed units within the development. The non-compliant solar access to the private open space areas of units 1 and 3 is largely a result of the orientation of the site. The lack of solar access to the private open spaces of these units is offset by the amenity afforded in relation to sunlight to living room windows, outlook, cross-ventilation and privacy.

The proposed setbacks, articulation and compliance with the building height standard facilitate compliant and reasonable solar access to adjoining properties.

Based on the above assessment, the proposal is found to comply with the controls and achieve the relevant outcomes.

C1.5 Visual Privacy

Compliance with control

Controls

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 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).

Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.

Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.

Comment:

The proposed development does not enable unreasonable overlooking of the adjoining properties. Privacy impacts from the ground floor windows and private open spaces are mitigated by the proposed setbacks and existing boundary fencing. The northwest-facing first floor windows are limited to bedrooms and narrow kitchen and pantry windows and are appropriately located, sized, angled and set back to avoid adverse privacy impacts. The southeast-facing first floor windows, several of which incorporate screening devices, service bedrooms and bathrooms and are not considered to cause adverse privacy impacts. The proposed unit 3 and 4 balconies incorporate full height privacy screening to prevent overlooking.

In conclusion, the proposed placement and design of windows and balconies are sufficient to protect the privacy of adjoining dwellings and private open space areas as anticipated by the controls.

Merit consideration

Outcomes

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. A sense of territory and safety is provided for residents.

Comment:

The orientation, layout and design of the proposed units and privacy open space areas ensure an appropriate level of visual privacy is provided for residents of the subject development and adjoining properties. The proposal also provides a sense of territory and safety for residents.

Based on the above assessment, the proposal is found to comply with the controls and achieve the relevant outcomes.

C1.6 Acoustic Privacy

The proposed development is appropriately sited and designed to ensure the acoustic amenity of occupants of the development and adjoining properties.

C1.7 Private Open Space

Each dwelling includes a private open space area of sufficient dimensions to comply with the control and enable outdoor recreation and service functions for occupants.

C1.9 Adaptable Housing and Accessibility

Compliance with control

The control requires a minimum of 20% of the proposed dwellings meet the Silver Level criteria of the Liveable Housing Guideline. The submitted Access Report confirms that the proposed development provides two dwellings that comply, or are capable of compliance, with the relevant requirements. Conditions of consent are recommended to ensure compliance with this control.

D9.6 Front building line

Description of non-compliance

The proposed 1.6m-2m front setback to the entry structure and bin store is non-compliant with the 6.5m control. The primary front building line complies with the control and exceeds those of the immediately adjoining properties.

Merit consideration

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

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

Comment:

The proposed development is found to be consistent with the desired future character of the locality as assessed in this report.

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

Comment:

The proposal is not expected to impact any significant views or vistas from adjoining properties or the public domain.

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

Comment:

N/A - The subject site does not adjoin a main road.

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

Comment:

The front setback area does not contain any existing significant vegetation. New trees and vegetation are proposed within the front setback and across the balance of the site to reduce the visual bulk of the development.

- *Vehicle manoeuvring in a forward direction is facilitated.*

Comment:

The proposed basement design facilitates forward entry and exit from the site.

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

Comment:

The proposed built form and landscaping are of appropriate proportions that will enhance the streetscape and remain compatible with the natural environment.

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

Comment:

The proposed facade design addresses the street frontage in a manner that will visually improve the streetscape and will provide adequate pedestrian amenity.

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

Comment:

The proposal is compatible with the scale, proportions and siting of nearby developments within the visual catchment.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the control. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

D9.7 Side and rear building line

Description of non-compliance

The requirements side setback control are as follows:

Where the wall height is 3 metres or less, the minimum side and rear boundary setback shall be 3 metres.

Where the wall height is more than 3 metres above ground level (existing), the minimum distance from any point on the external wall of the building and a side or rear boundary shall not be less than the distance calculated in accordance with the following:

$$S = 3 + \frac{H - 2}{4}$$

where

S = the distance in metres

H = the height of the wall at that point measured in metres above existing ground level

The proposal includes various breaches of the side setback control at the northwestern and southwestern elevations as illustrated below.

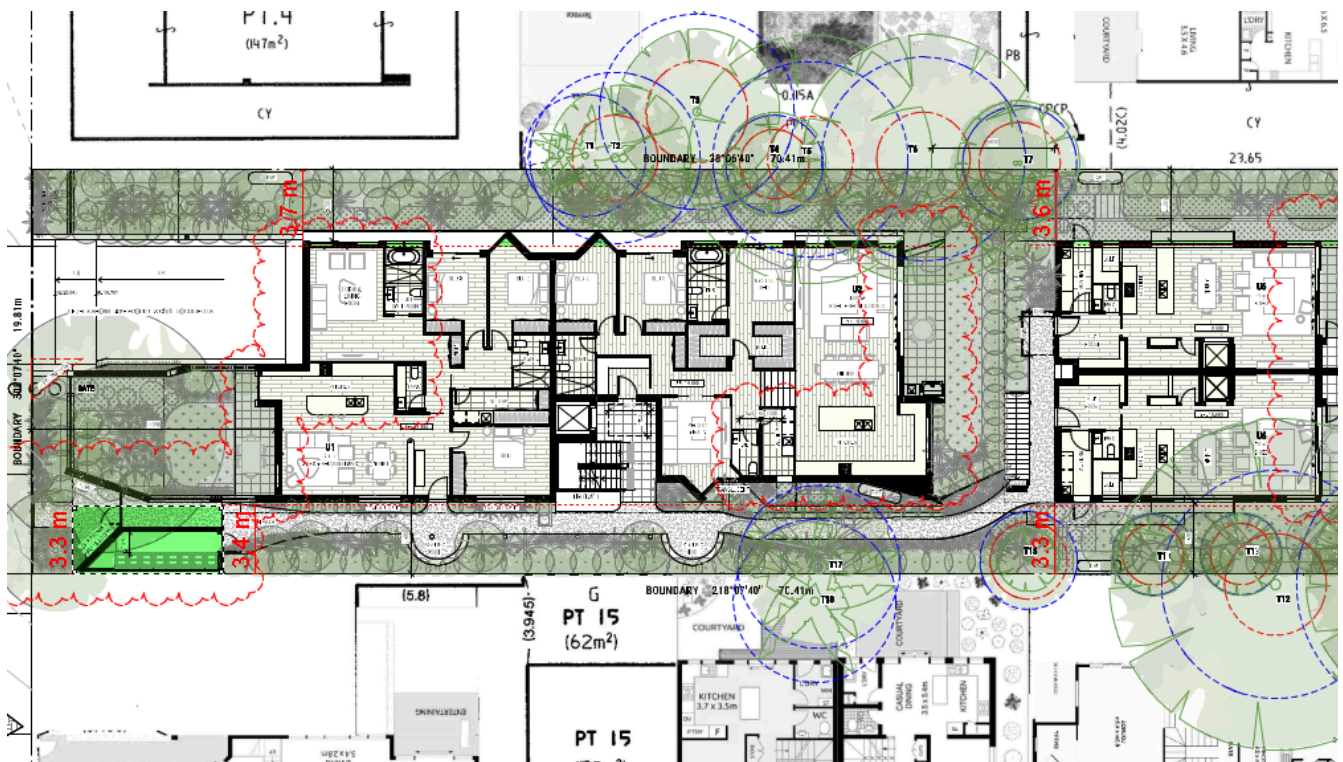


Figure 2. Side setback breaches at the ground floor level shown shaded green (side setback requirements represented by dashed red line).

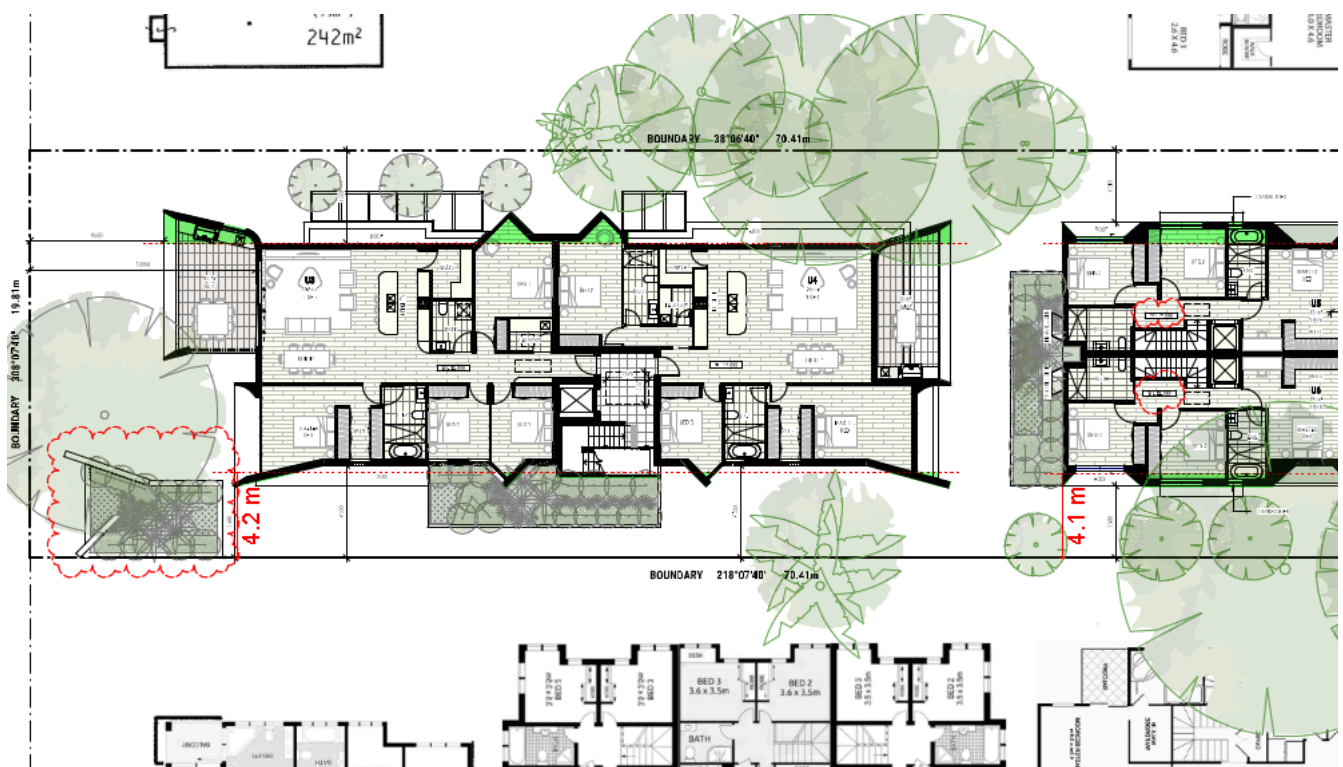


Figure 3. Side setback breaches at the first floor level shown shaded green (side setback requirements represented by dashed red line).

Merit consideration

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

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

Comment:

The proposed development is found to be consistent with the desired future character of the locality as assessed in this report.

- *The bulk and scale of the built form is minimised.*

Comment:

The design, siting and articulation of the development sufficiently minimise the bulk and scale of the built form. The side setback encroachments are minor and do not give rise to any excessive visual bulk.

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

Comment:

The proposal is not expected to unreasonably impact any significant views or vistas from adjoining properties or the public domain.

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

Comment:

The siting and design of the proposal achieve an appropriate view sharing outcome.

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

Comment:

The proposed setbacks, articulation and privacy measures ensure that reasonable privacy, amenity and solar access are afforded to occupants of the proposed development and adjoining properties.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*

Comment:

The proposal incorporates a variety of landscaping, including new trees, shrubs and ground covers that will positively contribute to the streetscape.

- *Flexibility in the siting of buildings and access.*

Comment:

Given the isolated nature of the site and the minor extent of the side setback breaches, it is considered appropriate to allow a degree of flexibility in the siting of the proposed buildings.

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

Comment:

The proposed side setbacks are sufficient to enable the planting of new trees and vegetation that will assist in reducing the visual bulk of the development.

- *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 the control. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

D9.9 Building envelope

Description of non-compliance

The proposal includes two breaches of the building envelope control at the northwestern elevation as illustrated below.

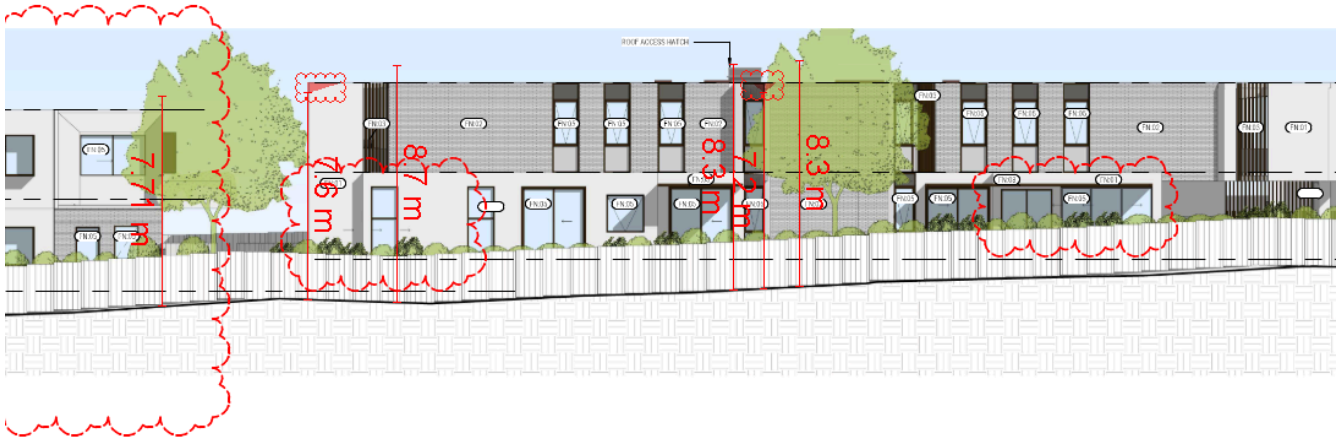


Figure 4. Building envelope breaches shaded and clouded red at the northwestern elevation.

Merit consideration

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

- *To achieve the desired future character of the Locality.*
- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- *The bulk and scale of the built form is minimised.*
- *Equitable preservation of views and vistas to and/or from public/private places.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*
- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment:

The extent of the proposed building envelope breaches are negligible in the context of the development and the above outcomes of the control are achieved as addressed throughout this report.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the control. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

D9.10 Landscaped Area - General

Description of non-compliance

The PLEP *Landscaped area* definition and the PDCP C1.1 and D9.10 controls provide varying criteria for the inclusion of landscaped areas as outlined below.

PLEP Definition

"Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area."

PDCP C1.1 Landscaping

"The following soil depths are required in order to be counted as landscaping:

300mm for lawn

600mm for shrubs

1 metre for trees"

PDCP D9.10 Landscaped Area - General

"Variations

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

impervious areas less than 1 metre in width (e.g. pathways and the like);

Residential Flat Buildings, Multi Dwelling Housing and Shop Top Housing

Provided the outcomes of this control are achieved, and the bulk and scale of the development is not increased, the following may be permitted:

Areas with soil depth greater than 800mm above built structures (excluding drainage and waterproof membranes) may be included as landscaped area. Soil depths above built structures less than this will not be included as landscaped area."

Due to the varying criteria noted above, the landscaped area of the proposed development has been calculated in accordance with each requirement.

Based on the **PLEP definition** the proposal has a landscaped area of 32%, representing a shortfall of 249.95m² or a variation of 35.8%.

Based on **PDCP C1.1** the proposal has a landscaped area of 45.8%, representing a shortfall of 58.75m² or a variation of 8.4%.

Based on **PDCP D9.10** the proposal has a landscaped area of 37.6%, representing a shortfall of 172.95m² or a variation of 24.8%.

Regardless of the criteria used to calculate the proposed landscaped area, the proposal must be found to achieve the outcomes of control D9.10. Accordingly, an assessment against those outcomes is undertaken below.

Merit consideration

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

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

Comment:

The proposed development is found to be consistent with the desired future character of the locality as assessed in this report.

- *The bulk and scale of the built form is minimised.*

Comment:

The bulk and scale of the buildings are sufficiently minimised as demonstrated by the proposal's performance against the applicable built form controls. The proposal remains well below the 8.5m building height standard and maintains sufficient separation from the property boundaries, with only minor elements of the buildings exceeding the permitted setbacks and building envelope.

- *A reasonable level of amenity and solar access is provided and maintained.*

Comment:

The proposal provides reasonable amenity and solar access to adjoining properties. The development incorporates suitable privacy measures and maintains a compliant level of solar access to the adjoining dwellings to the south in accordance with PDGP C1.4.

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

Comment:

The proposal includes the removal of 8 trees rated as low and medium retention value. The proposed landscape plan includes numerous replacement trees in addition to a range of shrubs, climbers and plants that will visually reduce the bulk of the development.

- *Conservation of natural vegetation and biodiversity.*

Comment:

Council's Bushland and Biodiversity section are satisfied that the proposal will avoid significant adverse environmental impacts, subject to the recommended conditions of consent.

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

Comment:

The proposal results in a minor increase in impervious area relative to the existing development and is recommended for approval by Council's Development Engineering and Water Management sections, subject to conditions.

- *To preserve and enhance the rural and bushland character of the area.*

Comment:

The proposal will increase the quantity and quality of trees and vegetation on the site relative to the existing development and is therefore considered to preserve and enhance the character of

the locality.

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

Comment:

The proposal is considered to provide adequate permeable surfaces and provision for stormwater management in accordance with Council's Water Management Policy.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the control. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

D9.12 Fences - General

The proposed front fence is compatible with existing fencing within the visual catchment and satisfies the requirements of the control. No new side or rear boundary fencing is proposed or approved.

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 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$41,294 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$4,129,447.

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

PLANNING CONCLUSION

The application seeks consent for demolition works and construction of a two-storey residential flat building comprising 6 units with basement car parking.

The proposal, as amended, demonstrates an acceptable level of compliance with the applicable built form controls and ensures that the proposed height, scale, and density of the development is compatible with both the existing and desired future character of the locality. The proposed design also provides a reasonable level of amenity for occupants of the development and adjoining properties as envisaged by the controls.

The amended application incorporates the majority of the recommendations made by the DSAP and represents a significantly improved design that is considered to satisfactorily address the Panel's concerns.

In response to Council's advertising, a total of 9 submissions were received in objection to the proposal. The performance of the proposal against parts C1 and D9 of the P21 DCP demonstrate that the development is appropriate for the context and would not unreasonably impact the amenity of surrounding properties. Conditions of consent are recommended to address concerns in relation to landscaping and tree retention, construction traffic management and other impacts associated with demolition and construction works. The issues raised in the submissions are addressed in detail in this report and are not considered to warrant refusal of the application in the public interest.

On balance, the assessment concludes with a recommendation that the DDP should **approve** the application, subject to the conditions listed in the report.

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 DA2024/0190 for Demolition works and construction of a residential flat building on land at Lot 2 SP 57603, 2 / 32 Golf Avenue, MONA VALE, Lot 2 SP 57603, 2 / 32 Golf Avenue, MONA VALE, Lot 4 SP 57603, 4 / 32 Golf Avenue, MONA VALE, Lot 4 SP 57603, 4 / 32 Golf Avenue, MONA VALE, Lot 1 SP 57603, 1 / 32 Golf Avenue, MONA VALE, Lot 1 SP 57603, 1 / 32 Golf Avenue, MONA VALE, Lot 3 SP 57603, 3 / 32 Golf Avenue, MONA VALE, Lot 3 SP 57603, 3 / 32 Golf Avenue, MONA VALE, Lot CP SP 57603, 32 Golf Avenue, MONA VALE, 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
DA030	B	Demolition Plan	Walsh Architects	22 June 2024
DA040	B	Proposed Site Plan	Walsh Architects	22 June 2024
DA100	B	Service Plan	Walsh Architects	22 June 2024
DA101	B	Basement Plan	Walsh Architects	22 June 2024
DA102	B	Ground Floor Plan	Walsh Architects	22 June 2024
DA103	B	Level 1 Plan	Walsh Architects	22 June 2024
DA104	B	Roof Plan	Walsh Architects	22 June 2024
DA201	C	Long Sections	Walsh Architects	9 July 2024
DA202	C	Cross Sections	Walsh Architects	9 July 2024
DA203	C	Cross Sections	Walsh Architects	9 July 2024
DA204	C	Cross Sections	Walsh Architects	9 July 2024
DA300	B	Elevations	Walsh Architects	22 June 2024
DA301	B	Elevations	Walsh Architects	22 June 2024
LS501.1	C	Landscape Plan (Ground Level) - Sheet 1	Plot Design Group	26 June 2024
LS501.2	C	Landscape Plan (Planters) - Sheet 2	Plot Design Group	26 June 2024
LS503.1	C	Landscape Details - Sheet 3	Plot Design Group	26 June 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	-	Building Sustainability Assessments	27 June 2024

Geotechnical Investigation Report	1	Crozier Geotechnical Consultants	1 July 2024
Arboricultural Impact Assessment	-	Selena Hannan Landscape Design	25 June 2024
NCC (BCA) Report	1	East Coast Approvals Group	19 February 2024
Access Report	2	East Coast Approvals Group	9 February 2024
Waste Management Plan	-	-	-

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
Ausgrid	Ausgrid Referral Response	26 March 2024

(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) 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 2022

A monetary contribution of \$41,294.47 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 \$4,129,446.80.

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.

7. Housing and productivity contribution - Development consents

1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

Contribution Type	Amount
Housing and Productivity Contribution	\$20,986.22 (2 additional dwellings)
Total:	\$20,986.22

2. The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

highest PPI number

consent PPI number

where—

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted.

June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata	Before the issue of the first strata certificate

subdivision and a change of use of an existing building	
Manufactured home estate for which no construction certificate is required	Manufactured home estate for which no construction certificate is required

4. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).

5. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
 - a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
 - b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.

6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

8. **Construction, Excavation and Associated Works Security Bond(s)**

The applicant is to lodge a bond with Council for the following:

Drainage Works

As security against any damage or failure to complete the construction of stormwater drainage works required as part of this consent a bond of \$75,000.

Maintenance for Civil Works

A maintenance bond of \$10,000 for the construction of s[tormwater drainage works that revert to Council's care and control. The maintenance bond will only be refunded upon completion of the six month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council prior to issuing of practical completion.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9. On Slab Landscape Works

Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections.

The following soil depths are required to support landscaping:

- i) 300mm for groundcovers, perennials, grasses and lawn
- ii) 600mm for shrubs
- iii) 800mm for small trees

Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

10. 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.

11. Stormwater Disposal

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

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

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

12. 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 Crozier Geotechnical Consultants dated 23 February 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. 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.

13. 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 Certifier for approval prior to the issue of the Construction Certificate.

Reason: Protection of the receiving environment.

14. Detailed Design of Stormwater Treatment Measures

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the plans prepared by Civil Consulting Engineers (Rev A dated 15.02.2024) and Council's Water Management for Development Policy.

The certificate shall be submitted to the Certifier prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment.

15. Car Parking Standards

The driveway/access ramp grades (except the first 6m ramp*), access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1:2004.

*Note: The first 6m ramp is not fully compliant with AS2890.1:2004. However, the design presented on Civil Plans prepared by RTS Civil Constructing Engineers, dated 0.1.07.2024 is deemed acceptable with the maximum of 5% ramp provided from the footpath instead of property boundary.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of a construction certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

16. Car Parking Finishes

All driveways, car parking areas and pedestrian paths are to be surfaced and sealed. Details of treatment to these areas are to be submitted to the Principal Certifier prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

17. Vehicular Swept Paths

Vehicular manoeuvring paths must be provided to demonstrate all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

Details demonstrating compliance with this condition must be submitted to the Principal Certifier prior to the issue of the construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

18. 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 and approved by the Northern Beaches Council Traffic Team 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.

19. **Removal of Redundant Driveways**

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council prior to the issue of the Construction Certificate. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.

20. **Vehicle Mechanical Turntable**

The applicant is to provide information on the proposed vehicular turntable, operation details, and instructions to residents on using the device, maintenance plan, and contingency plan

during a malfunction.

Details are to be provided to Council for approval and this requirement is to be reflected on the Construction Certificate plans. Details demonstrating compliance are to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifier prior to the release of the Construction Certificate.

Reason: To ensure no vehicle conflicts within the basement carpark.

21. Stormwater Drainage Disposal

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifier prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

22. Amendments to the approved plans

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

- A minimum 900mm setback comprising landscape screening shall be provided between any water tanks and site boundaries. Water tanks shall not be located forward of the primary building line.

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.

23. Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, shall be provided in respect of the subject site.

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

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

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

24. Building Code of Australia Fire Safety Requirements

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the NCC (BCA) Report prepared by East Coast Approvals Group, dated 19/2/2024, Ref. No. 24/0009, Version 1, including any required Performance Reviews, are to be considered as part of the assessment for any Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority, prior to the issue of a Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

25. Access and Facilities for Persons with Disabilities

Access and facilities to and within the building are to be provided as required for Persons with a Disability in accordance with the Building Code of Australia and AS1428. In this regard the Access C Report prepared by East Coast Accessibility Pty Ltd Group dated 9/2/2024 Ref. 24/0009 Rev. 2, is to be taken into consideration as part of the Construction Certificate assessment. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

26. Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of the driveway crossing, reinstatement of the existing crossing and pit and pipe construction in Darley Avenue which are to be generally in accordance with the Civil Engineering plans submitted by RTS Consulting Engineers, Project Number 240101 drawings CW001A, CW100A, CW200A, CW201A, SW001A, SW002A, SW100A and SW300A dated 15/02/2024 and 23/02/2024 and Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer. The design must include the following information:

1. The driveway crossing is to be 5.5 metres wide at the kerb to 5.8 metres wide at the boundary in accordance with Council's Normal profile.
2. The existing crossing is to be reinstated to kerb, footpath and turf.
3. The existing footpath is to be reconstructed along the entire frontage of the site to 1.5 metres wide.

4. Provide a new stormwater pit with 1.8 metre lintel in Darley St.
5. Provide a 375mm diameter RRJ concrete pipe Class 3 between the new pit and existing pit SPP50174 in Darley St.
6. Reconstruct the kerb and gutter and any laybacks along the length of the new pipeline in Darley Street.
7. Provide a services plan and concurrent from any affected service authority.

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

An approval is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

27. **Utilities Services**

Prior to the issue of the Construction Certificate, written evidence of the following service provider requirements must be provided to the Principal Certifier:

- a) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity,
- b) a response from Sydney Water as to whether the proposed works subject to this consent would affect any Sydney Water infrastructure, and whether further requirements need to be met, and
- c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

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

Reason: To ensure relevant utility and service providers' requirements are provided to the Principal Certifier.

28. **Sub-Soil Seepage**

The Applicant is to submit plans demonstrating that all sub-soil seepage drainage is discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being the proposed extension of the Council pipeline within Darley Street and is to be carried out in accordance with relevant Australian Standards.

Note: At the time of determination the following (but not limited to) Standards applied:

- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 Plumbing and drainage - Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 / Amdt 1 - 2006 Plumbing and drainage - Stormwater drainage.

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

Reason: To ensure appropriate drainage and Stormwater management on site to protect amenity of residents.

29. **Shoring of Council's Road Reserve (Temporary road anchors)**

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining properties with engineering drawings, detailing the proposed shoring works for their consideration and approval.

Written approval from Council under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

30. **Acoustic Treatments**

Prior to the issue of any Construction Certificate, an acoustic engineer is to review the final architectural plans to provide advice on effective acoustic treatment to the apartments to ensure noise from the operation of the nearby Golf Club is reduced to residents inside the apartments bedrooms and living spaces. The acoustic engineer is to review the chosen location for any external noise sources such as air conditions units and provide appropriate design/acoustic treatment advise to be implemented into the construction.

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

Reason: To ensure potential noise sources have been considered and effectively managed.

31. **Compliance with Standards**

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

At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.3 - 2015 Parking facilities - Bicycle parking facilities**
- (h) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Principal Certifier to ensure compliance with this condition and that the relevant Australian Standards are adhered to.

The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website.

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

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

32. 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.

33. Photovoltaic (PV) System

The development shall provide and maintain a minimum of 5kW of PV per dwelling as indicated on the approved plans. The system shall be installed and maintained in accordance with the relevant provisions of SEPP (Transport and Infrastructure) 2021.

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

Reason: To ensure that the sustainability measures of the development are incorporated in accordance with the approved plans.

34. Bicycle Parking

A minimum of two (2) bicycle parking spaces are to be provided as per the requirements of Pittwater DCP. The bicycle spaces must be designed in accordance with AS2890.3 2015 must be accessible within the basement at all times. Details demonstrating compliance with this condition must be submitted to the Principal Certifier prior to the issue of the construction Certificate

Reason: to ensure bicycle parking requirements are met and provided as per the Pittwater DCP

35. Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

36. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with the Arboricultural Impact Assessment dated 23 February 2024 (updated 25 June 2024) prepared

by Selena Hannan and AS4970-2009 Protection of trees on development sites.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment dated 23 February 2024 (updated 25 June 2024) prepared by Selena Hannan.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Principal Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

37. Tree Removal Within the Property

This consent approves the removal of existing trees on the subject site as identified in the Arboricultural Impact Assessment dated 23 February 2024 (updated 25 June 2024) prepared by Selena Hannan:

- i) Trees 11, 16, 19ab, 20, 21, 22, 23, 24
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised building works.

38. Work Zones and Permits

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane

Reason: To ensure Work zones are monitored and installed correctly.

39. Demolition Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by an suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

Due to heavy traffic congestion throughout the area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- Include a Traffic Control Plan prepared by an TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of 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 DTMP 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. These communications must be documented and submitted to Council prior to work commencing on site.
- Specify spoil management process and facilities to be used on site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP 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 Demolition Traffic Management Plan is submitted.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

40. **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.

Properties:

1. 28-30 Golf Avenue, Mona Vale

2. 34-36 Golf Avenue, Mona Vale
3. 33 Darley Street East, Mona Vale

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.

41. Demolition, Excavation and Construction Management Plan

A Demolition, Excavation and Construction Management Plan is to be prepared by a suitable person and implemented into the demolition, excavation and construction phase of the development. The Plan is to contain detailed information on effective methods of controlling dust, air, water and noise pollution during these phases.

The plan is to include, but not limited to, likely pollution sources during the demolition, excavation and construction phase, effective methods to be implemented to control the pollution, complaints process, person of contact.

A copy of the final plan is to be provided to the Principal Certifying Authority and the Project Manager.

Reason: To ensure potential pollution is controlled during demolition, excavation and construction.

DURING BUILDING WORK

42. Protection of Sites of Significance

Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office contacted to assess the finds.

Under Section 89a of the NPW Act should the objects be found to be Aboriginal, NSW Biodiversity and Conservation Division, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Preservation of significant environmental features.

43. 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 the Arboricultural Impact Assessment dated 23 February 2024 (updated 25 June 2024) prepared by Selena Hannan and AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
 - 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 the Project Arborist on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with the Project Arborist including advice on root protection measures,
 - vii) should either or all of v) or vi) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the 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 15% of any tree canopy, and shall be in accordance with the Arboricultural Impact Assessment dated 23 February 2024 (updated 25 June 2024) prepared by Selena Hannan and 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 and certified by the Project Arborist as compliant to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

44. Condition of Trees

During the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to or by seeking arboricultural advice from the Project Arborist during the works.

In this regard all protected trees shall not exhibit:

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

Any mitigating measures and recommendations required by the Arborist are to be implemented.

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

Reason: Protection of trees.

45. 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.

46. 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.

47. Dewatering Management

Tailwater and Groundwater: A permit from Council is required for any dewatering. Contact catchment@northernbeaches.nsw.gov.au

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and

Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Reason: Protection of the receiving environment and groundwater resources.

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

Reason: Protection of the receiving environment.

49. Implementation of Demolition Traffic Management Plan

All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

50. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW 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 for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

51. Ongoing Management

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

52. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

53. **Geotechnical Requirements**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

54. **Survey Certificate**

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

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

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

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

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

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

55. **Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled dated [INSERT].

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

56. **Waste/Recycling Requirements (Materials)**

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

57. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

58. **Landscape Completion**

Landscape works are to be implemented in accordance with Landscape Plans Issue C dated 26.06.24 prepared by Plot Design Group 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,
- c) any tree species proposed to be planted within 4m of the southeastern side boundary shall have a maximum height of 4m at maturity.

Prior to the issue of an Occupation Certificate, details (from a qualified landscape architect, landscape designer or 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.

59. **Native Landscaping**

Any new landscaping is to incorporate a minimum 60% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Planting Guide available on Council's website.

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

Reason: To ensure compliance with the requirement to retain and protect native planting on the site.

60. **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.

61. **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.

62. **Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)**

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/preparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

63. **Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval**

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Principal Certifier for approval prior to the issue of the Occupation Certificate.

Reason: To ensure compliance of works with Council's specification for engineering works.

64. **Stormwater Disposal**

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

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

65. **Certification for the Installation of Stormwater Treatment Measures**

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures

have been installed in accordance with the plans prepared by Civil Consulting Engineers (Rev A dated 15.02.2024). The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifier prior to the release of an Occupation Certificate.

Reason: Protection of the receiving environment.

66. Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. 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 as to user is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

67. Stormwater Treatment Measures Operation and Maintenance Plan

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

1. Detail on the stormwater treatment measures:
 - a) Work as executed drawings
 - b) Intent of the stormwater treatment measures including modelled pollutant removal rates
 - c) Site detail showing catchment for each device
 - d) Vegetation species list associated with each type of vegetated stormwater treatment measure
 - e) Impervious area restrictions to maintain the water balance for the site
 - f) Funding arrangements for the maintenance of all stormwater treatment measures

- g) Identification of maintenance and management responsibilities
 - h) Maintenance and emergency contact information
2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:
- a) Activity description, and duration and frequency of visits
- Additionally for vegetated devices:
- b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
3. Maintenance schedule and procedure - ongoing
- a) Activity description, and duration and frequency of visits
 - b) Routine maintenance requirements
 - c) Work Health and Safety requirements
 - d) Waste management and disposal
 - e) Traffic control (if required)
 - f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
 - g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifier prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

68. **Works as Executed Drawings - Stormwater Treatment Measures**

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifier prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

69. **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.

70. **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.

71. **Access to Bins for Waste Collection Staff**

All doors and gates used by collection staff must provide unimpeded access to the bins. Should any doors or gates have a requirement to be secured they must be fitted with a timer lock set to remain open from 6.00am to 6.00pm on the scheduled day of collection. All doors and gates must be able to be latched in the open position to facilitate bin manoeuvring.

Reason: To ensure unimpeded access to waste bins for collection staff at the appropriate times.

72. **Garbage and Recycling Facilities**

All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

73. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

74. **Unit Numbering for Multi Unit Developments (Residential, Commercial and Industrial)**

The units within the development are to be numbered in accordance with NSW Address Policy and User Manual.

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website Unit Numbering for Multi-Unit Developments Form

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with any Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access.

75. Undergrounding of Telecommunications Services

Arrangements are to be made for the provision of underground telecommunications services to the building.

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

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services.

76. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

77. Staff and Contractor Parking

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the basement parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local parking amenity.

78. Waste and Recycling Facilities Certificate of Compliance

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

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

Reason: To ensure waste and recycling facilities are provided.

79. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

80. Positive Covenant for Council and Contractor Indemnity

A positive covenant shall be created on the title of the land prior to the issue of an Occupation Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

81. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of an Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. A Compliance Certificate, issued by the Certifying Authority, shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

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

82. Maintenance of Stormwater Treatment Measures

Stormwater treatment measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. Evidence supporting the replacement must be retained on site and made available to Council as required.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

83. Parking Enclosure

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

84. Landscaping adjoining vehicular access

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1m

Reason: To maintain unobstructed sight distance for motorists.

85. Fencing Height / Vegetation

All fencing and/or vegetation along the frontage road(s) shall not impede pedestrian or driver visibility. This requires that vegetation does not exceed one (1) metre in height. Appropriate plants shall be selected within the 2.0 x 2.5m splay to ensure this condition is met.

Reason: To ensure maximum vehicular and pedestrian visibility.

86. Car Parking Allocation

The development is to maintain the following parking allocation for the life of the development:

- a. 12 x residential spaces, with a minimum of 1 space incorporating an EV charging point (min. 15 amp to suit level 1 charging) per unit,
- b. 2 x visitor spaces.

All spaces must be line-marked and identified accordingly.

Manoeuvring areas must be kept clear of obstructions at all times. Vehicles must not be required to queue on public roads at any time.

Reason: To ensure the appropriate management of parking on site.

87. Mechanical Plant

Any mechanical plant equipment shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

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

88. Liveable Housing Units

The proposal must maintain two (2) apartments incorporating the *Livable Housing Guideline's* silver level universal design features in accordance with the Class C requirements of AS4299.

Reason: To maintain the appropriate quantity of liveable and adaptable units over the life of the development.

