

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0131
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Responsible Officer:	Gareth David
Land to be developed (Address):	Lot C DP 322017, 5 Irrubel Road NEWPORT NSW 2106
Proposed Development:	Alterations and additions to an existing dwelling and construction of a swimming pool and secondary dwelling
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Piet Hein Poelmann
Applicant:	Piet Hein Poelmann

Application Lodged:	14/02/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	02/03/2020 to 16/03/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 214,965.00
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PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought for the alterations and additions to the existing dwelling house, the construction of a secondary dwelling and a new swimming pool . The proposed works include:

- Replacement of double carport roof to incorporate a hipped design and the reinforcement of the existing carport piers
- New secondary dwelling in the rear garden
- New in-ground swimming pool
- Removal of privacy screen on the western elevation of the first floor balcony and replacement with a new enclosing wall
- Removal of existing front hardstand space and reinstate with landscaping

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - D10.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - D10.4 Building colours and materials

Pittwater 21 Development Control Plan - D10.7 Front building line (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - D10.8 Side and rear building line (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - D10.13 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot C DP 322017 , 5 Irrubel Road NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Irrubel Road.</p> <p>The site is regular in shape with a frontage of 11.58m along Irrubel Road and a depth of 65.215m. The site has a surveyed area of 669.6m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates a two-storey dwelling house, double carport towards the front of the dwelling and a metal shed in the rear garden.</p> <p>The site falls approximately 10m from the north (road frontage) to the south (rear boundary).</p>

The site contains large grassed area at the rear with small and medium sized trees dispersed throughout. This grassed area is not fenced from adjoining neighbors.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one (1) and two (2) storey residential dwelling houses of varying architectural styles.

Map:



SITE HISTORY

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

- BA1157/78 - Building Application approved 07/03/1978 for the construction of a double carport
- CDC0020/13 - Complying Development Certificate approved 13/02/2013 for the alterations and additions to the dwelling

APPLICATION HISTORY

24 February 2020

Council wrote to the applicant requesting additional information relating to:

- A Geotechnical Report
- Stormwater details

27 March 2020

Amended plans and additional information received to support the application

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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

Section 4.15 Matters for Consideration'	Comments
impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The proposal, in terms of landscape outcome, is acceptable subject to the protection of two <i>Eucalyptus robusta</i> on the neighbouring boundary, and the completion of landscaping.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping D10 Newport Locality</p> <p>A Landscape Plan and an Construction Impact & Management</p>

Internal Referral Body	Comments
	Statement is provided with the application, satisfying DA Lodgement requirements.
NECC (Bushland and Biodiversity)	The proposed development has been assessed against the following biodiversity planning controls - Pittwaer LEP 2014 cl.7.6 Biodiversity and P21 DCP cl B4.6 Wildlife Corridors. The development will not require removal of trees and is located within an existing landscaped area. The works are generally proposed on parts of the site identified as not containing a wildlife corridor and does not impact on bushland on the site or adjoining properties. The development is designed, sited and will be managed to avoid any significant adverse environmental impact
NECC (Development Engineering)	<p>The proposal includes the excavation for the pool, as such a Geotechnical Report in accordance with the requirements of the Geotechnical Risk Management Policy is required for the proposal. Also the proposed impervious area exceeds 50 square metres and an onsite stormwater detention (OSD) system is required for the proposal but there are no details submitted with the application.</p> <p>The existing driveway crossing is to remain which is satisfactory.</p> <p>Development Engineers cannot support the application due to insufficient information to address clauses B5.7, B5.10 and B6.1 of Pittwater 21 DCP 2014.</p> <p>Additional Information Submitted 25/03/2020</p> <p>The submitted Geotechnical report addresses the relevant DCP controls. The amended site plan and reduction in additional impervious area by deleting existing paved areas negates the requirement for OSD. No objection to approval, subject to conditions as recommended.</p>
NECC (Water Management)	<p>This application has been assessed under Pittwater 21 DCP B5.8 Water Quality Pittwater 21 DCP B8.2 Sediment and Erosion Control</p> <p>The sediment and erosion control plan provided does not show where the controls will be placed on the site. A site layout plan showing where the controls will be located must be provided prior to construction certificate. Controls must be installed prior to any work on site and maintained until work is complete and groundcover re-established.</p> <p>As the application increases impervious area by more than 50sqm, the applicant is required to ensure that the stormwater dispersal system on the site captures coarse sediment and organic matter prior to the stormwater discharging from the property.</p>

External Referral Body	Comments

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. The proposal is considered acceptable subject to recommended conditions.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A369592 dated 07/02/2020 and Certificate No.1071279S dated 31/01/2020). The BASIX Certificate is supported by an NatHERS Certificate (see Certificate No.0004549614 dated 30/01/2020).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	74

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

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP 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. No objections are raised subject to recommended conditions.

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	5m (Carport) 5.7m (Balcony enclosing wall) 5.3m (Secondary dwelling)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
1.9A Suspension of covenants, agreements and instruments	Yes
Part 5 Miscellaneous provisions	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	0.5m (Carport)	92.4%	No
Rear building line	6.5m	20.6m	N/A	Yes
Side building line	2.5m (East)	1.1m (Secondary Dwelling)	66%	No
	1m (West)	Nil (Carport) (Existing)	100%	No (Existing)
Building envelope	3.5m (East)	Within envelope	N/A	Yes

	3.5m (West)	Within envelope	N/A	Yes
Landscaped area	60% (401.4sqm)	47.8% (320.7sqm) 53.9% (360.9sqm with variation)	20.4%	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.20 Undergrounding of Utility Services	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D10.1 Character as viewed from a public place	No	Yes
D10.3 Scenic protection - General	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	No	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	No	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	Yes	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	No	Yes
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.5 Visual Privacy

Description of non-compliance

Clause C1.5 of the P21DCP requires private open space areas of proposed and existing adjoining dwellings to be protected from direct overlooking within 9.0m, and further, elevated decks should incorporate privacy screens where necessary and be sited at the front or rear of the building.

The development proposes a secondary dwelling in the rear garden with an associated verandah facing the western side boundary and windows facing the eastern side boundary. Although the secondary dwelling would be a single storey structure, the absence of side boundary fencing on either side of the subject site would result in the direct overlooking of neighbouring rear gardens.

Merit Assessment

Despite the verandah of the secondary dwelling being oriented toward the side boundary, and subsequently the rear garden of the western adjoining property (No.7), no unreasonable amenity impacts are considered likely to arise. The area of rear garden which the verandah would face is not considered to be the principle private open space of No.7 Irrubel Road, given the fenced private open space area which exists adjacent the dwelling. Furthermore, no objections regarding privacy have been raised by this neighbour.

With regards to the eastern side facing windows, given the proposed screen planting and adjacent trees, no privacy issues would arise to the adjoining neighbour to the east.

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

D10.1 Character as viewed from a public place

Description of non-compliance

Clause D10.1 of the P21DCP stipulates that parking structures must be located behind the front building line and must not be the dominant feature when viewed from the street. The proposed carport is located forward of the front building line, which fails to comply with this control.

It should be noted that the proposal seeks to replace the roof of a previously approved carport and does not seek to increase the overall width of the structure.

Merit consideration

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

To achieve the desired future character of the Locality.

Comment:

The proposed development is consistent with the desired character statement of the Newport locality.

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

Comment:

The proposed development is located in an already modified part of the site and would replace an existing double carport over a hardstand space. There are several examples of car parking structures within the front setback of surrounding properties.

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

Comment:

The proposed carport roof would maintain a consistent appearance with the existing dwelling in roof form/pitch and would be of a height and scale which would be in keeping with the existing dwelling and natural environment.

The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation.

Comment:

As above, the proposed carport development is located in an already modified part of the site and does not require the removal of significant vegetation. Due to the location of the hardstand parking below street level, the visual impact of the structure is minimised. Furthermore, the proposal seeks to remove a portion of hardstand area and carport roof to facilitate landscaping within the front setback.

High quality buildings designed and built for the natural context and any natural hazards.

Comment:

The proposed development has been designed and built for the natural context and natural hazards of the site, including the existing vegetation and natural topography.

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

Comment:

As above, the proposed carport is located below and at street level, and is therefore not considered to dominate the streetscape. The proposed development is at 'human scale' and has the appearance of being one-storey as it relates to the ground floor of the existing dwelling.

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

Comment:

As the proposed development is located below and at street level, all district and local views are preserved and enhanced.

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

Comment:

As above, the proposed carport development is located in an already modified part of the site and does not require the removal of significant vegetation. Due to the location of the hardstand parking below street level, the visual impact of the structure is minimised. Furthermore, the proposal seeks to remove a portion of hardstand area and carport roof to facilitate landscaping within the front setback.

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

Comment:

The proposed development does not result in the removal of trees or landscaped features. As such, the proposal will not detract from the landscape character of the land.

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported on merit.

D10.4 Building colours and materials

No schedule of finishes was provided with the application. In order to comply with the requirements of this control, a condition is recommended for a Schedule of Finishes to be submitted prior to the issue of a Construction Certificate.

D10.7 Front building line (excluding Newport Commercial Centre)

Description of non-compliance

This control requires all development to be setback at least 6.5m from the front building line. The proposed carport would have a 0.5m front setback. This represents a variation to the control of 92.4%. Where the outcomes of this control can be achieved, Council may accept a variation to these building lines in consideration of maintaining established building lines. In this instance, the proposed development would maintain the established building lines as the proposed carport roof would replace what is existing. Additionally, where carparking is to be provided on steeply sloping sites, a reduce or nil setback for carparking structures may be considered.

Merit Consideration

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

Achieve the desired future character of the Locality.

Comment:

Under Clause A4.10 Newport Locality of P21 DCP, the proposed development is consistent with the objectives of the desired future character of the Newport. The proposal does not result in the removal of native plant species. The bulk and scale of the development is minor in nature, as the proposed development is consistent with the existing development, and with those that are surrounding. The proposal is unlikely to result in any unreasonable amenity impacts upon adjoining properties.

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

Comment:

The proposed development is unlikely to impact upon the views and vistas to and/or from public and private places.

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

Comment:

The site does not adjoin a main road.

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

Comment:

The proposed carport development is located in an already modified part of the site and does not require the removal of significant vegetation. Due to the location of the hardstand parking below street level, the visual impact of the structure is minimised. Furthermore, the proposal seeks to remove a portion of hardstand area and carport roof to facilitate landscaping within the front setback.

Vehicle manoeuvring in a forward direction is facilitated.

Comment:

Council's Development Engineer has reviewed the proposed development and raised no objection to the non-compliance with this objective.

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 carport roof would maintain a consistent appearance with the existing dwelling in roof form/pitch and would be of a height and scale which would be in keeping with the existing dwelling and natural environment.

To encourage attractive street frontages and improve pedestrian amenity.

Comment:

As above, the proposed carport development is located in an already modified part of the site and does not require the removal of significant vegetation. Due to the location of the hardstand parking below street level, the visual impact of the structure is minimised. Furthermore, the proposal seeks to remove a portion of hardstand area and carport roof to facilitate landscaping within the front setback. The

proposed carport roof would maintain a consistent appearance with the existing dwelling in roof form/pitch. It is considered that the proposal will have minimal impact on pedestrian amenity.

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

Comment:

The proposed development would result in a setback and structure that is similar in nature to what is existing - that is, replacing the existing carport roof. As such, the proposal reinforces and sensitively relates to the existing spatial characteristics of the existing urban environment, resulting in minimal amenity impacts to adjoining properties.

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

D10.8 Side and rear building line (excluding Newport Commercial Centre)

Description of non-compliance

Clause D10.8 of the P21DCP requires development to be setback 2.5m from one side boundary and 1.0m from the other side boundary. The proposed secondary dwelling would have a 1.1m setback from the eastern side boundary and the proposed carport would have a nil setback from the western side boundary, which fails to comply with this control.

Merit consideration

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

To achieve the desired future character of the Locality.

Comment:

The proposed development is consistent with the desired character statement of the Newport locality.

The bulk and scale of the built form is minimised.

Comment:

The proposed carport is an open structure with no enclosed walls and would be of a height and scale which would be in keeping with the existing dwelling and natural environment. The proposed secondary dwelling complies with the height and building envelope requirements. The built form of the secondary dwelling is further softened through proposed planting and the retention of significant trees.

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

Comment:

Views to and from public places will not adversely be impacted by the proposal. .

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

landscaping.

Comment:

As noted above, the proposal will allow for reasonable view sharing.

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

Comment:

The proposed carport would not result in any unreasonable privacy, amenity or solar access issues. Given the modest size of the proposed secondary dwelling and its positioning in the rear garden, no unreasonable amenity or solar access issues would arise. As discussed within Section C1.5, the proposed secondary dwelling would not result in unacceptable privacy issues.

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

Comment:

The development does not require the removal of significant vegetation. The proposed landscaping is considered appropriate and would minimise the built form.

Flexibility in the siting of buildings and access.

Comment:

No unreasonable amenity impacts are considered likely to arise for the occupants of the dwelling or those of adjoining and surrounding properties. The proposed carport would replace what is existing. The proposed secondary dwelling would replace an existing shed in the rear garden. The siting is therefore considered appropriate.

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

Comment:

The development does not require the removal of significant vegetation. The existing and proposed landscape treatments on site are sufficient and ensure the site is not dominated by the built form.

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

Comment:

The site does not adjoin commercial development.

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported on merit.

D10.13 Landscaped Area - Environmentally Sensitive Land

Description of non-compliance

The control requires a minimum of 60% (401.4m²) of the site area to be landscaped. The site measures

669.6m²

The application proposes a total landscaped area of 47.8% (320.7m²), representing a variation of 20.4%..

Provided the outcomes of this control are achieved, impervious areas less than 1 metre in width and impervious landscape treatments providing these areas are for outdoor recreational purposes only up to 6% of site area can be included in the landscaped area calculation. The inclusion of this variation to the landscaped area increases the calculation to 360.9m², 53.9% of site area.

Merit consideration

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

Achieve the desired future character of the Locality.

Comment:

The proposal responds appropriately to the scale of the existing dwelling and also achieves compatibility with the height and scale of surrounding development. The development is located well below the surrounding tree canopy and does not require the removal of significant vegetation. The development is not of a scale that would significantly alter or impact the character of the existing streetscape, locality or the site itself. It is therefore considered that the desired future of the locality is achieved.

The bulk and scale of the built form is minimised.

Comment:

The landscape plan details new and existing trees and vegetation to assist in reducing the perceived bulk and scale of the development from surrounding properties.

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

Comment:

The development has been designed and sited appropriately so to ensure no unreasonable amenity impacts arise for the occupants of the subject site or those of adjoining and surrounding properties.

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

Comment:

No significant trees or vegetation would be removed to facilitate the development. The landscape plan shows a suitable mix of planting that will enhance the site and visually reduce the built form.

Conservation of natural vegetation and biodiversity.

Comment:

No native vegetation or wildlife species will adversely be affected by the proposed works.

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

Comment:

The proposal has been reviewed by Council's Development Engineer, having regard to provisions for

stormwater management and has raised no objections.

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

Comment:

The development will maintain the bushland character of the area given its modest size in conjunction with the established landscaping within the site that is to be retained.

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

Comment:

The site will retain sufficient soft surface areas to assist with stormwater infiltration and management.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$2,150 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$214,965.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

conditions contained within the recommendation.

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0131 for Alterations and additions to an existing dwelling and construction of a swimming pool and secondary dwelling on land at Lot C DP 322017, 5 Irrubel Road, NEWPORT, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
2010-1 Issue A (Site Plan)	23/03/2020	J.D. Evans and Company
2010-2 (Floor Plans)	18/11/2019	J.D. Evans and Company
2010-3 (Swimming Pool and Carport Plan)	18/11/2019	J.D. Evans and Company
2010-4 (Elevations)	18/11/2019	J.D. Evans and Company
2010-5 (East Elevation and Section AA)	18/11/2019	J.D. Evans and Company
2010-6 (Secondary Dwelling Floor Plan)	18/11/2019	J.D. Evans and Company
2010-7 (Secondary Dwelling Elevations and Section BB)	18/11/2019	J.D. Evans and Company

Engineering Plans		
Drawing No.	Dated	Prepared By
2010-8 (Erosion and Sediment Management Plan)	18/11/2019	J.D. Evans and Company
2010-9 (Stormwater Concept Plan)	18/11/2019	J.D. Evans and Company

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Arborist Report	January 2020	Growing My Way Tree Consultancy
Geotechnical Report (J2608)	17/03/2020	White Geotechnical Group
BASIX Certificate (A369592)	07/02/2020	J.D. Evans and Company
BASIX Certificate (1071279S)	21/01/2020	Efficient Living Pty Ltd
NatHERS Certificate (0004549614)	30/10/2020	Efficient Living Pty Ltd

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
2010-11 (Landscape Concept Plan)	18/11/2019	J.D. Evans and Company

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
2010-10 (Waste Management and Site Analysis Plan)	18/11/2019	J.D. Evans and Company

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

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

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	Received 09/03/2020

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

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

3. Prescribed conditions (Demolition):

- (a) 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 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
 - (ii) 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.

- (b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- (c) 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.

Reason: Legislative Requirement.

4. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and

a telephone number on which that person may be contacted outside working hours, and

- (iii) stating that unauthorised entry to the work site is prohibited.

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

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

5. **General requirements (Demolition):**

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- o 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) At all times after the submission a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. The consent shall be available for perusal of any Authorised Officer.

(c) 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.

(d) 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.

(e) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

(i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

6. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

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

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

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

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

7. **Balcony Privacy Screen**

This consent does not authorise the removal of the the existing privacy screen on the eastern elevation of the first floor balcony adjoining the existing dwelling.

8. **Compliance with standards (Demolition):**

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 Council prior to the commencement of demolition works.

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

9. **Compliance with Standards**

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

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

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

10. **External Finishes**

The external colours and materials shall be dark and earthy tones, non-glare and of low reflectivity. White, light coloured, red or orange roofs and walls are not permitted. The external finish to the carport and secondary dwelling roof is to be a tone equivalent to or darker than Colorbond 'Windspray' in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

11. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

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

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

12. **Erosion and Sediment Control Plan**

An updated 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 Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of the receiving environment

8. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$2,149.65 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 2019. The

monetary contribution is based on a development cost of \$214,965.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to starting works.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained as follows:
 - i) all trees and vegetation within the site, nominated on the plans and as recommended in the Construction Impact & Management Statement prepared by Growing My Way Tree Consultancy dated January 2020, shall be protected during all construction stages, excluding exempt trees under the relevant planning instruments or legislation,
 - ii) all other trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
 - i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and according to the Construction Impact & Management Statement prepared by Growing My Way Tree Consultancy, dated January 2020
 - ii) any tree roots exposed during excavation with a diameter greater than 25mm within the TPZ must be assessed by an Arborist. Details including photographic evidence of works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,
 - iii) to minimise the impact on trees and vegetation to be retained and protected, 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,
 - iv) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorized by an AQF Level 5 Arborist on site,
 - v) all structures are to bridge tree roots greater than 25mm diameter unless directed by an AQF Level 5 Arborist on site,
 - vi) should either or both iv) and v) occur during site establishment and construction works, an AQF Level 5 Arborist shall provide recommendations for tree protection measures provided. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. **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.

17. **Demolition Works - Asbestos**

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

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

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

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

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

18. **Protection of rock and sites of significance**

a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

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

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by JD Evans and Company 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

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO COMPLETION

20. **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 Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

21. **Acoustic Treatment**

The pool filter is to be acoustically treated so that it does not emit any noise of 5dB(A) above background noise at the nearest residential receiver.

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

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

22. **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 Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

23. **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 Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACPLF06)

24. **Swimming Pool Requirements**

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

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

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

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

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

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

(e) Signage showing resuscitation methods and emergency contact

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

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

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

Reason: To protect human life (DACPLF09)

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

25. **Landscape maintenance**

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity.

26. **Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Reason: Weed management.

27. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

28. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

29. **Dead or Injured Wildlife**

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

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

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

Signed



Gareth David, Planner

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



Steven Findlay, Manager Development Assessments