

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0881
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Responsible Officer:	Rhiannon McLardy
Land to be developed (Address):	Lot E DP 404485, 1742 Pittwater Road BAYVIEW NSW 2104 Lot 4 DP 455969, 1742 Pittwater Road BAYVIEW NSW 2104
Proposed Development:	Construction of a swimming pool, boat shed, ramp and sea wall
Zoning:	E4 Environmental Living
Development Permissible:	Yes, under State Environmental Planning Policy (Coastal Management) 2018
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Andrew David Elmslie Melissa Jane Elmslie
Applicant:	Andrew David Elmslie

Application Lodged:	16/08/2019
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	29/08/2019 to 12/09/2019
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 165,638.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the following works:

- Demolition of existing pool,
- Replacement of seawall,
- Construction of new swimming pool,
- Construction of boat shed and ramp, and
- Landscaping works.

Following a review of the submitted information an email was sent to the applicant on 8 November 2019

In response to the email, amended plans, indicating the lateral limit lines were accepted by Council on 1

A second email was sent to the applicant on 22 November 2019 in relation to the proposed material to b
An amended Elevation Plan, including a Schedule of Finishes indicating the use of stone logs for the propose

The amended plans were not re-notified as the amendments were minor and do not result in a greater ei

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 - Zone W1 Natural Waterways

Pittwater 21 Development Control Plan - B3.7 Estuarine Hazard - Low density residential

Pittwater 21 Development Control Plan - D4.3 Building colours and materials

Pittwater 21 Development Control Plan - D4.6 Side and rear building line

Pittwater 21 Development Control Plan - D4.10 Landscaped Area - Environmentally Sensitive Land

Pittwater 21 Development Control Plan - D15.13 Lateral limits to development seaward of mean high water mark

Pittwater 21 Development Control Plan - D15.15 Waterfront development

Pittwater 21 Development Control Plan - D15.18 Seawalls

SITE DESCRIPTION

Property Description:	Lot E DP 404485 , 1742 Pittwater Road BAYVIEW NSW 2104 Lot 4 DP 455969 , 1742 Pittwater Road BAYVIEW NSW 2104

Detailed Site Description:

The subject site consists of two (2) allotments located on the north-eastern side of Pittwater Road.

The site is irregular in shape with a frontage of 20.326m along Pittwater Road and a depth of 78.232m along the north-western boundary. The site has a surveyed area of 1302m².

The site is located within the E4 zone - Environmental Living zone of the PLEP 2014 and accommodates a dwelling house, garage and swimming pool.

The site slopes away from the road towards Pittwater with an average grade of 6 degrees for much of the property. At the foreshore building line the site slopes steeply, falling approximately 3.5m to the waterfront.

The front yard of the site contains a small front yard with a significant tree. The rear yard is treated with lawn and contains a number of significant spotted gum trees.

Detailed Description of Adjoining/Surrounding Development

Adjoining development includes dwelling houses and similar waterfront swimming pools. Surrounding development includes dwelling houses and a school.

Map:



SITE HISTORY

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

Application **N0239/16** for Construction of a new carport and front fence was approved on 13 July 2016 under staff delegation.

Application **N0355/14** for Demolition of existing dwelling and construction of a new single dwelling was approved on 18 December 2014 under staff delegation.

Application **N0355/14/S96/1** for Demolition of existing dwelling and construction of a new single dwelling approved on 18 August 2015 under staff delegation.

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 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 was requested in relation to RMS consent and lateral limits.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental

Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	<p>General Comments</p> <p>The applicant proposes a number of alterations / additions to the existing infrastructure. Of particular interest to Environmental Health's assessment are works occurring in Class 2 Acid Sulphate Soil -the construction of a new sea wall.</p> <p>According to the <i>Acid Sulphate Soil Manual</i> New South Wales guideline, an assessment must be done and a management plan in place for dealing with and exposing Acid Sulphate Soils, Class 2, <i>"works below natural ground surface; and Works by which the watertable is likely to be lowered"</i> The applicant has provided an assessment of the soils to be excavated and no Acid Sulphate Soils were found to a depth of 0.4 m.</p> <p>Environmental Health recommend approval.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions.</p>
Landscape Officer	<p>The development application consists of an application to demolish an existing swimming pool and build a new swimming pool, new boat shed and ramp, and demolish an existing seawall and build a new seawall. DPI Fisheries approval for the boat shed and ramp has been obtained.</p> <p>The proposal in terms of landscape outcome is acceptable subject to the protection of existing trees and vegetation and the completion of the proposed associated landscape works.</p> <p>The proposed works will require the removal of one existing Spotted Gum tree of low-medium retention value, identified as T2. Alternative options were considered that required the removal of high retention value Spotted Gums and the option of least impact is the subject of this application. Five high retention value Spotted Gums are preserved within the rear yard, complying with the landscape controls of Pittwater 21 DCP to preserve native canopy trees.</p> <p>A Arboricultural Impact Assessment has been prepared in accordance with DA Lodgement Requirements, and the recommendations are supported, subject to conditions.</p> <p>A Landscape Plan has been submitted in accordance with DA Lodgement Requirements, and the recommendations are supported,</p>

Internal Referral Body	Comments
	<p>subject to conditions.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP Controls: B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping D4 Church Point and Bayview Locality</p>
NECC (Bushland and Biodiversity)	<p>This application was assessed against Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP B4.7 Pittwater Spotted Gum EEC.</p> <p>The proposal is for the demolition of the existing swimming pool, construction of a new swimming pool, boatshed, ramp and replacement seawall. The site contains large native canopy trees with a mown lawn understorey. The SEE and Arborist report provide supporting evidence to demonstrate that impacts to trees have been avoided and minimised throughout the design process.</p> <p>The submitted Arboricultural Impact Assessment report (Urban Forestry Australia August 2019) assesses 7 Spotted Gum <i>Corymbia maculata</i> trees. One tree, T2 is proposed for removal. This tree is displaying symptoms of <i>Armillaria luteobubalina</i> and it considered to have low retention value. The removal of this tree must be undertaken in accordance with strict hygiene protocols to minimise the chance of spreading <i>Armillaria luteobubalina</i> fungus. The remaining trees are to be retained and protected throughout demolition and construction works.</p> <p>Council's Natural Environment - Biodiversity section raises no issues subject to conditions, including at least one replacement canopy tree planting.</p> <p>I defer assessment of B4.16, B4.19, B4.4.20 to Council's Coast and Catchments team.</p>
NECC (Coast and Catchments)	See comments in following section.
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p>Coastal Management Act 2016</p> <p>The subject site has been identified as being within the coastal zone and therefore <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p>

Internal Referral Body	Comments
	<p>Further, the applicant has proposed construction/modification of a seawall. Hence the proposed development has been assessed also against the requirements of the Section 27 of the <i>Coastal Management Act 2016</i>. As required, the impact & risk associated with the construction/modification of the seawall has been assessed in a Report prepared by Water Research Laboratory dated 7 August 2019.</p> <p><u>Application of Clause 27 of the Coastal Management Act 2016</u></p> <p>27 Granting of development consent relating to coastal protection works</p> <p>(1) Development consent must not be granted under the Environmental Planning and Assessment Act 1979 to development for the purpose of coastal protection works, unless the consent authority is satisfied that:</p> <p>(a) the works will not, over the life of the works:</p> <p>(i) unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland, or</p> <p>(ii) pose or be likely to pose a threat to public safety, and</p> <p>(b) satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works:</p> <p>(i) the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works,</p> <p>(ii) the maintenance of the works.</p> <p>(2) The arrangements referred to in subsection (1) (b) are to secure adequate funding for the carrying out of any such restoration and maintenance, including by either or both of the following:</p> <p>(a) by legally binding obligations (including by way of financial assurance or bond) of all or any of the following:</p> <p>(i) the owner or owners from time to time of the land protected by the works,</p> <p>(ii) if the coastal protection works are constructed by or on behalf of landowners or by landowners jointly with a council or public authority—the council or public authority,</p> <p>Note. Section 80A (6) of the Environmental Planning and Assessment Act 1979 provides that a development consent may be granted subject to a condition, or a consent authority may enter into an agreement with an applicant, that the applicant must provide security for the payment of the cost of making good any damage caused to any property of the consent authority as a consequence of the doing of anything to which the consent relates.</p> <p>(b) by payment to the relevant council of an annual charge for coastal protection services (within the meaning of the Local Government Act 1993).</p> <p>(3) The funding obligations referred to in subsection (2) (a) are to include the percentage share of the total funding of each landowner, council or public authority concerned.</p>

Internal Referral Body	Comments
	<p>Based on the impact and risk identified, Council applies maintenance condition as per Section 27(b)(ii) in approving this DA</p> <p>State Environmental Planning Policy (Coastal Management) 2018</p> <p>As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.</p> <p>Comment:</p> <p>As assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Gartner Provato Architects Pty. Ltd. dated August 2019 and Council accepts the assessment, the DA satisfies requirements under clauses 13, 14 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.</p> <p>The proposed development is therefore subject to conditions to satisfy the relevant estuarine risk management requirements of P21 DCP.</p> <p>A Report prepared by the Water Research Laboratory dated 7 August 2019 has been submitted with the DA. As the floor level of the boat house has been proposed as 2.22m AHD, below the suggested</p>

Internal Referral Body	Comments
	Estuarine Planning Level (EPL) of 2.76m AHD. According to B3.7, all floor levels shall be at or above the Estuarine Planning Level. However, consideration may be given on a merit basis to a floor level of a boat shed at a level lower than the EPL where it can be demonstrated through an Estuarine Risk Management Report that the boat shed is structurally designed to withstand periodic wave action and tidal inundation up to the EPL.
NECC (Development Engineering)	The proposed development does not require OSD. The submitted Geotechnical report addresses the relevant DCP controls. No objection to approval, subject to conditions as recommended.
NECC (Riparian Lands and Creeks)	No objection to the proposal. Approved subject to the conditions that sediment and erosion issues are addressed with appropriate controls and maintenance of those controls.

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.
Aboriginal Heritage Office	<p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted.</p>
Integrated Development – NSW Fisheries	<p>DPI Fisheries has reviewed the proposal in light of these provisions and has no objections, subject to the proponent meeting the General Terms of Approval that follow. As per s.4.47(3) of the Environmental Planning and Assessment Act 1979, any consent issued by Council must be consistent with these GTAs.</p> <p>1. Provided the new sea wall is placed in the exact same footprint as the existing sea wall, the proponent will not require a Part 7 permit under the FM Act. If the scope of work changes, it must be referred to DPI Fisheries; and</p> <p>2. Environmental safeguards (silt curtains, booms etc.) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to</p>

External Referral Body	Comments
	smother aquatic vegetation and have a deleterious effect on benthic organisms.

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 (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 subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment:

The proposed works are for a swimming pool, seawall, boat shed and ramp. The proposed seawall does not affect the established extent of the existing site, or unreasonably limit access along the foreshore. It is considered that the proposed works are unlikely to have an unreasonable impact on biophysical, hydrological and ecological environments or processes. DPI Fisheries have recommended that clean rock rubble be placed at the bottom of the seawall to minimise any potential effect on fish habitat. The subject site has not been identified to contain any Aboriginal cultural heritage.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The proposal has been designed to minimise the impact in any of these areas.

14 Development on land within the coastal use area

- (1)
- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
- (b) is satisfied that:
- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposed works are not considered likely to cause an adverse impact on access along the foreshore for members of the public. The foreshore is currently only accessible at low tide and the proposed seawall does not change the shape of the shoreline. The boat ramp as conditioned is not an unreasonable structure and will continue to allow for foreshore access at low tide. The proposal will not result in any unreasonable additional overshadowing or wind funnelling to the foreshore. The proposed works have been designed to suit the coastal environment, views to the foreshore are not affected. The adjacent foreshore area is mapped as having a high potential for Aboriginal heritage however the site has been heavily modified and there are no known heritage items or places in the immediate vicinity.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

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:

It is considered that the proposal complies with this clause.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone E4 : Yes Zone W1 : No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Zone E4 : Yes Zone W1 : Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
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Height of Buildings (E4):	8.5m	4.3m (Boat Shed)	N/A	Yes
Height of Buildings (W1)	4.0m	2.2m (Seawall)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.7 Development below mean high water mark	Yes
5.9 Preservation of trees or vegetation	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.8 Limited development on foreshore area	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone W1 Natural Waterways

Water recreation structures are not permitted within the W1 Natural Waterways Zone. However, in accordance to Schedule 1 Additional Permitted uses of PLEP 2014 development for the purposes of boat sheds, jetties or water recreation structures are permitted with development consent in this area. The proposed ramp is identified as a water recreation structure.

Seawalls are identified as Coastal Protection Works under the State Environmental Planning Policy (Coastal Management) 2018. Coastal Protection Works may be carried out on this land with consent.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	greater than 6.5 metres	N/A	Yes
Rear building line	FBL	0m	100%	No
Side building line	2.5m	5.96m	N/A	Yes
	1m	1.2m	N/A	Yes
Building envelope	3.5m	Within envelope	N/A	Yes
	3.5m	Within envelope	N/A	Yes
Landscaped area	60%	50.07 % (without variation - 651.9m ²)	16.55%	No
		53.31% (with variation - 694.1m ²)	11.15%	No

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

95 = 5% variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.4 Church Point and Bayview Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	No	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.16 Seagrass Conservation	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B4.20 Protection of Estuarine Water Quality	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.11 Stormwater Discharge into Waterways and Coastal Areas	Yes	Yes
B5.13 Development on Waterfront Land	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
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
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
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
D4.1 Character as viewed from a public place	Yes	Yes
D4.3 Building colours and materials	No	Yes
D4.5 Front building line	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D4.6 Side and rear building line	No	Yes
D4.8 Building envelope	Yes	Yes
D4.10 Landscaped Area - Environmentally Sensitive Land	No	Yes
D4.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D4.14 Scenic Protection Category One Areas	Yes	Yes
D15.11 Waterfront lighting	Yes	Yes
D15.12 Development seaward of mean high water mark	Yes	Yes
D15.13 Lateral limits to development seaward of mean high water mark	No	Yes
D15.14 Minimum frontage for waterfront development	Yes	Yes
D15.15 Waterfront development	No	Yes
D15.18 Seawalls	No	Yes
D15.19 Dredging	Yes	Yes

Detailed Assessment

B3.7 Estuarine Hazard - Low density residential

Description on Non-compliance

The proposed boat shed does not comply with the Estuarine Planning Level. The proposal is supported by an Estuarine Risk Management Report and qualifies for a variation of this control.

Merit Consideration

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

- Protection of people. (S)*
Comment
 Conditions have been included in the recommendation of this report requiring a number of Estuarine Planning Level Requirements are complied with. The proposal as conditioned will provide suitable protection for people.
- Protection of the natural environment. (En)*
Comment
 The boat shed has been designed with a floor level lower than the Estuarine Planning Level to allow for the angle for the proposed boat ramp. The proposed seawall is the same height and the existing seawall and a higher floor level for the boat shed would raise it above the surrounding ground levels and increase its visual impact.
- Protection of private and public infrastructure and assets. (S)*
Comment
 A condition has been included in the recommendation of this report requiring that the proposed boat shed be able to withstand wave impact forces for its design life. In addition a number of Estuarine Planning Level Requirements have been conditioned, including that all structural

elements below the EPL are of flood compatible materials and that electrical equipment is located above this level or waterproofed to this level. The proposal as condition will provide adequate protection to infrastructure and assets.

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

D4.3 Building colours and materials

The application includes a mix of external finishes which are generally consistent with Council's requirements for dark and earthy tones. One colour however, Colorbond 'Surfmist' is not supported. As the area where the colour is intended to be used is the roof of the proposed new boatshed, compliance with Council's requirements should be adhered to. Conditions have been included in the recommendation of this report to ensure the external colours and finishes are consistent with the control requirements.

D4.6 Side and rear building line

All the proposed works are east of the foreshore building line, within the foreshore area. Swimming pools, boat sheds, sea retaining walls and slipways are permissible within this area under Clause 7.8 of the PLEP 2018.

D4.10 Landscaped Area - Environmentally Sensitive Land

Description of Non-compliance:

The proposed Landscaped Open Space is 50.07% (651.9m² without variation - 53.31%/694.1m² with variation) where the requirement is for 60% (781.2m²). The existing LOS is 49.50%.

Merit Consideration:

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

- *Achieve the desired future character of the Locality. (S)*

Comment

The proposal increases the amount of landscaped open space onsite. While the works include the removal of a Spotted Gum, replacement planting of the tree is conditioned in the recommendation of this report. The proposed retaining walls are to replace the existing retaining walls and are to be constructed out of stone. Additional planting proposed on the slope facing the waterway will help screen the retaining walls from view from Pittwater, adding to the bush land character of the site and ensuring that the proposed works are consistent with the desired future character of Church Point.

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

Comment

The change in landscaped open space is due to the relocation of the swimming pool and the associated landscaping works. The only structure of any significant height proposed as part of the works is the boat shed which is a single-storey structure in keeping with the DCP requirements for a boat shed. The terraced gardens are to be highly vegetated with a mix of

native and exotic vegetation and will help to reduce the visual impact of the site overall.

- *A reasonable level of amenity and solar access is provided and maintained. (En, S)*
Comment
 The proposed works, which include the construction of a swimming pool and deck and the construction of a boat shed, will maintain a sufficient level of solar access and amenity to the site and neighbouring properties.
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*
Comment
 The proposed works include the establishment of a significant amount of vegetation in the terraced gardens which will soften the impact of the slope.
- *Conservation of natural vegetation and biodiversity. (En)*
Comment
 The removal of the Spotted Gum is supported by the Aboricultural Impact Assessment, Council's Bushland and Biodiversity Officer and Council's Landscape Officer. The removal of the tree is to be compensated by replacement planting of a Spotted Gum on-site.
- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*
Comment
 The proposed areas of landscaped open space are of significant dimensions and are available to assist with water management including infiltration of water to the water table. The terraced gardens on the slope are to be heavily vegetated, assisting in the minimisation of stormwater run-off and siltation.
- *To preserve and enhance the rural and bushland character of the area. (En, S)*
Comment
 The proposed works enlarge the available area of landscape open space. Significant planting of vegetation is proposed on-site as part of the works enhancing the 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. (En, S)*
Comment
 The proposal expands the the available area of landscaped open space, maximising the available areas of landscaped open space.

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

D15.13 Lateral limits to development seaward of mean high water mark

Description of Non-compliance

The control stipulates that waterfront development shall be setback a minimum of 2.0m along the full length of the lateral limit lines.

The boat ramp as proposed to Council has a lateral line setback of approximately 1.5m. A condition

included in the recommendation of this report requires that the Construction Certificate plans reflect those approved by the RMS. The plan submitted to and approved by the RMS indicates a lateral limit line setback of 1.0m for the length of the proposed ramp.

Merit Consideration

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

- *To ensure that fair and equitable enjoyment of the waterway is achieved between neighbouring waterfront landowners through restricting unreasonable encroachment of waterfront development in front of adjoining properties. (S)*

Comment:

The proposed boat ramp continues to allow for fair and equitable enjoyment of the waterway. The letter of correspondence received from the RMS indicated that they have no navigational concerns with the works as proposed. As the proposal is for a boat ramp it is unlikely that watercraft will use the structure for mooring purposes, minimising the potential for encroachment on neighbouring properties.

A condition has been included in the recommendation of this report requiring that a survey certificate be prepared by a Registered Surveyor during construction. This will ensure that the proposed boat ramp is built to the lateral limit line setbacks as approved and minimise the potential for inaccurate location of the structure.

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

D15.15 Waterfront development

Description of Areas of Non-Compliance

c) Boatsheds

The proposed boatshed is not compliant with the minimum floor level as required by B3.7 Estuarine hazard controls for foreshore development. Compliance with the B3.7 Estuarine Hazard Level control has been achieved by variation, supported by an Estuarine Risk Management Report.

d) Slipways and launching Ramps

The proposed ramp is not favoured under this control however the timber ramp as proposed meets the requirements for a variation on this control. The proposed slipway is recessed into the seawall to minimise the height of the boat ramp to Pittwater Waterway. The ramp is proposed to be constructed out of timber. No slip rails are proposed.

Merit Consideration

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

- *Waterfront development does not have an adverse impact on the water quality and estuarine*

habitat of Pittwater. (En)

Comment

Although it is to be constructed below estuarine planning level, the proposed boat shed is to be constructed above Mean High Water Mark and design in line with the recommendations of the Estuarine Risk Management Report. The proposed boat ramp is of minimal length compared to the surrounding jetties. The proposal has been reviewed by Council's Coasts and Catchments Officer, who recommended it for approval subject to conditions.

- *Public access along the foreshore is not restricted. (S)*

Comment

Being of minimal length compared to jetties on surrounding properties, the proposed boat ramp does not cause an unreasonable impediment to existing foreshore access.

- *Waterfront development does not encroach on navigation channels or adversely affect the use of ferries and service vessels or use of the waterway by adjoining landowners. (S, Ec)*

Comment

Correspondence submitted from Roads and Maritime Services advises that an inspection/assessment has been conducted by the Boating Safety officer and that there are no navigational concerns regarding the designated proposal. The reduced lateral limit line setback has been assessed under Clause D15.13 of the P21DCP and has been found to comply with the objectives of that control.

- *Structures blend with the natural environment. (S)*

Comment

The proposed boat ramp is to be constructed out of timber. The boat shed, as conditioned, will be finished in dark and earthy tones, helping to blend the structure into the natural environment.

- *Structures are not detrimental to the visual quality, water quality or estuarine habitat of the Pittwater Waterway. (En, S)*

Comment

The proposed waterfront structures are consistent with waterfront development on other surrounding sites off Pittwater Road. The proposed works will be finished in dark and earthy tones, further minimising their visual impact. The proposal has been reviewed by Council's Coasts and Catchments Officer, who is satisfied that the proposed development will not have a detrimental affect on the water quality or estuarine habitat, subject to conditions included in the recommendation of this report.

- *To promote a mix of commercial waterfront development for the accommodation of boats, their repair and maintenance, and for organised waterfront development. (Ec)*

Comment

The subject site is in a residential zone and the proposed development is not for commercial purposes. Therefore this outcome does not apply.

- *Waterfront development which does not comply with the outcomes of this clause are removed. (En, S, Ec)*

Comment

The works proposed under this application comply with the outcomes of this clause.

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

D15.18 Seawalls

Description of Non-Compliance

The proposal includes the replacement of the existing seawall. This is technically non-compliant with the control which does not permit seawalls.

Variations on the control are permissible when there is potential for erosion from coastal process and protection of property is necessary.

The proposed replacement of the existing seawall is consistent with the requirements for a variation to this control.

The proposed replacement seawall is above the maximum recommended height of 1.0 metre above mean high watermark, however it is of the same height as the existing seawall. The seawall is proposed to be made of stone blocks and not does not change seek to reclaim any further land, ensuring that the curvature of the existing shoreline is maintained.

Merit Consideration

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

- *Any adverse impact upon the marine flora, fauna or water quality of the locality is minimised. (En)*

Comment

The proposed seawall is to replace the existing seawall and is expected to occupy the same footprint. Conditions have been included in the recommendation of this report regarding sediment and erosion control during work to minimise the impact of the construction work on the water quality and the seagrass.

- *Development has due regard for other existing water based activities in the locality, particularly those which have recreational, residential or economic significance. (S, Ec)*

Comment

Correspondence has been received from the Roads and Maritime Service stating that there are no navigational concerns with the development. The proposed seawall is to replace the existing seawall and does not change the curvature of the existing shoreline. The replacement seawall should have minimal or no impacts on any existing water based activities when compared to the existing situation.

- *Alienation of public foreshore land below mean high water mark is minimised. (S)*

Comment

The proposed seawall is to maintain the footprint of the existing seawall and does not increase the area of reclaimed land, ensuring that the replacement seawall does not result in an increased alienation of foreshore land.

- *The impact of development may on the physical processes acting in the locality is minimised. (En)*

Comment

The development will have minimal impact on the physical processes of the locality. The proposed seawall is to replace an existing seawall and is to be built to the same extent as the existing structure. The proposed works have been assessed against the Coastal Management SEPP by Council's Coasts and Catchments Officer who have recommended it for approval subject to conditions.

- *Development is sympathetic to the natural character of the Pittwater Waterway. (En, S)*

Comment

The proposed replacement seawall is to be made in stone, similar to the existing seawalls on neighbouring properties. The proposed seawall will thus be sympathetic to the existing character of the Pittwater Waterway.

- *The occurrence of dredging in the Pittwater Waterway other than for general navigation purposes is minimised. (En)*

Comment

No dredging has been proposed as part of this application.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly 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 \$ 828 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 165,638.

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 DA2019/0881 for Construction of a swimming pool, boat shed, ramp and sea wall on land at Lot E DP 404485, 1742 Pittwater Road, BAYVIEW, Lot 4 DP 455969, 1742 Pittwater Road, BAYVIEW, 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
A-01 - Rev B	11/11/2019	GartnerTrovato Architects
A-02 - Rev B	11/11/2019	GartnerTrovato Architects
A-03 - Rev B	11/11/2019	GartnerTrovato Architects
A-04 - Rev A	15/08/2019	GartnerTrovato Architects
A-05 - Rev B	23/11/2019	GartnerTrovato Architects
A-06 - Rev A	15/08/2019	GartnerTrovato Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Coastal Engineer's Estuarine Risk Management Report for Boat House, 1742 Pittwater Road, Bayview	7/08/2019	Duncan Rayner (UNSW Sydney, Water Research Laboratory)
Arboricultural Impact Assessment	August 2019	Catriona Mackenzie (Urban Forestry Australia Pty Ltd)
Preliminary Assessment: Acid Sulfate	10/09/2019	Ben White (White

		Geotechnical Group Pty Ltd)
Geotechnical Investigation	5/08/2019	Ben White (White Geotechnical Group Pty Ltd)

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
L-01 - Rev A	15/08/2019	GartnerTrovato 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.

2. **Compliance with Other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	EDMS Reference	Dated
Department of Primary Industry, Crown Lands & Water	Consent of Owner for lodgement of a Development Application (Ref: 16/07168#01)	28 February 2019
Department of Primary Industries, Fisheries NSW	Seawall replacement and new timber skid (Ref: C18/100)	22 March 2018
Department of Primary Industries, Fisheries NSW	IDA referral for new boat shed, skid ramp and sea wall replacement (IDA19/89)	12 September 2019
Roads and Maritime Services	Development proposal for waterfront facilities including proposed boatshed, concrete ramp and timber skid ramp for 1742 Pittwater Road Bayview LGA: Northern beaches (Ref: 6966)	17 April 2018

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

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

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the

Building Code of Australia (BCA).

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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 \$828.19 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 \$165,638.00.

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 \$1,500 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 dated 5 August 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. Amendments to the approved plans

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

- Plans must be amended such that the proposed boat ramp is consistent with the structure approved by the RMS 17 April 2018, reference number 6966 dated 19/02/2018 SDG Land Development Solutions.

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. Structural Adequacy and Excavation Work

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

(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and

(b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

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. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a

minimum:-

- Site Boundaries and contours;
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities);
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls;
- North point and scale.
- Location of sediment boom

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

Reason: To mitigate environmental impact resulting from site disturbance.

12. **Estuarine Hazard Design Requirements**

The following applies to all development:

All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes.

To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.

Reason: To minimise potential hazards associated with development in an estuarine habitat.

13. **Estuarine Planning Level Requirements**

An Estuarine Planning Level (EPL) of 2.76m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

- All structural elements below 2.76m AHD shall be of flood compatible materials;
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 2.76m AHD or waterproofed to this level; and
- The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below 2.76m AHD.
- All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 2.76m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 2.76m AHD to avoid the likelihood of contact with splashing waves and spray.

Reason: To ensure aspect of the development are built at the appropriate level

14. **Structural Engineering for Estuarine Risk**

Structural engineering design for the development shall be prepared, with input as necessary from a chartered professional engineer with coastal engineering as a core competency, to ensure that for its design life (taken to be 100years unless otherwise justified and accepted by Council) the development is able to withstand the wave impact forces and loadings identified in the Report prepared by Water Research Laboratory dated 7 August 2019

Note: The potential for component fatigue (wear and tear) should be recognised for the less severe, but more frequent, wave impact loadings.

Reason: To ensure structural engineering is prepared by an appropriately qualified professional

15. **Engineers Certification of Plans**

The structural design shall be prepared by and each plan/sheet signed by, a registered professional civil or structural engineer with chartered professional status (CP Eng) who has an appropriate level of professional indemnity insurance and shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure structural engineering is prepared by an appropriately qualified professional

16. **Prepare a Hygiene Protocol**

A Hygiene Protocol is to be prepared by the Project Arborist to minimise the risk of spreading soil-borne pathogens such as *Armillaria* sp. (identified onsite) and others such as *Phytophthora cinnamomi* during tree removal and soil excavation works.

The protocol is to be written in accordance with industry standards including government guidelines "Arrive Clean Leave Clean" and the most up-to-date scientific advice for preventing the spread of *Armillaria* sp.. More information can be found on the Royal Botanic Garden website.

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

Reason: To prevent the spread of pathogens which protects natural features and habitats 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. **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.

19. **External Colours and Materials**

The external colours and materials shall be dark and earthy tones, non-glare and of low reflectivity. White, light-coloured, red or orange roofs and walls are not permitted. The external finish to the roof shall have a medium to dark range (BCA Classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted. A satisfactory specification which achieves this shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate in the form of an amended Schedule of Finishes.

Reason: To ensure the external colours and materials comply with Council's requirements.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. **Project Arborist**

A Project Arborist with AQZ Level 5 qualifications in arboriculture/horticulture shall be engaged prior to the commencement of works on site to supervise all demolition works within the tree protection zones of existing trees including site clearing, removal of structures and any alteration to the existing ground levels.

The Project Arborist shall provide guidance and inspections of the following tree protection activities:

- liaison with site contractors to confirm tree protection fencing locations, tree trunk and ground protection, construction access, and any other tree protection requirement
- inspection to approve tree protection works
- certification of tree protection works

The Project Arborist shall provide details to the Certifying Authority including photographic evidence and reports with all compliance certificates.

Reason: to ensure tree protection is provided and maintained.

21. **Tree removal**

The following existing tree located within the rear yard is granted approval for removal as recommended in the Arboricultural Impact Assessment report prepared by Urban Forestry Australia, based on the assessment of development impact following exploration of alternative design layouts:

- T2 Spotted Gum.

As determined in the Arboricultural Impact Assessment report the tree exhibits symptoms of *Armillaria luteobubalina* (Honey Fungus), a disease that affects the roots, causing rotting of roots, wood decay and eventual destabilisation. The lower trunk bulging is consistent with the tree responding to a deterioration on internal strength.

One *Corymbia maculata* (Spotted Gum) shall be planted within the site as a replacement.

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

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

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 stabilized with vegetation.

A sediment boom is to be installed in the waterway and around the proposed reconstruction of the seawall to contain plumes of sediment from disturbed ground created during demolition and construction phases, impacting nearby seagrass beds.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

23. 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.

24. Notification of Acid Sulphate Soils

Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about the exposure of Acid Sulfate Soil must be notified to the Certifier as soon as reasonably practicable. This will also require an Acid Sulfate Soil Management Plan, including disposal of affected soil to an approved facility, to be submitted to the certifier, before work continues.

Reason: To ensure potential Acid Sulfate Soil is appropriately managed.

25. Tree protection measures

Tree protection measures shall be undertaken in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites and the Arboricultural Impact Assessment prepared by Urban Forestry Australia, section 5 Recommendations, as follows:

- section 5.3 - minimising impacts on trees to be retained,
- section 5.4 - tree protection, and
- section 5.5 - arboricultural advice.

No adverse impacts to the stability of existing trees is acceptable. All measures as recommended by the Arboricultural Impact Assessment shall be undertaken to preserve the long term health of existing trees recommended for retention.

The tree protection measures and fencing 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.

Additionally, the Certifying Authority or the Project Arborist must ensure that:

- i) the activities listed in section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and
- ii) 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.

The Arborist shall provide the Certifying Authority with certification details that the tree protection measures are in place at the commencement of works and have been maintained during all stages of construction works.

A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: to ensure tree protection is provided and maintained.

26. Tree and vegetation protection - General

a) Existing trees and vegetation shall be retained and protected as identified in the Arboricultural Impact Assessment prepared by Urban Forestry Australia dated August 2019, including:

- i) all trees and vegetation within the site not approved for removal, including T1, T3, T5, T6 and T7 in close proximity to the proposed works, excluding exempt vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties, including T4 in close proximity to the site at No. 1742 Pittwater Road,
- iii) all road reserve trees and vegetation.

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, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- 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 the Hygiene Protocol**

The Project Arborist is responsible for providing a site induction to all tree removal and demolition and construction staff to ensure staff are aware of the soil pathogens and are implementing the Hygiene Protocol.

The Project Arborist must undertake direct supervision of tree removal to ensure contaminated organic matter is disposed of appropriately to minimise the spread of the pathogen.

Details demonstrating compliance with the Hygiene Protocol during construction is to be prepared by the Project Arborist, including photographic evidence, and submitted to the Principal Certifying Authority.

Reason: To prevent the spread of pathogens which protects natural features and habitats in accordance with relevant Natural Environment LEP/DCP controls.

28. **Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection. (DACAHE01)

29. **Survey**

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

- (a) Commencement of perimeter walls, columns and/or other structural elements to ensure
- (b) At completion of the works to ensure the development is in accordance with the local

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. (DACPLE01)

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

30. **Landscape works**

Landscaping is to be implemented in accordance with the Landscape Plan L-01, prepared by Gartner Trovata Architects, inclusive of the following requirements:

- i) one (1) *Corymbia maculata* (Spotted Gum) shall be planted within the site at a minimum 75 litre container size,
- ii) tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may otherwise be positioned to minimise any significant loss of views,
- iii) tree planting shall have a minimum individual soil area wholly within the site of 3 metres x 3 metres, 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,
 iv) the proposed shrub planting along the southern side boundary adjacent to the new pool and deck shall be planted at a minimum 300mm pot container, and no more than 1 metre apart,
 v) all other proposed shrub planting shall be installed at a minimum 200mm pot container, and no more than 1 metre apart,
 vi) all groundcover planting shall be installed at a minimum 150mm pot container, and no more than 600mm apart.

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 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.

31. **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.

32. **New vegetation planting**

Prior to the issue of any Occupation Certificate, evidence that the new vegetation planting comprises a minimum of 80% locally native vegetation species (as per species listed in the Native Gardening Booklet available on Councils website) is to be provided to the Principal Certifying Authority.

Reason: To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls.

33. **Certification of the Hygiene Protocol**

The Project Arborist is responsible for certifying that the Hygiene Protocol was implemented throughout construction.

Details demonstrating compliance with the Hygiene Protocol during construction is to be prepared by the Project Arborist, including photographic evidence, and submitted to the Principal Certifying Authority prior to issue of Occupation Certificate.

Reason: To prevent the spread of pathogens which protects natural features and habitats in accordance with relevant Natural Environment LEP/DCP controls.

34. **Swimming Pool Requirements**

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

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

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

(vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

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

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

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

(e) Signage showing resuscitation methods and emergency contact

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

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

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

Reason: To protect human life (DACPLF09)

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

35. **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 approved for removal must be replaced.

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

36. **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.

37. **Replacement of Canopy Trees**

Tree replacement plantings required under this consent are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Reason: To replace locally native trees in accordance with relevant Natural Environment

LEP/DCP controls.

38. **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.

39. **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.

40. **Compliance with Estuarine Risk Management Report**

The development is to comply with all recommendations of the Report prepared by Water Resources Laboratory, dated 7 August 2019 and these recommendations are to be maintained over the life of the development.

Reason: To ensure preservation of the development and the estuarine environment and to satisfy requirements Clause 27 of the Coastal Management Act 2016

41. **External Colours and Finishes**

Materials and colour schemes are to be maintained in accordance with the amended Schedule of Finishes that was submitted to the Certifying Authority prior to the issue of the occupation certificate.

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

Signed



Rhiannon McLardy, Planner

The application is determined on 04/12/2019, under the delegated authority of:



Rodney Piggott, Manager Development Assessments