

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0394
Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 1 DP 202857, 7 Trentwood Park AVALON BEACH NSW 2107
Proposed Development:	Construction of a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	James Brian Dargaville Margot Christina Dargaville
Applicant:	Gartner Trovato Architects
Application lodged:	16/04/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	03/05/2019 to 17/05/2019
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Deferred Commencement Approval
Estimated Cost of Works:	\$ 917,403.00

ASSESSMENT INTRODUCTION

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

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 1.9A Suspension of covenants, agreements and instruments
 Pittwater 21 Development Control Plan - A4.1 Avalon Beach Locality
 Pittwater 21 Development Control Plan - B8.2 Construction and Demolition - Erosion and Sediment Management
 Pittwater 21 Development Control Plan - B8.3 Construction and Demolition - Waste Minimisation
 Pittwater 21 Development Control Plan - C1.3 View Sharing
 Pittwater 21 Development Control Plan - C1.5 Visual Privacy
 Pittwater 21 Development Control Plan - D1.9 Side and rear building line
 Pittwater 21 Development Control Plan - D1.11 Building envelope

SITE DESCRIPTION

Property Description:	Lot 1 DP 202857 , 7 Trentwood Park AVALON BEACH NSW 2107
Detailed Site Description:	<p>The Assessing Officer inspected the subject site on 17 July 2019.</p> <p>The subject site consists of one (1) battleaxe allotment located on the eastern side of Trentwood Park, Avalon Beach.</p> <p>The site is irregular in shape with a frontage of 12.79m along the cul-de-sac of Trentwood Park and a surveyed area of 5,417m².</p> <p>The site is located within the E4 Environmental Living zone and accommodates a detached dwelling house and garage.</p> <p>The site is heavily vegetated with a slope of approximately 39m from the west (rear) to east (front).</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by detached dwelling houses. To the south of the site is heritage-listed Ruskin Rowe Heritage Conservation Area.</p>

Map:



SITE HISTORY

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

- N0259/14 for Subdivision of site into three (3) lots was withdrawn on 19 March 2015 by the Applicant.
- N0530/15 for Subdivision of one lot into three, demolition of existing detached garage and extension of existing access road to provide access to new lots was refused on 10 January 2017 by Council. The refusal was appealed through the NSW Land and Environment Court, where the appeal was upheld on 15 November 2017.
- Pre-lodgement Meeting PLM2018/0179 was held on 23 August 2018 for Subdivision of one lot into 4.
- MOD2019/0169 for Modification of Development Consent N0530/15 granted for subdivision of one lot into three demolition of existing detached garage and extension of existing access road to provide access to new lots was approved on 26 July 2019 under staff delegation.
- DA2019/0393 for Subdivision of one lot into two is currently under assessment.
- DA2019/0395 for Construction of a dwelling house (Lot 3) is currently under assessment.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the following works:

- Construction of a dwelling house with garage;
- Construction of a driveway; and
- Landscaping works.

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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan 2014 applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information has been received.</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 clause is not relevant to this application.</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> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from</p>

Section 4.15 Matters for Consideration'	Comments
	the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
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 2014 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection. A Bush Fire Report was submitted with the application (prepared by Australian Bushfire Protection Planners, dated 11 February 2019). The report recommended an alternative solution to comply with Planning for Bush Fire Protection. The application was referred to the NSW Rural Fire Service for further assessment. The NSW RFS raised no objections to approval. The recommendations of the Bush Fire Report have been included as part of the recommended conditions of consent.

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 process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Michael Dennis Frost Mrs Julie Claire Frost	8 Trentwood Park AVALON BEACH NSW 2107
Mr Michael John Ridley Mrs Margaret Eva Ridley	9 Trentwood Park AVALON BEACH NSW 2107

The following issues were raised in the submissions and each have been addressed below:

- Excessive bulk and scale.
- The building footprint exceeds that specified by the court approval of the subdivision.
- Tree removal (and insufficient landscaping) and the impact upon wildlife.
- Inconsistent with character of the locality.
- Traffic and parking impacts: Additional traffic movement, inability to enter and exit the site in forward direction, insufficient on-street and onsite parking, and increased risk of pedestrian/vehicle conflicts.
- Further subdivision is not suitable.
- Excessive excavation.
- Fencing does not allow for passage of wildlife and is not consistent with streetscape character.
- Waste disposal for all dwellings on 7 Trentwood Park requires many bins.
- Visual and acoustic privacy impacts.
- Concern regarding whether OSD calculations include the bin store area.
- Private open space areas are inadequate in relation to slope.
- Non-compliant side setbacks and building envelope.
- Loss of view to outlook and other properties.

The matters raised within the submissions are addressed as follows:

- Bulk and Scale / Building Footprint
Comment:
The proposed development is compliant (or acceptable on merit) with relevant built form controls, demonstrating that the proposed dwelling is in accordance with anticipated development in this locality and is of acceptable bulk and scale. The proposed new dwelling is generally consistent with the size and location of the indicative building footprint specified under N0530/15, which granted consent for subdivision of 7 Trentwood Park. The building footprint proposed under this application overrides that under N0530/15 (via Clause 1.9A of the PLEP 2014), as it is acceptable in relation to impacts on the site due to its compliance with controls. A condition of consent has been applied accordingly requiring the restriction on title be updated.
- Tree Removal
Comment:
As modified by conditions of consent, the proposed development does not require removal of any further trees beyond those approved for removal under N0530/15 for subdivision of 7 Trentwood Park. The application has been reviewed by Council's Landscape Officer and Environmental Officer, who raised no objections to the proposal, subject to those conditions of consent.
- Character of the Locality

Comment:

The proposed development is acceptable in relation to the character of the locality for the reasons detailed in the section of this report relating to Clause A4.1 Avalon Locality of the P21 DCP.

- Traffic and Parking Impacts

Comment:

The proposed development does not increase traffic movements beyond that approved under N0530/15 for subdivision of 7 Trentwood Park. The P21 DCP does not require that vehicles can enter and exit the site in a forward direction, as the proposed driveway does not exceed a slope of 1:4 or a length of 30m, and does not abut or enter a high pedestrian use or classified road. The proposed development does not remove any further on-street parking and provides compliant off-street parking. As such, the proposed development does not increase risk of pedestrian or vehicular conflicts.

- Further Subdivision

Comment:

The proposed development does not include further subdivision. Further subdivision of the site is to be assessed under DA2019/0393.

- Excavation

Comment:

The proposed development is acceptable with the requirements of Clause B8.1 Construction and Demolition - Excavation and Landfill of the P21 DCP.

- Fencing

Comment:

Proposed fencing will be generally set away from the street level, and will not unreasonably impact upon streetscape character. Council's Environmental Officer has reviewed the application in relation to flora and fauna and is supportive of the application without the requirement for fencing to contain holes for passage of wildlife.

- Waste Disposal

Comment:

Bin storage is suitable for the approved density envisaged for these lots.

- Privacy

Comment:

The proposed development is acceptable in relation to privacy for the reasons detailed in the section of this report relating to Clause C1.5 Visual Privacy of the P21 DCP.

- On Site Detention

Comment:

On site detention calculations include all impervious areas on the site and the proposed on site detention system is acceptable in this regard.

- Private Open Space

Comment:

The proposed development includes compliant private open space, as the subject site has a slope of approximately 20%.

- Side Setback and Building Envelope Non-Compliance

Comment:

The proposed development is acceptable in relation to side setbacks and building envelope for the reasons detailed in the sections of this report relating to Clauses D1.9 Side and Rear Building Line and D1.11 Building Envelope of the P21 DCP.

- View Loss

Comment:

The proposed development is acceptable in relation to view loss for the reasons detailed in the section of this report relating to Clause C1.3 View Sharing of the P21 DCP.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The proposal seeks the construction of a new dwelling, attached garage and associated landscaping upon Lot 1, 7 Trentwood Park Avalon.</p> <p>Consent for subdivision was granted under Development Application No. N0530/15, including the removal of twenty (20) existing trees on Lot 1, identified in the Arboricultural Impact Assessment prepared by Tree Wise Men, dated August 2017 as trees T4, T6, T6A, T7, T8, T9, T10, T11, T16A, T17, T17A, T18, T20, T26, T27, T29, T31, T33, T34, and T35.</p> <p>An updated Arboricultural Impact Assessment has been prepared by Urban Forestry Australia, dated 6 March 2019, seeking removal of one (1) additional existing tree identified as T14, located within the proposed roofline of the proposed dwelling. This tree is assessed with a medium retention value, and no objection is raised for removal.</p> <p>The proposal, in terms of landscape outcome, is acceptable subject to the protection of the existing trees and vegetation, and the completion of landscaping, including canopy tree replacement.</p> <p>The relevant conditions of consent for N0530/15 continue to apply in respect to the protection of landscape features and trees, including B7, B9, B10, B17, C13, D8, D18 and F15.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater21 DCP Controls:</p> <p>B4.22 Existing Trees and Bushland Vegetation C1.1 Landscaping D1.4 Scenic protection - General D1.14 Landscaped Area - Environmentally Sensitive Land</p>

Internal Referral Body	Comments
	<p>A Arboricultural Impact Assessment report is provided in accordance with DA Lodgement Requirements for the Subdivision approval with additional arboricultural advice provided for this development application. Conditions of consent shall be imposed to protect existing trees nominated for retention in accordance with the Arboricultural Impact Assessment approved for subdivision, and in consideration of the updated Arboricultural Impact Assessment.</p> <p>A Landscape Plan is provided that provides insufficient information as required to satisfy the DA Lodgement Requirements. Amended landscape design information shall be provided and conditions of consent shall be imposed on landscape works including canopy tree replacement.</p> <p><u>Assessing Officer's Comment:</u> In response to comments from Council's Bushland and Biodiversity team, conditions of consent have been applied requiring retention of Tree T14, as it can be readily retained via a minor design amendment.</p>
NECC (Bushland and Biodiversity)	<p>This application was assessed against Pittwater LEP Clause 7.6 and Pittwater DCP B4.2 Flora and fauna conservation category 1 and wildlife corridor, and B4.4 Flora and fauna habitat enhancement category 2 and wildlife corridor. The site is also mapped as Pittwater Spotted Gum EEC in the SMCMA V3 mapping (OEH 2016). The site is also identified as bushfire prone land.</p> <p>Any development application must consider proposal options which are compliant with applicable Pittwater LEP and DCP controls, specifically:</p> <ul style="list-style-type: none"> • The development is designed, sited and will be managed to avoid any significant adverse environmental impact. • Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and other locally native species. • Development shall provide wildlife corridors via creation, restoration, and / or regeneration of habitat. • Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees. • Development shall ensure that at least 80% of any new planting incorporates native vegetation= (as per species listed in Native Plants for Your Garden available on the Pittwater Council website). Landscaping is to be outside areas of existing bushland and should not include environmental weeds. Development shall provide an adequate buffer to wildlife corridors. • Caretakers of domestic animals shall prevent them from entering wildlife habitat areas. • Fencing, where permitted, shall be passable by native wildlife.

Internal Referral Body	Comments
	<p>The site is known as Lot 1, which was the subject of a previous court approval for a 3 lot subdivision (N0530/15). As part of the subdivision approval, 20 native trees are already approved for removal within this lot which are listed within the updated Arboricultural Impact Assessment (Urban Forestry Australia, 06/03/2019).</p> <p>The proposal is for a two-storey dwelling house including an internal lift and attached garage and associated landscaping of the site. The proposed dwelling is approximately in alignment with the approved building envelope, however, the proposed dwelling extends approximately 1.9m along the south-eastern envelope boundary which will require the removal of 1 additional native tree.</p> <p>The updated Arboricultural Impact Assessment (Urban Forestry Australia, 06/03/2019) "<i>addresses building design changes that may have altered the initial impact assessment by Tree Wise Men [for the original court approval].</i>". This report states, "<i>One (1) tree is proposed to be removed with this current application—Tree 14(B) Eucalyptus umbra (Broad-leaved White Mahogany) located within the proposed roofline of the dwelling.</i>". The report provides individual tree specific protection measures and hand digging to ensure trees to be retained are protected throughout construction, including direct supervision of works near T21, T38 and T25 (which may be subject to Structural Root Zone encroachment). General tree protection measures and pruning recommendations are within Part 5.3 and Appendix C of the original Arboricultural Impact Assessment (Tree Wise Men July 2017).</p> <p>The updated Ecological Assessment for Lot 1 (Cumberland Ecology, 04/03/2019) states, "<i>As the clearing footprint is largely unchanged from the approved plan, the potential impacts upon threatened flora and fauna listed under the BC Act or EPBC act are considered to remain the same.</i>"</p> <p>When considering the objectives of LEP Clause 7.6, controls within DCP Clause 4.2, and the fact that 20 trees are already approved for removal within this lot to allow for a single dwelling and driveway, any additional tree removal/impacts are inconsistent with biodiversity controls.</p> <p>There is a feasible alternative to redesign the proposed dwelling in the southeast by removing the corner of the dwelling adjacent to T14 by 200mm, which will allow the retention and protection of T14. This will result in only minor changes to the second floor and very minor change to the first floor. No ground excavation is proposed in this area. All other instances where the proposed dwelling extends outside of the approved building envelope are acceptable provided set-backs from T14 are made.</p> <p>A condition of consent will be imposed which requires amendments to the southeastern corner of the proposed dwelling, which is to be set back a minimum of 200mm from the trunk of T14 on all sides.</p>

Internal Referral Body	Comments
	Council's Natural Environment - Biodiversity section supports the application, subject to conditions.
NECC (Development Engineering)	<p>The proposal to construct a dwelling on a proposed lot of a recently approved subdivision has been assessed and the following comments apply.</p> <p>Stormwater The submitted hydraulic plan has not included the calculation of any bypass flows that are not connected into the proposed on-site stormwater detention (OSD) system. As a result it is anticipated that the flows in the 1 in 100 year storm event are likely to exceed the allowable discharge of 30 litres per second to the kerb for the entire site. As such it is considered that the applicant's Hydraulic Engineer must submit a revised stormwater design to connect to Council's piped drainage system in Trentwood Park. The proposed OSD tank may need to be re-positioned to accommodate this requirement.</p> <p>Access The proposed driveway access to the property does not permit vehicles to enter and exit in a forward direction which is unacceptable due to the length and grade of the driveway.</p> <p>Geotechnical Report The submitted Geotechnical report addresses the relevant DCP controls.</p> <p>Development Engineers cannot support the application due to insufficient information to address clauses B5 and B6 of Pittwater 21 DCP 2014.</p> <p>Additional Information received 28/06/2019 and 30/08/2019</p> <p>The amended stormwater plan submitted for the proposed subdivision of proposed lot 2 into 2 lots indicates a connection of drainage from the site to the existing piped drainage system in Trentwood Park. The submitted drainage plan for this application relies upon this connection once the subdivision has been created and as such is considered acceptable.</p> <p>The traffic report for the reversing of vehicles from the site is also acceptable.</p> <p>Provided that this approval is deferred subject to the creation of the lot, no objection to approval, subject to conditions as recommended.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed development is not considered to increase flood risk. No flood related development controls applied.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Rural Fire Service – local branch (s79BA EPAA)	The proposal was referred to the NSW Rural Fire Service. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

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. 980313S dated 30 January 2019). The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	45
Thermal Comfort	Pass	Pass
Energy	50	53

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 response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

SEPP (Coastal Management) 2018

The site is classified as being within the littoral rainforests area, according to the State Environmental Planning Policy (Coastal Management) 2018. Accordingly, an assessment under the SEPP has been carried out as follows:

10 Development on certain land within coastal wetlands and littoral rainforests area

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
 - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
 - (c) *the carrying out of any of the following:*
 - (i) *earthworks (including the depositing of material on land),*
 - (ii) *constructing a levee,*
 - (iii) *draining the land,*
 - (iv) *environmental protection works,*
 - (d) *any other development.*

Comment:

The proposed development falls under (d), being construction of a dwelling house. The proposed development is in accordance with Clause 10 above.

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

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

Comment:

The proposed development is satisfactorily designed and sited so as not to increase risk of coastal hazards on the subject site or adjacent sites.

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	8.5m	N/A	Yes

Compliance Assessment

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

Detailed Assessment

1.9A Suspension of covenants, agreements and instruments

The proposed development involves construction of a dwelling that is not wholly consistent with the building footprint approved under Development Consent N0530/15. Clause 1.9A of the PLEP 2014 provides that any agreement, covenant or other similar instrument that restricts the carrying out of that development (such as the approved building footprint) does not apply to the extent necessary to serve the purpose of enabling development on land in any zone to be carried out in accordance with a consent granted under the Act. As such, the proposed development is acceptable. A condition of consent has been applied accordingly requiring the restriction on title be updated.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	24.3m	N/A	Yes
Rear building line	6.5m	Min. 4.3m	N/A	Yes
Side building line	2.5m (South)	2.3m	8%	No

	1m (North	1.5m	N/A	Yes
Building envelope	3.5m (South)	Outside envelope	41.37%	No
	3.5m (North)	Outside envelope	54%	No
Landscaped area	60% (508.86sqm)	65% (551.5sqm)	N/A	Yes

***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
A4.1 Avalon Beach Locality	No	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	No	Yes
B8.3 Construction and Demolition - Waste Minimisation	No	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.5 Visual Privacy	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.4 Scenic protection - General	Yes	Yes
D1.5 Building colours and materials	Yes	Yes
D1.8 Front building line	Yes	Yes
D1.9 Side and rear building line	No	Yes
D1.11 Building envelope	No	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D1.16 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

A4.1 Avalon Beach Locality

The proposed development includes three storeys, where the locality calls for two-storey development. However, the proposed development involves minimal environmental impact, is set below the general tree canopy height, includes building modulation to minimise bulk, steps with the topography of the land, and provides an appropriate balance between respecting the landform and encouraging development. As such, the proposed development achieves the intention of the desired character of the area and is acceptable in this regard.

B8.2 Construction and Demolition - Erosion and Sediment Management

The proposal does not include a sediment and erosion plan for action during works. A condition of consent has been applied accordingly.

B8.3 Construction and Demolition - Waste Minimisation

The proposal does not include a waste management plan for action during works. A condition of consent has been applied accordingly.

C1.3 View Sharing

A submission raised concern that the proposed development would obstruct district views and views to other properties from Nos. 6 and 8 Trentwood Park. The proposed development is considered against the outcomes of the control as follows:

A reasonable sharing of views amongst dwellings. (S)

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs

Warringah Council (2004) NSWLEC 140, are applied to the proposal.

Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment to Principle 1:

The affected views are of trees and bushland, and other properties. The affected views do not contain icons, landmarks, or water.

What part of the affected property are the views obtained

"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".

Comment to Principle 2:

The affected views are obtained from both seated and standing positions across the northern side boundary of No. 6 Trentwood Park and the southern side boundary of No. 8 Trentwood Park.

Extent of impact

"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating".

Comment to Principle 3:

The proposed development does not require the removal of any additional trees beyond those approved for removal under N0530/15 for subdivision of 7 Trentwood Park, as the one impacted tree is retained by way of condition of consent. As such, the proposed development does not result in any additional visual impact due to tree loss. The view is affected only in that a dwelling would be present on site. This is considered a negligible impact, as the site has approval for subdivision with the intention of developing the lots in this way.

Reasonableness of the proposal that is causing the impact

"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."

Comment to Principle 4:

The proposed development results in non-compliance with the southern side building line and the

building envelope. However, these variations are acceptable for the reasons detailed throughout this report, and a complying design would not reduce the visual impact of the site being developed. Further, as detailed above, this visual impact is negligible, as the proposal does not require removal of additional trees, and the view is not of great significance (not containing icons, landmarks, or water).

Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)

The proposed development retains a reasonable balance between retaining the bushland character of the locality and orderly development. The proposed development does not impact upon views or vistas from roads or public places to water, headlands, or beaches.

Canopy trees take priority over views. (En, S)

The proposed development does not result in the removal of any trees for the purpose of gaining views.

C1.5 Visual Privacy

The proposed development includes windows and balconies within 9m of the lot boundaries. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

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

Comment:

The proposed dwelling is adequately designed in relation to privacy. On its northern and southern elevations, the proposed dwelling design employs suitable window dimensions that will allow adequate access to light and air for residents, while retaining privacy to adjoining neighbours. The proposed first floor eastern balcony is set behind the balcony of No. 8 Trentwood Park, and is not adjacent to windows at that property, so does not result in any unreasonable overlooking. The proposed dwelling provides suitable separation from nearby existing and approved dwellings, and is supported by significant vegetation that (while not relied upon) provides additional screening.

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

Comment:

Given the above, a suitable sense of territory and safety is provided for the subject site and adjacent sites.

D1.9 Side and rear building line

The proposed development includes a southern side boundary setback of 2.3m, where 2.5m is required, equating to an 8% variation to the control. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

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

Comment:

The proposed development is acceptable in the locality for the reasons detailed in the section of this report relating to Clause A4.1 Avalon Beach Locality of the P21 DCP.

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

Comment:

The non-compliant side setback of 2.3m is to the south-eastern corner of the dwelling only, with the remainder of the dwelling being compliant with all required setbacks. The proposed development is not compliant with the building envelope control, though this is acceptable for the reasons detailed in the section of this report relating to Clause D1.11 Building Envelope of the P21 DCP. The proposed

development is compliant with the maximum building height under Clause 4.3 Height of Buildings of the PLEP 2014. Additionally, the proposal includes landscaped area in excess of the minimum 60% of site requirement. As such, the proposed development is demonstrated to be of suitable bulk and scale for the site. The proposal is supported by a landscape plan detailing suitable landscaping around the site to soften the proposed built form.

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

Comment:

The proposed development is adequately sited and designed so as not to result in unreasonable impact upon views or vistas to or from public or private places.

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

Comment:

As with the above, the proposed development is adequately sited and designed so as to result in suitable view sharing.

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

Comment:

Notwithstanding the non-compliant setback, the proposed development provides acceptable privacy, amenity and solar access for the subject site and adjacent sites, as detailed throughout this report.

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

Comment:

The proposed development includes landscaped area in excess of the minimum 60% of site requirement, and is supported by an adequate landscape plan. As such, the proposed development includes substantial landscaping, including canopy trees in order to soften the built form. The proposed dwelling is not readily visible from the streetscape.

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

Comment:

The proposed development demonstrates suitable flexibility in siting the dwelling, while retaining adequate amenity to the site itself and adjacent sites.

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

Comment:

As above, the proposed development includes landscaped area in excess of the minimum 60% of site requirement, and is supported by an adequate landscape plan. As such, the proposed development includes substantial landscaping, including canopy trees in order to soften the built form.

A landscaped buffer between commercial and residential zones is achieved. (En, S)

Comment:

Not applicable. The subject site and adjacent sites are classified as residential zoned land.

D1.11 Building envelope

The proposed development is non-compliant with the building envelope control on both the northern and southern elevations. Where the building footprint is situated on a slope over 16.7 degrees (30%), variation to this control will be considered on a merits basis. The proposed development is situated on land with a slope of approximately 17.7 degrees (31.91%) on the northern elevation and 18.86 degrees (34.16%) on the southern elevation. As such, the non-compliance arises due to the steep topography of the land. The proposed development is acceptable in relation to the relevant outcomes of this clause,

as follows:

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

Comment:

The proposed development is consistent with the desired future character of the locality for the reasons detailed in the section of this report relating to Clause A4.12 Palm Beach Locality of the P21 DCP.

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

Comment:

The proposed development steps down the slope of the land, away from the street level. The proposal includes adequate vegetation in order to screen the built form of the proposed development. The proposed development is generally set below the height of the trees on site and in the locality.

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

Comment:

The proposed development requires some earthworks due to the steep topography of the land. The proposed development is also supported by pier and beam construction, in order to provide a suitable balance between responding to the topography of the site and allowing for development. Additionally, the proposal is compliant with Clause 4.3 Height of Buildings of the Pittwater LEP 2014. Finally, the proposal includes comparable setbacks, and bulk and scale to existing and approved developments in the locality. As such, the proposal provides an adequate response and relationship to the spatial characteristics of the existing natural environment.

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

Comment:

The proposed resultant dwelling is of comparable building bulk and scale to existing and approved developments in the locality. The proposed development provides generally compliant side setbacks, with the exception of a minor encroachment to the southern side boundary. This non-compliance is acceptable for the reasons detailed in the section of this report relating to Clause D1.9 Side and Rear Building Line of the P21 DCP. The proposal is compliant with the required landscaped area, indicating that the proposed dwelling does not include too large a building footprint for the site. The proposed development steps with the topography of the land, and the proposed height is compliant with the height of building development standard. The proposal includes generous modulation and articulation to reduce the visual impact of the built form. Finally, the proposal includes adequate vegetation in order to screen the built form of the proposed development. As such, the proposal demonstrates acceptable bulk and scale.

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

Comment:

The proposed development adequately preserves views and vistas to and from public and private places for the reasons detailed in the section of this report relating to Clause C1.3 View Sharing of the P21 DCP.

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

Comment:

The proposed development is appropriately designed so as to provide a reasonable level of privacy, amenity and solar access for the subject site and adjacent sites.

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

Comment:

The submitted plans demonstrate adequate retention and provision of vegetation in order to visually reduce the built form.

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 \$9,174 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$917,403.

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

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2019/0394 for Construction of a dwelling house on land at Lot 1 DP 202857,7 Trentwood Park, AVALON BEACH, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

DEFERRED COMMENCEMENT CONDITIONS

1. Registration of Lots

The lots approved under Development Consent N0530/15 and as modified by MOD2019/0169 are to be registered with NSW Land Registry Services. Evidence that the lots have been registered with NSW Land Registry Services is to be provided to Council in order to activate the consent.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. 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
DA-01 Site Plan & Site Analysis	12 March 2019	Gartner Trovato Architects
DA-02 Floor Plans	12 March 2019	Gartner Trovato Architects
DA-03 Elevations	12 March 2019	Gartner Trovato Architects
DA-04 Section	12 March 2019	Gartner Trovato Architects
DA-05 External Finishes / Photomontage	12 March 2019	Gartner Trovato

	Architects
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Engineering Plans		
Drawing No.	Dated	Prepared By
SW1 Lot 1 Stormwater Management	24 June 2019	Barrenjoey Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 980313S	30 January 2019	Gartner Trovato Architects
Geotechnical Investigation J1457	15 September 2017	White Geotechnical Group
Letter - Geotechnical Investigation J1457	31 January 2019	White Geotechnical Group
Arboricultural Impact Assessment	6 March 2019	Urban Forestry Australia
Bushfire Protection Assessment	11 February 2019	Australian Bushfire Protection Planners
Updated Ecological Assessment	4 March 2019	Cumberland Ecology

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
DA-06 Landscape Plan	12 March 2019	Gartner Trovato Architects

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.

3. Prescribed Conditions

- All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- 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);
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

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

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

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

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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.
- (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) 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (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.
- (j) 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.

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

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

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$9,174.03 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 \$917,403.00.

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 the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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 \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security 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, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White Geotechnical Group report number J1457A dated 31 January 2019 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 Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

8. **On-site Stormwater Detention Compliance**

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Northern Beaches Council's Pittwater 21 DCP 2014 Clause B5.7 and the concept drawing by Barrenjoey Consulting Engineers Pty Ltd, drawing number 171001L1 SW1 Issue DAPrelimB dated 24/06/2019. Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

9. **Vehicle Driveway Gradients**

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure suitable vehicular access to private property

10. **Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings.

Council approval is required if temporary ground anchors are to be used within Council land. A Temporary Ground Anchors (Road Reserve) Application is to be submitted with Council for assessment and approval subject to Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Principal Certifying Authority 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.

11. **Sediment and Erosion Management Plan**

A Sediment and Erosion Management Plan prepared in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and implemented on site until the works are completed.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

12. **Tree Protection Plan**

A Tree protection Plan shall be issued to the Certifying Authority documenting the extent and alignment of tree protection fencing to the following existing trees required to be retained and protected during all construction stages:

- within Lot 1: T3, T5, T12, T13, T14, T21, T25, T28, T30, T30A, and T32,
- within road reserve: T1, and
- within adjoining property: T15, T15A, T16, T22, T23, T24, T36, T37, and T38.

Reason: To protection existing trees not impacted by the development.

13. Amended Landscape Plan

The Landscape Plan DA-06, prepared by Gartner Trovato Architects shall be amended to include detail information and design provisions to soften the built form.

A Landscape Plan in accordance with the DA Lodgement Requirements is to be issued to the Certifying Authority documenting the following:

- i) existing trees on-site to be retained in accordance with the Arboricultural Impact Assessment and Updated Arboricultural Impact Assessment, including identification,
- ii) three (3) native canopy trees capable of attaining over 12 metres at maturity shall be planted on site to satisfy C1.1, with all located within the rear yard adjoining Lot 2 (7A Trentwood Park), consisting of 3 x *Corymbia maculata* (Spotted Gum),
- iii) all tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree locations may otherwise be positioned to minimise any significant loss of views,
- iv) all tree planting is to be installed at a minimum 75 litre container size,
- v) all tree planting shall have a minimum individual area of 3 metres x 3 metres of soil area, and shall be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used,
- vi) all tree planting shall comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.
- vii) screen shrub planting to attain a mature height of 3 metres shall be planted along the northern boundary to No. 8 Trentwood Park, planted no more than 1.5m metres apart, and planted at a minimum container size of 300mm,
- viii) screen shrub planting to attain a mature height of 3 metres shall be planted along the western boundary to Lot 2 (7A Trentwood Park), planted no more than 1.5m metres apart, and planted at a minimum container size of 300mm,
- ix) screen shrub planting to attain a mature height of 3 metres shall be planted along the southern access road, with consideration to safe sightlines, planted no more than 1.5m metres apart, and planted at a minimum container size of 300mm,
- x) all other soft landscape areas are to be planted with a mix of shrubs and groundcovers,
- xi) deletion of *Pennisetum alopecuroides* and replacement with a variety of understorey species - no mono-culture plantings,
- xii) an updated planting schedule with plant species selection, quantities and container sizes, including at least 15 species must be chosen from the Coastal Enriched Sandstone Moist Forest community profile (WSF02, OEH 2016), or any local native species already recorded onsite (Table 6.1 within the Flora and Fauna Assessment by Cumberland Ecology October 2017). At least 3 plantings per square metre.

The amended Landscape Plan is to be certified by a qualified landscape architect, arborist or ecologist and submitted to the Certifying Authority prior to issue of the Construction Certificate. The Certifying Authority shall document acceptance of the Landscape Plan satisfying the above conditions i) to xii) inclusive.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity and ensure appropriate landscape treatment to soften the built form.

14. Preparation of a Construction Environment Management Plan (CEMP)

A detailed construction environment management plan for the site is to be prepared by the Project Ecologist prior to the commencement of any works on site. The construction management plan is to be consistent with the approved Tree Protection Plan, Flora and Fauna Report and Arborist Report and is to include detailed information and specifications concerning the following:

- Proposed access for tree pruning and removal works and methods for removal of tree waste;
- Proposed access methods for the delivery and storage of materials and storage and removal of waste materials;
- Proposed storage areas for waste and construction materials;
- Quantity of material to be transported
- Proposed truck movements per day
- Proposed hours of operation
- Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the former Pittwater Council Local Government Area
- Location of on/off site parking for construction workers during the construction period.

Reason: Protection of native vegetation and wildlife in accordance with relevant Natural Environment LEP/DCP controls.

15. Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to undertake direct supervision to ensure all bushland protection measures are carried out according to the conditions of consent.

The Project Ecologist will provide certification that conditions relating to the recommendations within the Flora and Fauna Assessment by Cumberland Ecology October 2017, and as amended by the Updated Ecological Assessment (Cumberland Ecology, 04/03/2019) are carried out. The Project Ecologist will ensure that all conditions relating to the biodiversity management of the property are fully implemented.

The Project Ecologist must have one of the following memberships/accreditation

- Practising member of the NSW Ecological Consultants Association OR
- Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016

Evidence demonstrating Project Ecologist engagement (i.e. cover letter from Project Arborist) is to be provided to the Principal Certifying Authority prior to the issue of Construction Certificate.

Reason: To ensure bushland management.

16. Engage a Project Arborist

A Project Arborist with a minimum of AQF Level 5 is to be appointed for the duration of the works. The Project Arborist is to implement pre-construction tree protection measures and supervise all works within 5m of significant trees.

Evidence demonstrating Project Arborist engagement (i.e. cover letter from Project Arborist) is to be provided to the Principal Certifying Authority prior to the issue of Construction Certificate.

Reason: Tree protection in accordance with relevant Natural Environment LEP/DCP controls.

17. 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.

18. **Waste Management Plan**

A Waste Management Plan in accordance with the Northern Beaches Waste Management Guidelines is to be prepared. The plan is to detail the reuse, recycling and disposal methods for all demolition and construction waste on site. Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate waste management during works.

19. **Restriction on Use of Land - Building Footprint**

The Restriction on Use of Land and accompanying Section 88B instrument burdening Lot 1 are to be amended to restrict building on Lot 1 to the building area shown on the approved plans under DA2019/0395. Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure consistency with the approved plans.

20. **Retention of Tree T14**

Tree T14 *Eucalyptus umbra* (Broad-leaved White Mahogany) is not to be removed and is to be protected during works. Bedrooms 1 and 4 are to be set back to provide a minimum of 2m separation from Tree T14. Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure retention of Tree T14 *Eucalyptus umbra* (Broad-leaved White Mahogany).

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

21. **Project Arborist**

A Project Arborist with AQF Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures and construction works in the vicinity of all existing trees identified within this consent for retention and protection, with the following works to be reviewed, inspected and certified by the Project Arborist, including as scheduled in the Arboricultural Impact Assessment prepared by Tree Wise Men, section 5.1 Arborist Involvement.

a) All construction activity shall be in accordance with the following general protection guidelines:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain unaltered under the tree protection zone of trees to be retained, unless authorised by a AQF Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an Arborist. Details including photographic evidence of any works undertaken shall be submitted by an AQF Level 5 Arborist to the Certifying Authority,
- v) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,

b) Specifically the following works shall be undertaken:

- i) the Project Arborist shall locate and approve all required footings and/or piers within the tree protection zone,
- ii) the Project Arborist shall monitor any excavation, machine trenching or compacted fill placed within the tree protection zone of all trees to be retained,
- iii) if excavation is required it should be carried out under the supervision of the Project Arborist to identify roots critical to tree stability,
- iv) where the Project Arborist identifies roots to be pruned within or at the outer edge of the TPZ, they should be pruned with a final cut to undamaged wood, as directed by the Project Arborist,
- v) pruning cuts should be made with sharp tools such as secateurs, pruners, handsaws or chainsaws, as directed by the Project Arborist,
- vi) pruning wounds shall be dressed as directed by the Project Arborist,

c) Activities listed below are excluded from the tree protection zone, unless directed and supervised by the Project Arborist:

- i) machine excavation including trenching,
- ii) excavation for silt fencing,
- iii) construction material storage,
- iv) dumping of waste,
- v) placement of fill,
- vi) soil level changes,
- vii) temporary or permanent installation of utilities and signs,
- viii) physical damage to the tree.

Certification reports and photographic documentation of development works shall be recorded and issued to the Certifying Authority, including as listed in the Arboricultural Impact Assessment prepared by Tree Wise Men, section 5.1.3.

Reason: To ensure the protection of the existing landscape amenity.

22. **Tree Removal**

Consent N0530/15 exists for the removal of the following existing trees on Lot 1, identified in the Arboricultural Impact Assessment prepared by Tree Wise Men, dated August 2017 as trees T4, T6, T6A, T7, T8, T9, T10, T11, T16A, T17, T17A, T18, T20, T26, T27, T29, T31, T33, T34, and T35.

23. **Compliance with Arborist's Recommendations – Pre-Construction**

All pre-construction tree protection measures specified in the Updated Arboricultural Impact Assessment (Urban Forestry Australia, 06/03/2019), and Part 5.3 and Appendix C of the original Arboricultural Impact Assessment (Tree Wise Men July 2017), and these conditions of consent are to be implemented at the appropriate stage of development.

In addition, T14 is to be retained and protected throughout construction.

Compliance with pre-construction measures is to be certified by the project arborist and details submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

24. **Priority Weed Demarcation**

Prior to any vegetation clearance, all priority weeds in the canopy and shrub layers should be demarcated in order for these to be disposed of separately from native material. Weeds listed in Greater Sydney Regional Strategic Weed Management

Plan 2017 - 2022 must be removed and managed continuously.

Reason: To reduce the risk of site works contributing to spread of Priority weeds, in accordance with relevant Natural Environment LEP/DCP controls.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

25. Maintenance of Road Reserve

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

Reason: Public safety.

26. Tree and Vegetation Protection - General

a) Existing trees and vegetation shall be retained and protected as follows:

- i) all trees and vegetation within the site nominated on the Arboricultural Impact Assessment, prepared by Tree Wise Men, including T3, T5, T12, T13, T14, T21, T25, T28, T30, T30A, and T32, and excluding exempt trees and palms under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties, including T15, T15A, T16T22, T23, T24, T36, T37, and T38.
- iii) all road reserve trees and vegetation, including T1.

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) 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, vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect significant planting on development and adjoining sites.

27. **Implementation of Amended Landscape Plan**

Landscaping is to be implemented in accordance with the Amended Landscape Plans and these conditions of consent. The new landscaping is to be certified in accordance with approved Landscape Plans and these conditions of consent by a qualified landscape architect, arborist or ecologist prior to issue of the Occupation Certificate.

Reason: To ensure landscaping is consistent with relevant Natural Environment LEP/DCP controls.

28. **No Material Storage within 5m/Calculated Tree Protection Zone (TPZ)**

No storage of building materials or building waste, excavated fill or topsoil storage is to occur within 5m or the notional TPZ of trees shown on the approved landscape working drawing(s) as being retained or within protective fenced areas. Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.

Reason: To protect and retain trees proposed for retention.

29. **Compliance with Ecologist's Recommendations – During Construction**

All biodiversity-related measures are to be implemented during construction, as specified in the approved Flora and Fauna Assessment by Cumberland Ecology October 2017, Updated Ecological Assessment (Cumberland Ecology, 04/03/2019) and these conditions of consent.

Specifically the Project Ecologist must undertake pre-clearance surveys and direct supervision of all tree removal works.

Compliance with these measures is to be certified by the project ecologist in writing including photographic evidence to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

30. **Compliance with Arborist's Recommendations – During Construction**

All tree protection measures to be implemented during construction, as specified in Updated Arboricultural Impact Assessment (Urban Forestry Australia, 06/03/2019), and Part 5.3 and Appendix C of the original Arboricultural Impact Assessment (Tree Wise Men July 2017) and these conditions of consent are to be implemented at the appropriate stage of development.

The updated Arboricultural Impact Assessment provides specific recommendations for construction in the vicinity of existing trees including hand digging to ensure trees to be retained are protected throughout construction, including direct supervision of works near T21, T38 and T25 (which may be subject to Structural Root Zone encroachment). All hand-digging must be directly supervised by the Project Arborist.

In addition, T14 is to be retained and protected throughout construction in accordance with AS4970-2009.

Compliance with these measures is to be certified by the project arborist in writing, including photographic evidence, and details submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

31. Implementation of Erosion and Sediment Control Plan

The Erosion and Sediment Control Plan is to be fully implemented and measures are to remain in effective operation until all development activities have been completed and the site fully stabilised.

No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation.

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Evidence of compliance is to be certified by a suitably qualified engineer and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To protect natural features and habitats in accordance with relevant Natural Environment LEP/DCP controls.

32. Signage – No work / storage within dripline

The project manager is to erect signs advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.

Reason: To protect and retain trees proposed for retention.

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

33. Landscape Works

Landscaping is to be implemented in accordance with the approved Amended Landscape Plan.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved Landscape Plan and inclusive of any conditions of consent.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

34. Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an AQF Level 5 Arborist, shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

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

Reason: To retain and protect significant planting on development sites.

35. **Authorisation of Legal Documentation Required for Onsite Detention**

The original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land.

36. **Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land.

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

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements 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 restriction.

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 the on-site detention system is maintained to an appropriate operational standard.

38. **Geotechnical Certification Prior to Occupation Certificate**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

39. **Compliance with Ecologist's Recommendations – Post Construction**

All biodiversity-related measures are to be implemented at the appropriate stage of development, as specified in the approved Flora and Fauna Assessment by Cumberland Ecology (October 2017) and as amended by Updated Ecological Assessment (Cumberland

Ecology, 04/03/2019) and these conditions of consent.

Removal of exotic weeds is to be certified by Project Ecologist.

Satisfactory establishment/initiation of post-construction measures is to be certified by the project ecologist prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

40. Compliance with Arborist's Recommendations – During and Post-construction

All tree protection measures to be implemented, as specified in Updated Arboricultural Impact Assessment (Urban Forestry Australia, 06/03/2019), and Part 5.3 and Appendix C of the original Arboricultural Impact Assessment (Tree Wise Men July 2017), and these conditions of consent are to be implemented at the appropriate stage of development.

The updated Arboricultural Impact Assessment provides specific recommendations for construction in the vicinity of existing trees including hand digging to ensure trees to be retained are protected throughout construction, including direct supervision of works near T21, T38 and T25 (which may be subject to Structural Root Zone encroachment). All hand-digging must be directly supervised by the Project Arborist.

In addition, T14 is to be retained and protected throughout construction in accordance with AS4970-2009.

Satisfactory establishment/initiation of post-construction measures is to be certified by the consulting arborist and details submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To confirm compliance with tree protection/replacement measures in accordance with relevant Natural Environment LEP/DCP controls.

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

41. Landscape Maintenance

Any existing landscaping including trees required to be retained together with any additional landscaping required by this Consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is removed must be replaced.

Reason: To maintain local environmental amenity and ensure landscaping continues to soften the built form.

42. Environmental and Priority Weed Control

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: Preservation of environmental amenity.

43. **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.

44. **Retention of Natural Features**

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

Reason: To ensure the retention of natural features.

45. **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.

46. **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.

47. **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.

48. **Domestic Animals Exclusion**

For the life of the development, cats are to be kept in a cat run and/or inside the dwelling such that they are prevented from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on surrounding properties.

Reason: Wildlife protection

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

Signed



Claire Ryan, Principal Planner

The application is determined on 13/09/2019, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments