

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/1043
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 1 DP 303477, 43 Warraba Road NORTH NARRABEEN NSW 2101
Proposed Development:	Construction of a dwelling house
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Cindy Lillian Reedy Paul Jamieson Reedy
Applicant:	Paul Jamieson Reedy

Application Lodged:	08/07/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	20/09/2021 to 04/10/2021
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 268,740.00
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PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for partial demolition works and the construction of a new dwelling house. Whilst elements of the old house will remain, the framework and form of the building is substantially changing and thus the application has been submitted and assessed as a new dwelling house.

During the course of the application the Council wrote to the applicant on 13 August 2021 outlining several areas of concern with the proposal and advised that the proposal could not be supported in its current form. That proposal, generally, could be described as an elongated three-storey rectilinear form remnant of the existing dwellings location.

In mid-September 2021 the applicant provided Council with a new concept which is now the subject of

this assessment report here. Those revised plans were re-notified to neighbours for a period of 14 calendar days.

The proposal seeks to extend the existing rear half of the house southwards at ground and lower ground floor (that is, towards the side boundary). It also seeks to construct a first floor addition atop of the front half of the house.

It is noted that at some point during 2021 works were undertaken to concrete the driveway and front garden and to reconstruct the swimming pool with other works in the rear garden. Those works are the subject of a current investigation as described later in this report, and do not form a part of this assessment nor any subsequent approval under this development consent.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.1 Landscaping
 Pittwater 21 Development Control Plan - C1.4 Solar Access
 Pittwater 21 Development Control Plan - C1.5 Visual Privacy
 Pittwater 21 Development Control Plan - C1.17 Swimming Pool Safety
 Pittwater 21 Development Control Plan - D11.6 Front building line
 Pittwater 21 Development Control Plan - D11.7 Side and rear building line
 Pittwater 21 Development Control Plan - D11.9 Building envelope
 Pittwater 21 Development Control Plan - D11.10 Landscaped Area - General

SITE DESCRIPTION

Property Description:	Lot 1 DP 303477 , 43 Warraba Road NORTH NARRABEEN NSW 2101
Detailed Site Description:	The subject site is legally identified as Lot 1 DP 303477 and is known as 43 Warraba Road, North Narrabeen.

The site falls within the R2 Low Density Residential zone pursuant to the Pittwater Local Environmental Plan 2014, and the North Narrabeen Locality pursuant to the Pittwater 21 Development Control Plan.

The site is trapezoidal in shape located to the northeast of the street on a bend. The frontage measures 10.91m in width splaying to achieve a rear width of 19.87m and resulting in site depths of between 38.4m and 39.4m. Overall the site has a surveyed area of 595.5 square metres.

Presently the site accommodates a partially elevated single storey cottage with pitched tile roof, an in-ground swimming pool, driveway and garden shed(s).

Topographically the site falls from the street (southwest to northeast) by approximately 5m.

Surrounding properties consist of other detached dwelling houses of varying age, size and construction.

Map:



SITE HISTORY

- **Building Compliance Investigation BLD2021/00983** for alleged unauthorised works carried out at the property including works to a swimming pool, driveway and front garden. Current at time of writing.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(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>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to the design of the building. Revised plans have been received and assessed as described earlier in this report.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This 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 insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater</p>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 20/09/2021 to 04/10/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mrs Deborah Jayne Bermingham	104 Garden Street NORTH NARRABEEN NSW 2101
Mrs Julie Ann Smeal Mr Matthew Colston Smeal	41 Warraba Road NORTH NARRABEEN NSW 2101

The development application went through two rounds of notification to reflect the revised plans. The first round of notification attracted two submissions, and the second only one submission by one of the previous objectors. Notwithstanding that the second objector did not write with regards to the revised plans, the matters raised in their submission have been considered.

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

- Built form and non-compliances

- Landscaped area
- Drainage
- Privacy (acoustic and visual)
- Overshadowing
- Trees and vegetation

The matters raised within the submissions are addressed as follows:

- Built form and non-compliances

Comment:

Submissions received raise concern that the building is large, bulky and does not comply with several setback and envelope controls. The bulk of the building has been significantly reduced by way of revised plans, deleting the three storey component of the building to the rear. Building design is a subjective matter but, on balance the bulk of the development is acceptable. Where there are non-compliances they are addressed under the relevant clauses later in this report.

- Landscaped area

Comment:

A submission received raises concern that the site has a deficient landscaped ratio. This is noted and acknowledged in this report. The assessment of the application does not account for works carried out prior to the submission of the DA (including concreting the front garden, side of the house and works to the swimming pool and rear garden). Those matters are the subject of a separate investigation which does not form a part of the DA process. The landscaped ratio proposed is assessed as acceptable later in this report.

- Drainage

Comment:

A submission received raises concern that, consequent of the shortfall in landscaped area, that the sites stormwater drainage may impact on neighbours. Conditions are included in the recommendations of this consent requiring a stormwater drainage system to be designed by a suitably qualified and practising engineer in accordance with Council's policy.

- Privacy (acoustic and visual)

Comment:

Submissions received raise concern about potential acoustic and visual privacy impacts caused by the development. The degree of overlooking of neighbouring gardens has been significantly reduced by the revised plans. Where overlooking occurs from rear balconies, it is assessed as acceptable. Several of the proposed windows have been found to cause an uncomfortable living environment and are required to be modified. These matters are discussed later in the report.

The use of the land as a dwelling house is not considered to give rise to any unreasonable acoustic impacts above and beyond any other neighbouring property.

- Overshadowing

Comment:

This matter is discussed later in this report and is assessed as acceptable.

- Trees and vegetation

Comment:

A submission received notes that trees have been removed from the site in the recent past. A condition is imposed in the recommendations of this consent requiring a minimum of two trees to be planted in the rear garden of the site.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application seeks consent for alterations to the existing ground floor and the addition of a second story and attached garage to the dwelling.</p> <p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP Controls:</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • C1.11 Secondary Dwellings • D11 North Narrabeen Locality <p>The plans indicate that no significant landscape features are affected by the proposed works. In view of the planning controls and the three storey built form facing the rear of the site, it is recommended that 2 trees be provided to assist in integrating the bulk and scape into the landscape.</p> <p>No objections are raised to approval with regard to landscape issues subject to conditions as recommended.</p>
NECC (Development Engineering)	<p>Council's Development Engineers reviewed the initial plans submitted and raised concerns regarding stormwater disposal. Conditions have been included in the recommendations of this consent requiring that the stormwater drainage system is to be designed in accordance with Council's Water Management for Development Policy by a suitably qualified and practicing Civil Engineer. If the stormwater plan cannot meet the relevant policy then an application must be made to Council to authorise an alternate drainage method.</p> <p>Subject to conditions, stormwater drainage matters will be acceptable.</p>
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who raised no objections to the development.

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. A411264_04 dated 08 September 2021).

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 who raised no objections to the development.

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	Complies
Height of Buildings:	8.5m	7.7m	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
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	6.07m	7%	Yes
Rear building line	6.5m	11.1m	-	Yes
Side building line	(northwest) 2.5m	min: 1.12m	55.2%	No
	(southeast) 1m	min: Garage - 1m	-	Yes
Building envelope	(northwest) 3.5m	Encroachment for full length of dwelling to a maximum height of 1.8m	45%	No
	(southeast) 3.5m	Encroachment for a length of approximately 7.5m and to a maximum height of 0.5m	14%	No
Landscaped area	50% (297.75m ²)	41.9% (250m ²)	16%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.11 North Narrabeen Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	N/A	N/A
C1.23 Eaves	Yes	Yes
D11.1 Character as viewed from a public place	Yes	Yes
D11.2 Scenic protection - General	Yes	Yes
D11.3 Building colours and materials	Yes	Yes
D11.6 Front building line	No	Yes
D11.7 Side and rear building line	No	Yes
D11.9 Building envelope	No	Yes
D11.10 Landscaped Area - General	No	Yes
D11.12 Fences - General	Yes	Yes
D11.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.1 Landscaping

Clause C1.1 Landscaping includes provisions pertaining to the landscaped treatment of a front yard. It is noted that a large portion of the front garden has been concreted over in recent months. The submitted landscape plan shows an area of landscaping in the front garden which indicates that portions of that concrete slab are to be removed to facilitate plantings. This consent endorses that landscape plan and requires that all landscaped areas shown in it (that is, areas in green hatch) are to be landscaped.

C1.4 Solar Access

Concern is raised in a submission received by occupants of no. 41 Warraba Road to the south that the proposed development may impede on their available sunlight. From Council's records, that property has an open plan living kitchen and dining area at ground level to the rear with a 4m deep deck. The northwestern elevation of that house (facing the development site) has one window atop of a kitchen bench (W7 with an area of 1.08sqm) and another from the dining room (W8 area of 2.3sqm). The primary aspect of the space is to the east/northeast onto the balcony and back garden where there are floor to ceiling glazed bi-fold doors.

Concern is raised about the loss of sunlight to these two windows and queries the accuracy of the submitted shadow diagrams. Council finds the shadow diagrams accurate insofar as they show that the two subject windows would be overshadowed by the development from midday onwards. It is also noted (from historical archives of aerial photographs taken in mid-winter in past years) that there is already a small degree of overshadowing to these windows created by the house, however it is acknowledged that this impact will intensify with a larger development on the site.

Clause C1.4 requires that the main private open space of a dwelling should receive a minimum of 3 hours sunlight between 9am and 3pm on June 21st (the winter solstice). The existing alfresco deck for no. 41 will continue to receive the same extent of sunlight it currently does between 9am and 3pm on the winter solstice. Given the orientation of the two properties it is unlikely that the proposal would cause any major overshadowing to no. 41 in the morning to early afternoon.

Clause C1.4 also states that windows to the principal living area of the proposal and to adjoining dwellings should receive a minimum of 3 hours of sunlight between 9am and 3pm on the winter solstice (that is, to at least 50% of the glazed area of those windows). As discussed above the primary eastern/northeastern facing windows to the primary living space would not be majorly impacted by the development (there may be a small degree of overshadowing from around 11:45am). The subject Window 8 is a secondary window to the room and is partially under an eave thereby already being partially overshadowed by the house itself. In the afternoon during mid-winter this secondary window to the dining space will be overshadowed by the new development.

In the circumstances it is considered that the magnitude of overshadowing of this window is acceptable. The proposed dwelling, in the subject location, is situated at a (more than) compliant distance from the boundary and is compliant in height. Whilst there are breaches of the side boundary envelope those breaches do not create any significant overshadowing commensurate to a compliant design. Further, a compliant design on the site may result in an equal or worse outcome to what is proposed.

C1.5 Visual Privacy

Concern has been raised in a submission received that the proposed development may result in an unreasonable loss of privacy to neighbouring properties.

At lower ground floor level it is considered that there are no unreasonable impacts given that flank windows (that is, those windows on the side elevations) are from bedrooms and that they would generally look out onto a fence.

At ground floor level the flank windows to the front half of the house are generally from bedrooms and bathrooms and are existing, these are not considered to cause an unreasonable impact. To the rear half of the house there are four flank windows and a 1.56m wide balcony. To the northwestern elevation the two windows (E03 and W04) are reasonably small and are from a pantry and kitchen benchtop. To the southeast the two remaining windows (W08 and W09) are almost floor to ceiling height. These two southeastern windows are conditioned to be finished in obscure / frosted glass as having large windows

from a primary living space at an elevated height would compromise the privacy of both the neighbouring house, and occupants of the development itself.

The balcony is not of proportions that would render it capable of being used as a primary living space (i.e. it is inadequate in width at 1.56m to accommodate a large outdoor setting). The balcony has two windows and one set of stacker / sliding glass doors onto it. From this balcony there will be sightlines into neighbouring back gardens, however such an arrangement is not uncommon and must be expected within a residential or urban setting. The balcony is not excessive in size and is not significantly elevated above natural ground level (approx. 2.7m). For these reasons the first floor level, subject to conditioning two windows, provides an acceptable degree of privacy. The developers and their neighbours are entitled to plant screen planted should they elect to do so.

For the first floor, there are two flank northwest windows (from a bedroom and the stairwell, W15 and W16). These two windows are not from high-usage spaces are acceptable. There are two windows to the southeast from a bedroom and living room (W17 and W18). A balcony measuring 1.5m in depth faces the rear of the property. Window 18 is considered to be too large to be on a side elevation facing a neighbouring property from a primary living space. A condition is therefore imposed in the requirements of this report for this window to either be obscure glazed, or have a raised sill height to a minimum height of 1.65m above finished floor level which shall negate the opportunity for overlooking.

The first floor balcony is not considered to result in any unreasonable overlooking of neighbouring homes or gardens, and would generally only overlook the roof of the subject development itself.

C1.17 Swimming Pool Safety

No approval is granted under this Development Application for any swimming pool or associated coping or fencing.

D11.6 Front building line

Description of Non-Compliance

Clause D11.6 of the Pittwater 21 Development Control Plan 2014 prescribes a front boundary setback requirement of either 6.5m, or consistent with the established building line - whichever is the greater. The existing house achieves a front setback of 6.07m and this is retained under this application, but also seeks to construct a first floor with the same setback. The proposal therefore requires a 7% variation to the control requirement.

Merit Consideration

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

- *Achieve the desired future character of the Locality.*
Comment: The extent of non-compliance with the front boundary setback control is limited to a very minor element of the buildings frontage. The retention of the existing frontage and upwards addition is considered satisfactory.
- *Equitable preservation of views and vistas to and/or from public/private places.*
Comment: The development is not considered to result in the loss of any views or vistas from the public or private domain.
- *The amenity of residential development adjoining a main road is maintained.*
Comment: N/A Warraba Road is not a main road.

- *Vegetation is retained and enhanced to visually reduce the built form.*
Comment: The proposal does not seek to remove any vegetation.
- *Vehicle manoeuvring in a forward direction is facilitated.*
Comment: Not achieved. It is not common in Warraba Road for forward access and exit of vehicles to be achieved, nor is it considered pertinent given the relatively quiet nature of the street.
- *To preserve and enhance the rural and bushland character of the locality.*
Comment: The 40cm variation to the front setback does not materially alter the character of the area.
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
Comment: The proposal will upgrade the existing house to be reflective of a more contemporary home, rather than the existing traditional cottage. The development is of a scale and density that is in keeping with the natural environment.
- *To encourage attractive street frontages and improve pedestrian amenity.*
Comment: The sites frontage is suitably active for a dwelling in a residential zone.
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*
Comment: Whilst non-compliant with the control for a portion of the sites frontage, the building follows the curve of the road as have a number of other adjoining properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of the Pittwater 21 Development Control plan 2014 and the objectives specified in s1.3 of the Environmental Planning and Assessment Act 1979. Accordingly, this assessment finds that the proposal is supported in this particular circumstance.

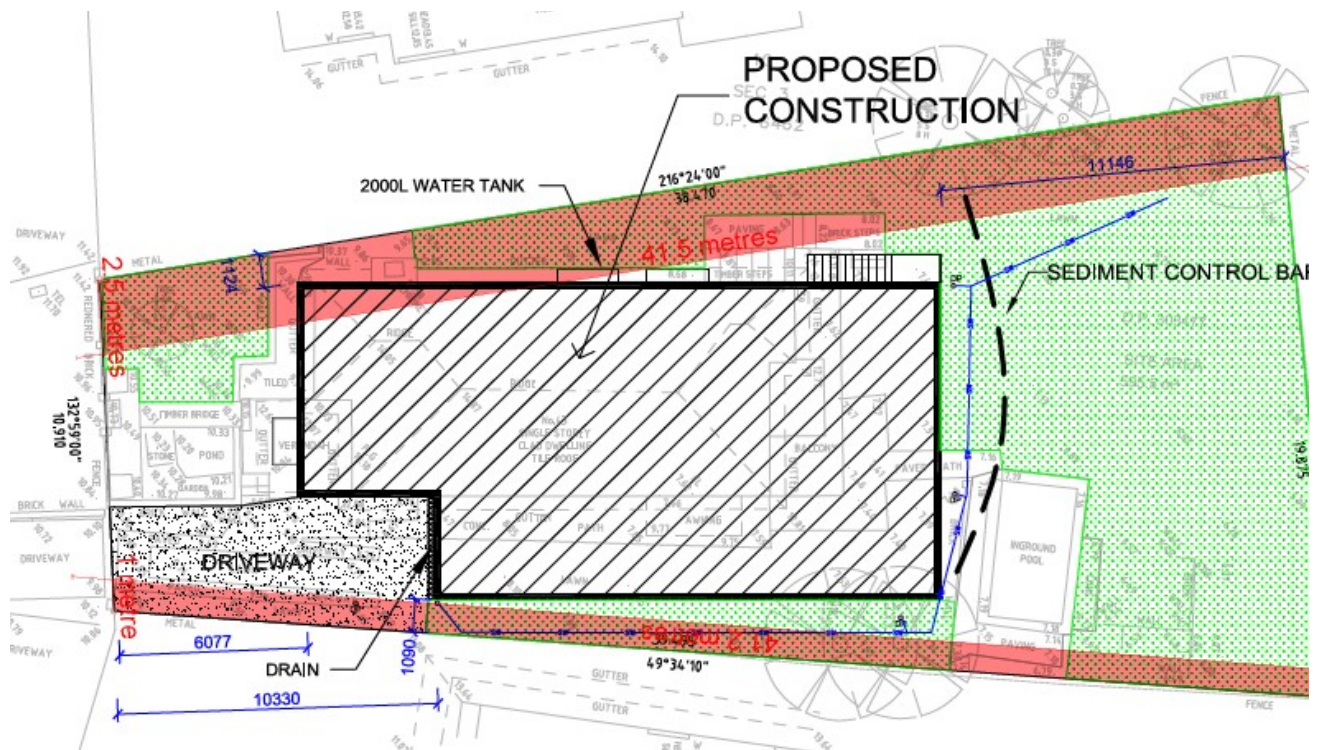
D11.7 Side and rear building line

Description of Non-Compliance

Part D11.7 Side and rear building lines of the Pittwater 21 Development Control Plan 2014 prescribe a minimum rear building line of 6.5m, and required side setbacks of 1m to one side and 2.5m to the other side.

The building achieves a rear setback of 11.1m, southeastern setback of a minimum of 1m (increasing in width) and a northwestern setback of a minimum of 1.1m (increasing in width).

The northwestern setback is assessed as the 2.5m setback and therefore varies the requirement of the control by up to 55% for a portion of the dwelling. Below is a diagram with the prescribed side setbacks highlight in red, showing the front corner element of the building that encroaches the setback area.



Merit Assessment

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

- To achieve the desired future character of the Locality.*
Comment: The non-compliant side boundary setback is consistent with the setback established by the existing house, but seeks to construct atop of that thereby exacerbating the proportion of the building, but not increasing the level of non-compliance. The minimum setback of 1.1m increases as the site widens and therefore only a reasonably minor corner of the building encroaches the setbacks. The setbacks proposed do not detract from the proposals ability to achieve the desired future character.
- The bulk and scale of the built form is minimised.*
Comment: The building is deemed to be of an appropriate bulk and scale as described elsewhere in this report, notwithstanding the fact that it breaches the side setback control.
- Equitable preservation of views and vistas to and/or from public/private places.*
Comment: The development is not considered to result in any unreasonable view loss from the private or public domain.
- To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
Comment: As above.
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*
Comment: Overshadowing and privacy are discussed under their respective DCP clauses elsewhere in this report. The non-compliant element of the building is located on the northern facade and thus does not result in any overshadowing to neighbouring properties.
- Substantial landscaping, a mature tree canopy and an attractive streetscape.*

Comment: The proposal does not seek to remove any trees. A condition is imposed to require two trees to be planted and to establish landscaped areas consistent with the submitted landscape plan (as above).

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

Comment: Whilst this proposal is submitted as a new build it does seek to retain a large portion of the existing house and thus it is warranted to allow flexibility in the circumstances. Requiring the demolition of an otherwise acceptable structure to achieve numerical compliance, when the non-compliance does not create concern is considered to be unreasonable.

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

Comment: No vegetation is sought for removal.

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

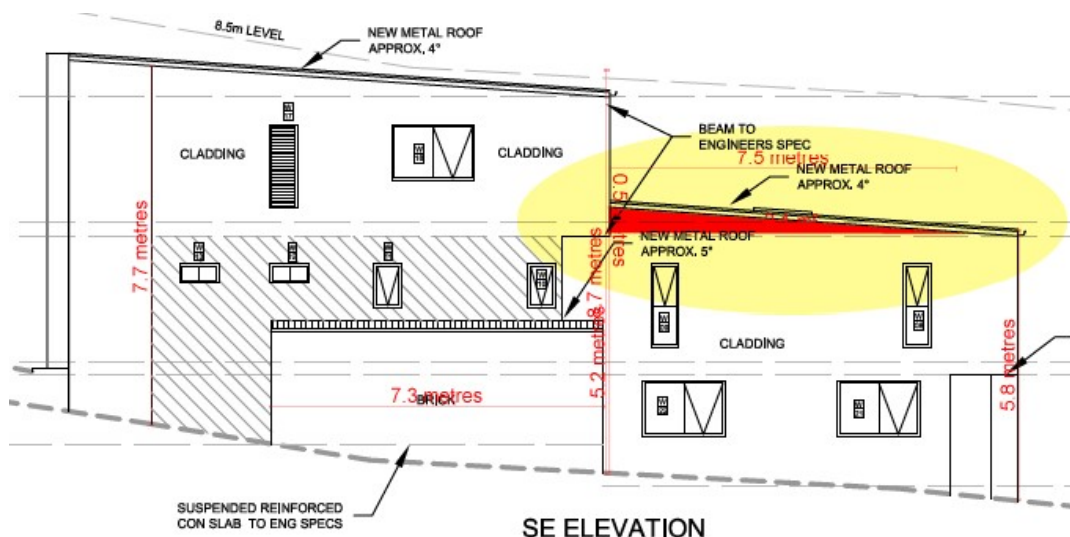
Comment: N/A no adjacent commercial zones.

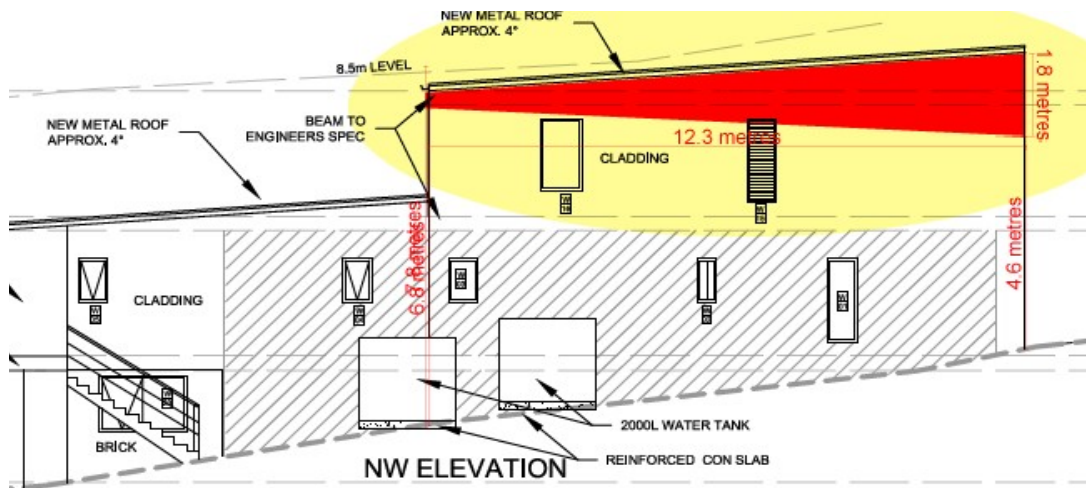
Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P 21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D11.9 Building envelope

Description of Non-Compliance

The site is subject to a 3.5m side building envelope control that a building should fit within. Elements of both the northwestern and southeastern flank elevations of the proposed dwelling encroach beyond the prescribed envelope as shown in the following diagrams:





Merit Consideration:

With regard to the request for a variation, the development is considered against the underlying outcomes of the control as follows:

- *To achieve the desired future character of the Locality.*
Comment: Notwithstanding the encroachments to the side boundary envelope the building maintains a two storey appearance and appears as a suitably low density development that does not dominate or overwhelm the landscape or established character of the locale. Therefore the development is deemed to achieve the desired future character.
- *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 development shall modernise the appearance of the existing modest cottage on site and produce a dwelling of proportions that is more in-keeping with other newer homes in the North Narrabeen area. There is a 1.8m variation to the envelope on the north-western elevation as shown in the lower of the two diagrams above, however that encroachment is largely derived from the splayed property boundaries and the increasing roof height. Combined that height still remains lesser (by approx. 1.5m) than the maximum height of buildings permitted and, given the fall in the land from the road edge, will not result in a building that exceeds the height of trees.
- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
Comment: The development steps down the slope of the land (by a full storey) in response to the topography of the land.
- *The bulk and scale of the built form is minimised.*
Comment: Whilst the building proposed is no doubt larger than the existing building on site, it is not of proportions that are considered uncharacteristic or unexpected within the locale, particularly given the splayed flank boundaries and sloping topography. The original proposal (discussed earlier in this report) was a significantly bulkier structure that was not acceptable, however the revised scheme (the subject of this assessment) is deemed to be of an acceptable bulk and scale.
- *Equitable preservation of views and vistas to and/or from public/private places.*
Comment: The development is not found to result in any unreasonable view loss from the public or private domain.
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the*

development site and maintained to residential properties.

Comment: Solar access and privacy are discussed under their respective DCP clauses elsewhere in this report but in summary, the development is not found to unreasonably prejudice the amenity of any adjoining land to a degree that would warrant the refusal of the application.

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

Comment: The development does not seek to remove any vegetation. Conditions are imposed requiring tree planting to achieve a better vegetative outcome than what currently exists on the site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of the P 21 DCP 2014 and the objectives specified in s1.3 of the Environmental Planning and Assessment Act 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D11.10 Landscaped Area - General

Description of Non-Compliance

Clause D11.10 Landscaped Area of the P21 DCP requires that 50% of the site area be landscaped, but permits up to 6% of the hard-surface site area to be included within that ratio if it is used for recreational purposes. The site has a soft landscaped area of 250sqm thus 41.9%. An additional 6% (35.73sqm) brings the landscaped ratio up to 47.98% which still does not comply with the clause requirements and thus is assessed against the objectives below.

It should be noted that the above equations do not count the newly concreted areas as landscaping. The submitted Site & Analysis Plan nominates currently concreted areas as landscaping, thus indicating that any concrete or paving in that area will be removed. A condition to that extent is imposed in the recommendations of the consent.

Merit Consideration

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

- *Achieve the desired future character of the Locality.*
Comment: Upon lodgement the front garden of the house had minimal landscaping. This proposal does not change the existing presentation of the front garden from the street. For the remainder of the site the rear portion of the block is largely grass and a swimming pool which is reflective of the general pattern of developments and provides opportunities for deep soil landscaping. The development can therefore achieve the desired future character of the locality.
- *The bulk and scale of the built form is minimised.*
Comment: The bulk and scale of the proposed built form is deemed to be acceptable and sits beneath the maximum prescribed height. There is sufficient space for landscaping around the curtilage of the house. A condition is imposed requiring two trees to be planted in the rear garden of the site.
- *A reasonable level of amenity and solar access is provided and maintained.*
Comment: These matters are discussed under their respective clauses elsewhere in this report. The shortfall in calculable landscaped open space does not unreasonably detract from the amenity of neighbours.

- *Vegetation is retained and enhanced to visually reduce the built form.*
Comment: This development application does not seek the removal of any vegetation.
- *Conservation of natural vegetation and biodiversity.*
Comment: The development seeks to extend the house atop of existing lawn, concrete and paved areas that are not considered to hold any biodiversity value.
- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*
Comment: Conditioned as appropriate.
- *To preserve and enhance the rural and bushland character of the area.*
Comment: The development is not considered to materially alter any established rural or bushland character of the area.
- *Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.*
Comment: It is considered that adequate soft surface (around 250sqm) is adequate for a residential site to provide the natural infiltration of stormwater into the ground and to minimise run-off.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P 21 DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$2,687 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$268,740.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;

- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/1043 for Construction of a dwelling house on land at Lot 1 DP 303477, 43 Warraba Road, NORTH NARRABEEN, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site & Analysis Plan - Sheet 2 of 10 Issue 2	09 September 2021	Cadlan Drafting
Floor Plan - Sheet 3 of 10 Issue 2	09 September 2021	Cadlan Drafting
Floor Plan - Sheet 4 of 10 Issue 2	09 September 2021	Cadlan Drafting
Floor Plan - Sheet 5 of 10 Issue 2	09 September 2021	Cadlan Drafting
Elevations - Sheet 6 of 10 Issue 2	09 September 2021	Cadlan Drafting
Elevations - Sheet 7 of 10 Issue 2	09 September 2021	Cadlan Drafting
Sections - Sheet 8 of 10 Issue 2	09 September 2021	Cadlan Drafting

Reports / Documentation – All recommendations and requirements contained

within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A411264_03	08 September 2021	Performance Building Consultants

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	01 June 2021	Paul Reedy

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

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

2. **No Approval for Land Use**

No approval is granted under this Development Consent for any swimming pool, structures in the rear garden or concreting/paving at the front of the house.

Reason: To ensure consistency with the approved drawings.

3. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and

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

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

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

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

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.

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

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

- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
- Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$2,687.40 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 2021. The monetary contribution is based on a development cost of \$268,740.00.

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 2021 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 \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

7. Stormwater Drainage Disposal

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

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

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

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

Reason: To ensure satisfactory management of stormwater.

8. Amendments to the approved plans

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

- Windows W08 and W09 are to be finished in obscure/frosted glazing;
- Window W18 is to either be finished in obscure/frosted glazing, or may have a minimum raised sill height of 1650mm above finished floor level.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

9. Compliance with Standards

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

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

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

10. External Finishes to Roof

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

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

11. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected including:
 - i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.

- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
 - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
 - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
 - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
 - viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
 - ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
 - x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
 - xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees

on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

13. Removing, Handling and Disposing of Asbestos

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

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

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

14. Survey Certificate

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

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

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

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

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

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

15. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

16. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

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

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

17. Required Tree Planting

a) Trees shall be planted in accordance with the following:

- i) 2 trees capable of attaining a minimum height of 5 metres at maturity; located in the rear yard; minimum pot size 200mm

b) Native tree planting species may be selected from Council's list:

www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide.

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

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Government's 5 Million trees initiative

<https://5milliontrees.nsw.gov.au/>

Reason: To maintain environmental amenity.

18. Stormwater Drainage Disposal Certification

Certification from an appropriately qualified and practising Civil Engineer demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy and where relevant a Geotechnical Engineer shall be provided to the Certifying Authority prior to the issue of an Occupation Certificate, and;

If any on site stormwater detention system is installed the Applicant shall lodge the Legal Documents Authorisation Application with Council.

The application is to include the completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website. The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent.

The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be

nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure satisfactory management of stormwater.

19. **Waste Management Confirmation**

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

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

20. **Landscaped Area Completion**

All areas indicated as Landscaping (in green hatch) on the approved and stamped Site & Analysis Plan (Sheet 02 of 10) shall be landscaped area as defined by the Pittwater Local Environmental Plan 2014. Landscaped area is defined as:

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

Reason: To ensure development is carried out in accordance with this consent.

21. **Removal of All Temporary Structures, Material and Construction Rubbish**

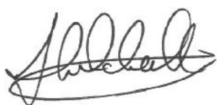
Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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 bushland management.

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

Signed



Adam Mitchell, Principal Planner

The application is determined on 08/10/2021, under the delegated authority of:



Lashta Haidari, Manager Development Assessments