

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2022/1054
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Responsible Officer:	Megan Surtees
Land to be developed (Address):	Lot 21 DP 15763, 34 Narrabeen Park Parade WARRIEWOOD NSW 2102
Proposed Development:	Alterations and additions to a dwelling house including a swimming pool
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	James Peter Whitehead Amanda Maree Whitehead
Applicant:	James Peter Whitehead

Application Lodged:	18/07/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	25/07/2022 to 08/08/2022
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 251,685.00
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PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for alterations and additions to a residential dwelling house, pursuant to the *Pittwater Local Environmental Plan (PLEP) 2014*, including the following:

Dwelling

Lower ground floor

- Bathroom
- Bedroom 4
- Internal staircase to ground floor level
- Additional windows and doors to the western elevation

Ground floor

- Extension of floor plan to accommodate dining room
- Verandah with BBQ facilities (privacy screen to the northern elevation)
- Entry porch extending the width of the dwelling house
- Additional windows and doors to the western elevation

External works

- Demolition works to remove the existing carport
- Construction of a two (2) vehicle carport
- Above ground swimming pool to replace existing swimming pool, construction of associated decking around the pool
- Gazebo in the north-western corner of the proposed decking of the swimming pool area

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements

Pittwater 21 Development Control Plan - D14.7 Front building line

Pittwater 21 Development Control Plan - D14.8 Side and rear building line

Pittwater 21 Development Control Plan - D14.13 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 21 DP 15763 , 34 Narrabeen Park Parade WARRIEWOOD NSW 2102

Detailed Site Description:

The subject site consists of one (1) allotment located on the western side of Narrabeen Park Parade.

The site is regular in shape with a frontage of 15.25m along Narrabeen Park Parade and a maximum depth of 39.90. The site has a surveyed area of 605.3m².

The site is located within the C4 Environmental Living zone and accommodates a two (2) storey residential dwelling, with a detached single vehicle carport and swimming pool.

The site has an easterly orientation and is located on a considerable slope of 7.53m (or 18.4%), falling from the centre of the front boundary toward the rear south-western corner of the site.

The site is not known to have any threatened species.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by residential dwellings of a similar size, some with swimming pools, secondary dwellings, and/or detached studios within a landscaped setting.

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

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

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 25/07/2022 to 08/08/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The development application is for alterations and additions to the existing dwelling, new double carport, above ground swimming pool, decking around pool and a gazebo, as described and illustrated in the Reports and Plans. The proposed works are upon existing paved and timber deck areas and over the existing pool area.</p> <p>Council's Landscape Referral is assessed against the Pittwater Local</p>

Internal Referral Body	Comments
	<p>Environment Plan clause C4 zone Environmental Living, and the following Pittwater 21 DCP controls (but not limited to):</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D14 Warriewood Locality <p>The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.</p> <p>The existing property contains limited trees on the property and rather maintains established garden planting. No existing trees are proposed for removal as part of the application. The landscaped area is proposed to be reduced from 54.45% to 52.84%, and remains under the requirement of the C4 land zone. Given that existing trees are limited, Landscape Referral contend that, should the application be approved, an additional native canopy tree within the rear of the property will assist in the reduction of the bulk and scale, and conditions shall be imposed.</p> <p>PLANNER COMMENT</p> <p>The landscaped area calculations provided by Council's Landscape Officer are not accurate. An independent assessment of the proposed development was undertaken by Council's Planner, and the built form calculations (including the proposed landscaped area) can be found elsewhere in this report, within the Built Form Controls table. A detailed discussion on the merit assessment of the numerically non-compliant landscaped area can be found under section D14.13 Landscaped Area - Environmentally Sensitive Land within this report.</p> <p>Furthermore, the recommended condition to provide additional tree planting throughout the site has been removed as the rear yard has small trees and garden areas sited along the property boundaries. In this instance, any additional tree plantings would be required to be planted centrally to the rear yard and this would impede on the occupants ability to use the lawn area in the rear yard. The bulk and scale of the proposed development is considered acceptable, without the need for additional landscape treatments.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Resilience and Hazards) 2021 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. The proposed development is in line with the</p>

Internal Referral Body	Comments
	<p>objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p>State Environmental Planning Policy (Resilience & Hazards) 2021 The subject land has been partially included on the 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021. Hence, Clauses 2.11 and 2.12 of the CM (R & H) apply for this DA.</p> <p>Comment:</p> <p>On internal assessment, the DA satisfies requirements under clauses 2.11 and 2.12 of the SEPP R&H.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.</p> <p>Pittwater LEP 2014 and Pittwater 21 DCP</p> <p>No other coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>
NECC (Development Engineering)	<p>The proposal is located on the low side of the road and as such stormwater drainage is to be in accordance with Council's Water Management for Development Policy which is conditioned. The proposed levels for the carport are acceptable subject to conditions. The Geotechnical report addresses the relevant DCP controls.</p> <p>Development Engineering support the proposal, subject to conditions as recommended.</p>
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>

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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A455225, dated 5 April 2022).

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - 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
 - ii) platform for members of the public, including persons with a disability,
 - iii) overshadowing, wind funnelling and the loss of views from public places to
 - iv) foreshores,
 - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
 - b) is satisfied that:
 - i) the development is designed, sited and will be managed to avoid an adverse
 - ii) impact referred to in paragraph (a), or
 - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or 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:

Council's Coast and Catchments Officer has reviewed the proposed development and is satisfied the proposed development can achieve the abovementioned objectives of clause 2.11.

Division 5 General

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

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

Comment:

The proposed development is unlikely to increase the risk of coastal hazards.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable

for the residential land use.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Dwelling: 6.93m Carport: 4.05m Pool Deck: 2.84m	N/A N/A N/A	Yes Yes Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	<i>Front porch:</i> 3.5m - 5.5m	46.1% (max.)	No
		<i>Carport:</i> 22.35m	N/A	Yes
Rear building line	6.5m	<i>Gazebo & decking:</i> 7.4m	N/A	Yes
		<i>Pool:</i> 10.65m	N/A	Yes
		<i>Carport:</i> 11.7m	N/A	Yes
		<i>Dwelling:</i> 21.6m	N/A	Yes
Side building line	Southern boundary 2.5m	<i>Carport:</i> 600mm	76%	No
		<i>Dwelling:</i> 3.0m	N/A	Yes
		<i>Front porch:</i> 3.3m	N/A	Yes
		<i>Decking:</i> 7.6m	N/A	Yes
		<i>Pool:</i> 8.1m	N/A	Yes
	Northern boundary			

	1m	<i>Front porch: 1.3m</i>	N/A	Yes
		<i>Dwelling: 1.2m</i>	N/A	Yes
		<i>Gazebo & decking: 800mm</i>	20%	No
		<i>Pool: 3.6m</i>	N/A	Yes
Building envelope	Southern elevation 3.5m	<i>Dwelling: within envelope</i>	N/A	Yes
		<i>Carport: within envelope</i>	N/A	Yes
	Northern elevation 3.5m	<i>Dwelling: within envelope</i>	N/A	Yes
		<i>Gazebo: within envelope</i>	N/A	Yes
Landscaped area	60% (363.18m ²)	37.7% (228.6m ²)	37.1%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
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
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes
D14.2 Scenic protection - General	Yes	Yes
D14.3 Building colours and materials	Yes	Yes
D14.7 Front building line	No	Yes
D14.8 Side and rear building line	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D14.11 Building envelope	Yes	Yes
D14.13 Landscaped Area - Environmentally Sensitive Land	No	Yes
D14.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

This control requires development of 2 bedrooms or more to provide two (2) off-street parking spaces. The subject site currently has one (1) formal off-street parking space within the existing carport. The proposed development seeks consent to demolish this carport and construct a two (2) vehicle carport at the western end of the existing driveway. While this technically meets the numerical requirement for off-street parking, the dimensions of the proposed carport do not meet the dimensions as stipulated under this control, being 5.7m and 6.0m. The development proposes a carport with the following dimensions:

- Access width: 5.11m
- Internal width: 6.1m
- Internal depth: 5.55m

While this is numerically non-compliant with Council's controls, the internal dimensions of the garage are compliant with the current Australian Standards for a double carport, and is therefore acceptable.

D14.7 Front building line

Detailed description of non-compliance

This control requires development to be setback 6.5m from the front boundary line.

The proposed front porch and entryway extends into the front setback area, with the closest point being 3.5m. This presents a maximum variation of 46.1%.

Where the outcomes of the control can be achieved, Council may permit a variation to this control in the following instances:

- *Considering established building lines;*
- *degree of cut and fill;*
- *retention of trees and vegetation;*
- *where it is difficult to achieve acceptable levels of building;*
- *for narrow or irregular shaped blocks;*
- *where the topographic features of the site need to be preserved;*
- *where the depth of a property is less than 20 metres.*

In this instance, consideration of the established building lines will be considered and form part of the merit consideration to vary the numerical requirement of this control.

Merit consideration

Achieve the desired future character of the Locality.

Comment:

The proposed development is consistent with the desired future character of the Warriewood locality.

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

Comment:

The area of non-compliance does not give rise to any unreasonable impacts upon existing views and vistas. As such, the proposal ensures the equitable preservation of views and vistas to and/or from public/private places.

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

Comment:

The subject site to which this development application applies is located on a local road. Therefore, this underlying objective does not apply, in this instance.

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

Comment:

The area of non-compliance does not require the removal of any vegetation. As such, the proposed development retains vegetation within the front setback, allowing the built form to be visually reduced when viewed from public and private places.

Vehicle manoeuvring in a forward direction is facilitated.

Comment:

The area of non-compliance does not impact upon the existing driveway, or vehicle maneuvering on the site. The existing vehicle maneuvering on the site will be maintained.

To preserve and enhance the rural and bushland character of the escarpment and the locality.

Comment:

As detailed above, the area of non-compliance does not require the removal of any vegetation. As such, the proposed development will preserve and enhance the bushland character of the site and surrounds.

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

Comment:

The proposed front setback distance will be commensurate with the front setback distances of the dwellings sited to the north and south of the subject site. As such, the existing streetscape will be enhanced. The proposed development further promotes a building with a scale and density that is in keeping with height of the natural environment.

To encourage attractive street frontages and improve pedestrian amenity.

Comment:

The proposed works to the front of the dwelling will create an enhanced entryway to the dwelling that will positively contribute to an attractive street frontage. The existing pedestrian access to the site is

expected to be retained, thus ensuring the pedestrian amenity is not adversely impacted.

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

Comment:

Notwithstanding the numerical non-compliance, the proposed development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment in that the front setback will be consistent with the front building lines of the adjoining properties to the north and south of the subject site.

Based on the above merit consideration, the proposed development can achieve the underlying objectives of this control. The non-compliance can be supported on its merits.

D14.8 Side and rear building line

Detailed description of non-compliance

This control requires development to be setback from the side boundaries by 1.0m on one side, and 2.5m on the other side. The proposed alterations and additions to the dwelling house are compliant with the requirements of this control. The proposed gazebo and decking, and the carport will achieve non-compliant side setbacks to the northern and southern side boundaries, as follows:

Southern side boundary

- Carport: 600mm (presents a variation of 76% to the 2.5m side setback requirement).

Northern side boundary

- Gazebo and decking: 800mm (presents a variation of 20% to the 1.0m side setback requirement).

The proposed development, in its entirety, achieves compliance with the rear setback requirement.

Merit consideration

To achieve the desired future character of the Locality.

Comment:

The proposed development is consistent with the desired future character of the Warriewood locality.

The bulk and scale of the built form is minimised.

Comment:

Due to the steep nature of the subject site, the existing concrete hardstand space is proposed to be used to facilitate the double carport. The proposed carport is a lightweight structure that is unlikely to result in a visually obtrusive built form. In this instance, the built form of the carport is considered to be sited in an acceptable location on the site to meet the off-street parking requirements of the dwelling house.

The proposed decking and gazebo along the northern elevation of the swimming pool will be sited in an

improved location to what is existing (the existing deck is currently setback, at its closet point, 0.25m from the northern boundary). A privacy screen of approximately 1.9m in height (when measured from the finished floor level of the deck and gazebo) is proposed along the northern elevation. The existing side boundary is represented by a 1.8m high boundary fence. In this instance, only the top portion of the privacy screen and roof of the gazebo will be visible from the adjoining property. In this instance, the bulk and scale of the works proposed within the northern side setback area are considered acceptable.

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

Comment:

The areas of non-compliance do not give rise to any unreasonable impacts upon existing views and vistas. As such, the proposal ensures the equitable preservation of views and vistas to and/or from public/private places.

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

Comment:

As detailed above, due to the sloping nature of the subject site and surrounds, the area of non-compliance does not give rise to an unreasonable impact upon views. As such, view sharing is maintained.

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

Comment:

The proposed gazebo and decking includes a 1.9m high privacy screen along the northern elevation. In this instance, an enhanced level of privacy will be achieved for the occupants of the subject site and those of the adjoining property to the north.

The proposed carport is generally open on the northern and southern elevations. The southern property boundary (to the extent of the western edge of the carport) is represented by a 1.8m high timber lapped and capped fence. As such, the existing boundary fence will continue to provide a high level of privacy between the properties.

Shadow diagrams have been provided with this application and the proposed development achieves compliance with the requirements of solar access as detailed under section C1.4 Solar Access of the Pittwater 21 Development Control Plan (P21 DCP).

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

Comment:

Notwithstanding the removal of some palm trees to accommodate the proposed deck, the bulk of the existing landscape treatments will be retained. In terms of landscaping, the existing streetscape appearance of the subject site will be retained.

Flexibility in the siting of buildings and access.

Comment:

Notwithstanding the numerical non-compliances to the side setback control, the proposed development allows for flexibility and access throughout the site.

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

Comment:

No vegetation is required to be removed to facilitate the proposed carport. Some palm trees, however, are proposed for removal to facilitate the proposed deck in the north-eastern corner of the pool area. Council's Landscape Officer has reviewed the proposed development and has not raised concern regarding the removal of the palm trees. As detailed above, the bulk and scale of the proposed development within the side setback areas is considered acceptable.

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

Comment:

As detailed elsewhere in this report, the proposed development will satisfactorily preserve the bushland character of the locality.

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

Comment:

The subject site is located within, and surrounded by, a residential zone. This underlying objective does not apply, in this instance.

Based on the above merit consideration, the proposed development can achieve the underlying objectives of this control. The non-compliances can be supported on its merits.

D14.13 Landscaped Area - Environmentally Sensitive Land

Detailed description of non-compliance

The subject site is located within Area 1 of the Landscaped Area Map within the Pittwater 21 Development Control Plan (P21 DCP). As such, the site is required to have a minimum of 60% of the site dedicated to landscaped area. In this instance, the minimum requirement is 363.18m². The proposed development will result in a landscaped area of 228.6m² (or 37.7%). This presents a variation of 37.1%.

Provided the outcomes of this control can be achieved, a variation may be permitted which allows pathways (and the like) of 1m width or less, and 6% of the total site area to be included in the overall landscaped portion of the site.

With the variations applied, the proposed landscaped area is increased to 296.31m² (or 48.95%), which remains numerically non-complaint.

Merit consideration

Achieve the desired future character of the Locality.

Comment:

The proposed development is consistent with the desired future character of the Warriewood locality.

The bulk and scale of the built form is minimised.

Comment:

The numerical non-compliance does not give rise to an unreasonable built form. The extension of the pool decking and gazebo will be sited within the existing pool enclosure. The proposed alterations and additions to the dwelling house are modest, sited over the existing building footprint, and will be

commensurate with dwellings in the immediate vicinity. All development is sited well below the prescribed maximum building height, and the existing vegetation, will continue to provide a landscape screening of the built form.

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

Comment:

The non-compliance to this control does not give rise to any unreasonable amenity or solar access impacts. Shadow diagrams have been provided with this application, which indicates compliance with the requirements of solar access as detailed under C1.4 Solar Access of the P21 DCP. Furthermore, the retention of existing vegetation in the rear yard of the property, as well as the installation of a 1.9m (approx.) privacy screen to the northern elevation of the gazebo and decking, will provide a high level of amenity for the occupants of the subject site, and those of adjoining properties, particularly the property to the north.

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

Comment:

As detailed above, and elsewhere in this report, some vegetation (palm trees) is required to be removed to facilitate the extension to the deck and construction of the gazebo. However, the retention of existing vegetation throughout the site will continue to visually reduce the built form.

Conservation of natural vegetation and biodiversity.

Comment:

As previously mentioned, a small amount of vegetation is required to be removed. However, the retention of other vegetation throughout the site will visually enhance the bushland character of the subject site.

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

Comment:

The proposed development is minor in nature and, with the alterations and additions to the dwelling house being sited over the existing building footprint, will not increase the impervious surface area of the site by more than 50m². The site is considered capable of continuing to infiltrate and capture stormwater runoff, thereby preventing soil erosion and siltation of natural drainage channels. Council's Development Engineer has reviewed the proposed development and has not raised any issue with the site's ability to manage stormwater runoff. Relevant conditions have been recommended by Council's Development Engineer to ensure stormwater runoff is managed appropriately.

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

Comment:

As detailed elsewhere in this report, the proposed development will satisfactorily preserve the bushland character of the locality.

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

Comment:

A small portion of the landscaped area is required to be removed to facilitate the proposed deck extension and gazebo. However, the proposal also includes the removal of the existing single vehicle carport, which is to be replaced with landscaping. The retention of the landscaped area in the front and

rear setback areas will continue to provide soft surface areas allowing for water infiltration, to minimise run-off and assist with the existing stormwater management of the site.

Based on the above merit consideration, the proposed development can achieve the underlying objectives of this control. The non-compliance can be supported on its merits.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

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

A monetary contribution of \$2,517 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$251,685.

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 DA2022/1054 for Alterations and additions to a dwelling house including a swimming pool on land at Lot 21 DP 15763, 34 Narrabeen Park Parade, WARRIEWOOD, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
2088-1: Site Plan	15/02/2022	J.D. Evans and Company
2088-2: Lower ground floor plan	15/02/2022	J.D. Evans and Company
2088-3: Upper ground floor plan	15/02/2022	J.D. Evans and Company
2088-4: First floor plan	15/02/2022	J.D. Evans and Company
2088-5: East and South Elevations	15/02/2022	J.D. Evans and Company
2088-6: West and North Elevations	15/02/2022	J.D. Evans and Company
2088-7: Section A-A, Section B-B and Section C-C	15/02/2022	J.D. Evans and Company
2088-8: Swimming pool & carport floor plan	15/02/2022	J.D. Evans and Company
2088-9: South, West, North and East Elevations	15/02/2022	J.D. Evans and Company

Engineering Plans		
Drawing No.	Dated	Prepared By
2088-10: Erosion and Sediment Management Plan	15/02/2022	J.D. Evans and Company
2088-12: Stormwater Concept Plan	15/02/2022	J.D. Evans and Company

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate: A455225	5 April 2022	J.D. Evans & Co Pty Ltd
Geotechnical Investigation (Ref: J4251) (including Form No.1 and No. 1A)	19 May 2022	White Geotechnical Group

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
2088-11: Waste Management (and site analysis) plan	15/02/2022	J.D. Evans and Company

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	Not dated.

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

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

- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$2,516.85 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 2022. The monetary contribution is based on a development cost of \$251,685.00.

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 2022 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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

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

6. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

7. Stormwater Disposal

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's policy are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

8. 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 19 May 2022 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.

9. **Elevated Parking Facility Work**

The Applicant shall submit a Structural Engineers' design for the elevated parking facility in accordance with the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls.

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

Reason: Safety.

10. **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 referenced in Condition 1 of this consent 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 Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

11. **Boundary Identification Survey**

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

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

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

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

12. **Vehicle Driveway Gradients**

The Applicant is to ensure driveway gradients within the private property do not exceed a

gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to the level parking facility.

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

Reason: To ensure suitable vehicular access to private property.

13. **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.

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

Reason: To provide public and private safety.

14. **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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. **Tree and Vegetation Protection**

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an

Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,

viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,

ix) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees, and should additional pruning be required an application to Council's Tree Services shall be submitted for approval or otherwise.

The Certifying Authority must ensure that:

c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

Reason: Tree and vegetation protection.

16. **Road Reserve**

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

Reason: Public safety.

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

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

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

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

18. **Geotechnical Requirements**

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

Reason: To ensure geotechnical risk is mitigated appropriately.

19. Demolition Works - Asbestos

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

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

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

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

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

20. Installation and Maintenance of Sediment Control

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

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

21. Waste Management During Development

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

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

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

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

22. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably Civil Engineer.

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

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

development.

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

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

24. **Waste Management Confirmation**

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

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

25. **Certification Elevated Parking Facility Work**

The Applicant shall submit a Structural Engineers' certificate certifying that the elevated parking facility was constructed in accordance within this development consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls.

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

Reason: Safety and Compliance with this consent.

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

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

27. **Swimming Pool Requirements (existing pool modified by works)**

The existing onsite Swimming Pool / Spa fencing enclosure shall be upgraded to comply with:

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

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

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 a Interim / Final Occupation Certificate.

Reason: To protect human life.

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

28. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

29. **Swimming Pool/Spa Motor Noise**

The swimming pool / spa motor shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

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

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

Signed



Megan Surtees, Planner

The application is determined on 16/08/2022, under the delegated authority of:



Adam Richardson, Manager Development Assessments