

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0237
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 68 DP 16212, 123 Rickard Road NORTH NARRABEEN NSW 2101
Proposed Development:	Alterations and additions to a dwelling house including swimming pool
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Kimberley Jane Wright Thomas David Wright
Applicant:	Thomas David Wright

Application Lodged:	13/04/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	21/04/2021 to 05/05/2021
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 265,000.00
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PROPOSED DEVELOPMENT IN DETAIL

Development Consent is sought for alterations and additions to the existing dwelling at 123 Rickard Road inclusive of the following:

- Construction of new entry stair and front deck to the ground floor, inclusive of internal reconfiguration;
- Construction of a new first floor addition atop of the existing dwelling and projecting to the rear of the site;
- Excavation works and construction of an in-ground swimming pool with ancillary retaining walls, coping and decking;
- Facade works to existing ground floor to match new first floor; and

- Associated landscape works.

Herein this report these works are described as the 'development'.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.5 Visual Privacy
 Pittwater 21 Development Control Plan - C1.6 Acoustic Privacy
 Pittwater 21 Development Control Plan - D11.6 Front building line
 Pittwater 21 Development Control Plan - D11.7 Side and rear building line
 Pittwater 21 Development Control Plan - D11.9 Building envelope
 Pittwater 21 Development Control Plan - D11.11 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 68 DP 16212 , 123 Rickard Road NORTH NARRABEEN NSW 2101
Detailed Site Description:	<p>The subject site is legally described as Lot 68 in DP 16212 and is known as 123 Rickard Road, North Narrabeen.</p> <p>The site falls within the E4 Environmental Living zone pursuant to the Pittwater Local Environmental Plan 2014.</p> <p>The site is rectangular in shape with a width of 12.19m and a depth of 45.55m, equating to an overall surveyed area of 556.4m². It should be noted that the fencing to the rear of the site does not accurately reflect either the shape or depth of the block.</p>

Presently the site accommodates an elevated one storey cottage with a single car garage beneath. The site has a series of decks, stairs and terraces throughout the block.

Topographically the site rises from front to rear (northeast to southwest) by approximately 13m via a gradual slope with several rock outcrops. The garden also accommodates a large number of mature trees and smaller shrubs - none of which are thought to constitute as a threatened species.

Surrounding development consists of other detached dwelling houses of varying age, size and construction.

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:

- **Development Application No. N0282/09** for alterations and additions to a dwelling house, approved on 30 November 2009.

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	See discussion on "Environmental Planning Instruments" in this report.

Section 4.15 Matters for Consideration'	Comments
instrument	
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan 2014 applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information.No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan 2014 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>

Section 4.15 Matters for Consideration'	Comments
	<p>(iii) Economic Impact</p> <p>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 21/04/2021 to 05/05/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The development application is for alterations and additions to an existing dwelling, swimming pool, and landscape works.</p> <p>Council’s Landscape Referral is assessed against the Pittwater Local Environment Plan clause E4 zone Environmental Living, and the following Pittwater 21 DCP Controls (but not limited to): B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; and D11 North Narrabeen Locality.</p> <p>The site is located in the E4 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.</p> <p>The existing sloping site contains a landscaped setting with trees, gardens, lawns, sandstone outcrops, retaining terraces and paved</p>

Internal Referral Body	Comments
	<p>and decking areas. Upon the land a number of existing trees exist with the proposal requiring the removal of a Hoop Pine and pruning to an existing Jacaranda to accommodate the proposed works.</p> <p>A Landscape Plan and a Arboricultural Impact Assessment is provided with the application. A green roof is also proposed and information is required at Construction Certificate including landscape details and structural certification.</p> <p>The Landscape Plan indicates existing trees to be retained as part of the development proposal and provides additional landscape treatment to satisfy the landscape outcomes of clause E4 zone Environmental Living, and replacement tree planting at a 1:1 ratio (ie. 1 tree) shall be provided as a condition of consent.</p> <p>The Arboricultural Impact Assessment provides assessment and recommendations requiring pruning of the existing Jacaranda tree and removal of the existing Hoop Pine. Both are impacted by the development proposal and the recommendations of the Arboricultural Impact Assessment report are supported. The report concludes that the Hoop Pine is structurally defective and the potential for personal injury and property damage exists. Removal of the Hoop Pine is subject to conditions for tree replacement with a locally native tree.</p> <p>Landscape Referral raise no objections, subject to tree replacement planting, protection of existing trees and vegetation within the site and within adjoining properties, and the completion of landscape works.</p>
NECC (Bushland and Biodiversity)	<p>Council's Biodiversity referrals team have assessed the Development Application for compliance against the following applicable biodiversity related provisions:</p> <ul style="list-style-type: none"> • Pittwater LEP cl. 7.6 Biodiversity Protection • Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor • Coastal Management SEPP 2018 cl. 13 Development on land within the coastal environment area <p>The Development Application is for alterations and additions to an existing dwelling, including a second storey addition, swimming pool, deck and associated landscaping.</p> <p>In order to facilitate the development, one (1) <i>Jacaranda mimosifolia</i> will require pruning and one (1) <i>Araucaria cunninghamii</i> will require removal. Jacaranda is considered an exempt species and can be removed without obtaining Council consent. The removal of one (1) <i>Araucaria cunninghamii</i>, which is a prescribed tree, will be mitigated through the replacement with one (1) locally native canopy tree.</p> <p>Subject to these conditions of consent, Council's Biodiversity referrals</p>

Internal Referral Body	Comments
	team are satisfied that the proposed development complies with the above listed biodiversity provisions.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who raised no objections to the development, subject to conditions as recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A389165 dated 27 February 2021).

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

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.

- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections to the development, subject to conditions as recommended.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	8.39m	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	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	(northeast) 6.5m	Ground Floor Deck - 4.205m	36%	No
		First Floor Roof Edge - 5.4m	17%	No
		First Floor Deck - 6.9m	-	Yes
		First Floor Building - 7.5m	-	Yes
Rear building line	(southwest) 6.5m	Retaining Wall - 16.8m	-	Yes
		Building - 20.3m	-	Yes
Side building line	(northwest)	0.87m	13%	No

	1.0m			
	(southeast) 2.5m	2.1m	16%	No
Building envelope	(northwest) 3.5m	Encroachment at a height of 2.5m and for a length of 8.2m	71.4%	No
	(southeast) 3.5m	Encroachment at a height of 2m and for a length of 4.9m	57.14%	No
Landscaped area	60% (333.84m ²)	61.7% (310m ² + 33.38m ²)*	-	Yes

* the development relies on an a variation provision within Cl. D11.11 of the P21 DCP discussed in detail later in this report.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.11 North Narrabeen Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.14 Separately Accessible Structures	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
D11.1 Character as viewed from a public place	Yes	Yes
D11.2 Scenic protection - General	Yes	Yes
D11.3 Building colours and materials	Yes	Yes
D11.6 Front building line	No	Yes
D11.7 Side and rear building line	No	Yes
D11.9 Building envelope	No	Yes
D11.11 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D11.13 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D11.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.5 Visual Privacy

The proposed addition is not considered to unreasonably impact on the privacy of adjoining neighbours. To the northeastern facade, the large windows overlook Rickard Road and downward onto the roofs of houses to the opposite side of Rickard Road.

To the southeast the first floor addition has five windows from an ensuite, walk-in-robe, laundry and the stairwell. These windows are not considered to cause an unreasonable level of overlooking. The stairwell window is not viewable from any primary living areas.

To the northwest, the front and rear decks include privacy screening to a height of 2.1m which would adequately obstruct views to no. 125 Rickard Road. The facade has one large window (Window W8) which is at a height that currently is higher than the neighbouring gutter, but would be level with a floor level if the neighbour were to go up. This window has a sill height 1.8m above floor level which restricts views outwards. This height above floor level is deemed to be satisfactory. It is considered that screening or frosting this window would result in a negligible improvement to the provision of privacy, but would diminish internal amenity by way of a loss of light.

Thereby, the degree of privacy afforded to neighbours and occupants is satisfactory.

C1.6 Acoustic Privacy

A condition is imposed in the recommendations of this consent which limits the level of noise generated by the pool pump. Subject to imposition of this condition, the proposal provides adequate acoustic privacy to neighbours.

D11.6 Front building line

Description of Non-Compliance

Part 11.6 of the P 21 DCP requires that a 6.5m front building line be maintained. The proposed deck at ground level is setback only 4.205m from the front boundary and thus varies the requirements of the control by up to 36%.

With regards to the request for a variation, the proposal is considered against the following outcomes:

- *Achieve the desired future character of the Locality.*
Comment: The encroachment into the front setback area is a small addition to the existing dwelling house which significantly enhances the amenity of future occupants without causing unreasonable impacts to neighbouring properties. The deck does not necessitate the removal of any vegetation and is unroofed - thus the structure itself would not be readily seen from the public domain. On this basis, the works are considered to achieve the desired character of the locality.
- *Equitable preservation of views and vistas to and/or from public/private places.*
Comment: The portion of building encroaching within the front setback area is limited to a ground level deck which is not deemed to unreasonably obstruct views or vistas from any public or private domain.
- *The amenity of residential development adjoining a main road is maintained.*
Comment: N/A Rickard Road is not a main road.
- *Vegetation is retained and enhanced to visually reduce the built form.*
Comment: The deck does not require the removal of any noteworthy vegetation. Adequate vegetative screening is provided between the deck and the street to minimise the bulk and scale of the built form.
- *Vehicle manoeuvring in a forward direction is facilitated.*
Comment: N/A the subject deck is on a different level to the existing garage.
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
Comment: The encroaching deck and development as a whole result in an enhanced architecture commensurate to the existing which sits beneath the height of tree canopy.
- *To encourage attractive street frontages and improve pedestrian amenity.*
Comment: The deck facilitates a more usable, practical and enjoyable front garden. The deck does not impede upon pedestrian amenity.
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*
Comment: Achieved.

The works succeed when assessed against the outcomes of the control, notwithstanding the variations sought.

D11.7 Side and rear building line

Description of Non-Compliance

Part D11.7 of the P 21 DCP requires that side setbacks of at least 1m to one side and 2.5m to the other side of a building be provided. The control also includes a variation provision where alterations and additions to existing buildings are proposed and maintenance of existing setbacks less than the control requirements are incorporated into the design, subject to meeting the Outcomes of the control.

The proposal retains the setbacks of the existing ground floor of the house and mimics those on the

new first floor, being 0.87m to the northwestern boundary and 2.1m to the southeastern boundary.

With regards to the request for variation, and to utilise the variation provision, the non-compliance is assessed against the following control Outcomes:

- *To achieve the desired future character of the Locality.*
Comment: The proposal seeks to utilise the existing setbacks of the dwelling house and extend upwards by way of a first floor addition. Retention of the existing setbacks results in the massing of the building appearing appropriate within the streetscape, and screened by vegetation. The works overall achieve the desired future character of the locality and results in an attractive addition to the street.
- *The bulk and scale of the built form is minimised.*
Comment: The provision of a two storey house is not uncommon in the locale, and a number of surrounding houses have setbacks lesser than the current requirements. The retention of the existing setbacks, combined with a common building height, results in the bulk and scale of the built form being appropriately minimised, further emphasized by the darker tones of the building and landscaping.
- *Equitable preservation of views and vistas to and/or from public/private places.*
Comment: The proposal is not considered to result in any unreasonable loss of views from the public or private domain.
- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
Comment: The subject and neighbouring properties enjoy a northeasterly district vista over Narrabeen and the escarpment between Nareen Parade and Powder Works Road. These vistas are all generally enjoyed from the front boundaries and therefore, the proposal to extend upwards and towards the rear boundary results in no unreasonable loss of views, further helped by the fact that the proposal maintains the general front building line.
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*
Comment: The works have been assessed as providing a satisfactory level of amenity to neighbouring properties.
- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*
Comment: The provision of landscaping proposed is assessed later in this report. The landscape solution proposed is deemed to provide for an attractive streetscape.
- *Flexibility in the siting of buildings and access.*
Comment: The form of architecture proposed benefits from the retention of the existing ground floor setbacks and results in a more attractive and contemporary looking dwelling. Requiring the first floor to be stepped in by 0.13m on the northwestern side and 0.4m on the southeastern side result result in a compliant, but unbalanced building. It is not considered that there would be any discernible benefit in requiring this step-in and thus, in this case, flexibility in the siting of buildings is recommended.
- *Vegetation is retained and enhanced to visually reduce the built form.*
Comment: Two trees are proposed for removal to the rear of the existing house, however these trees are not considered to visually reduce the built form. Additional landscape works throughout the site, along with the design of the building itself, are considered to result in an appropriate built form.

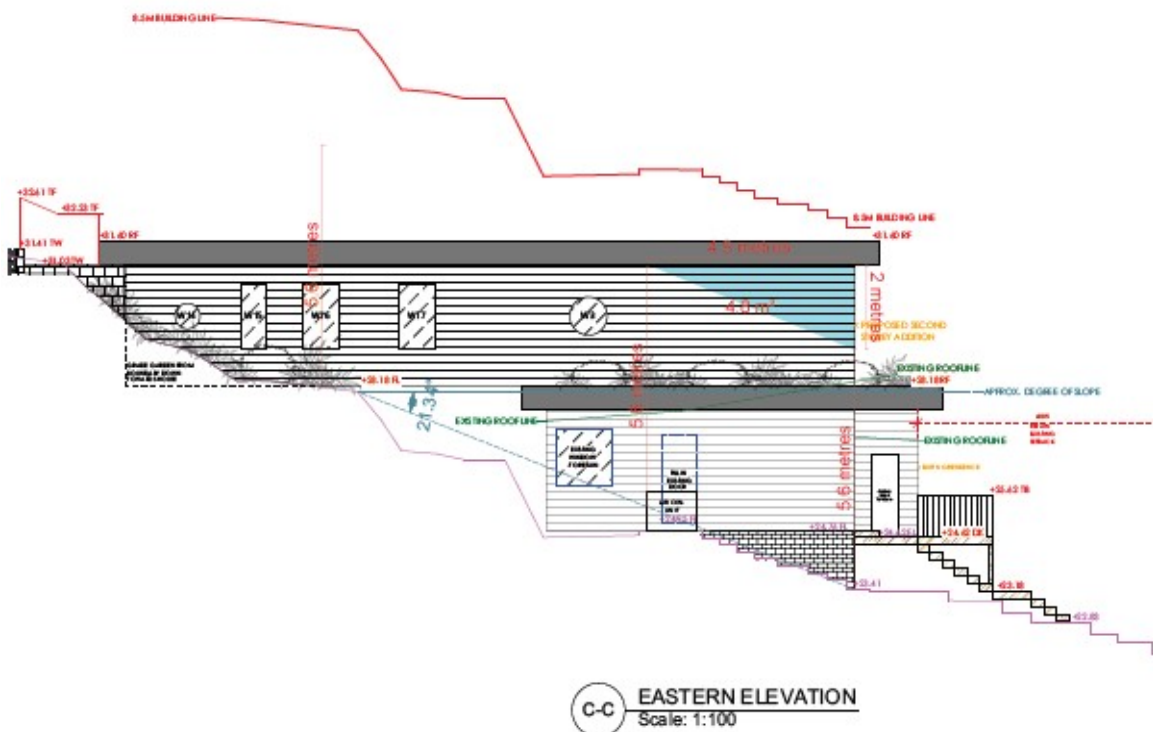
- To ensure a landscaped buffer between commercial and residential zones is established.
Comment: N/A no commercial zone.

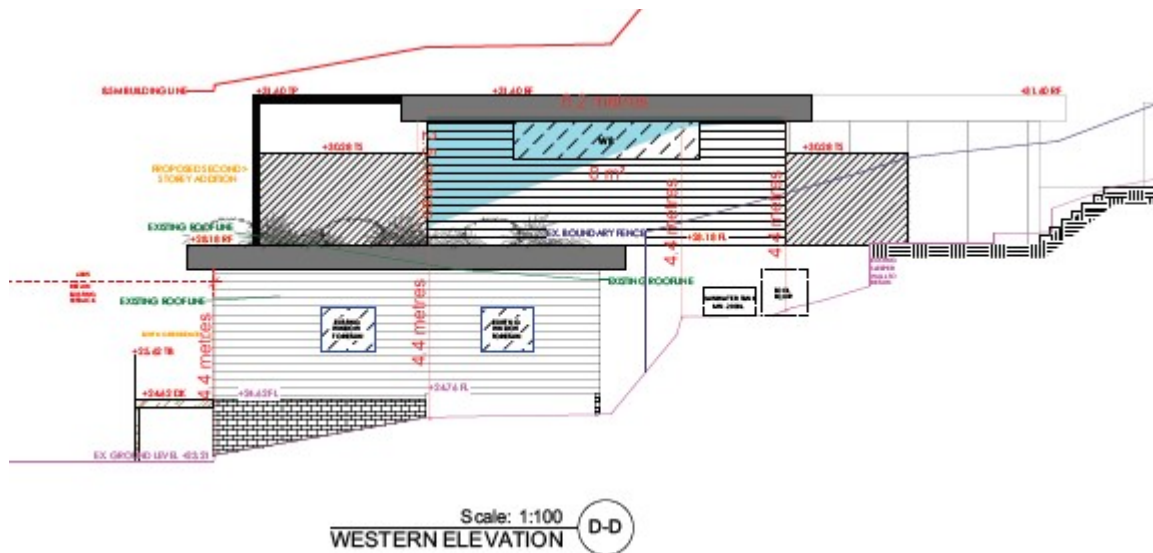
On balance the works are deemed to succeed when assessed against the Outcomes of the control, and thus the variation can be supported.

D11.9 Building envelope

Description of Non-Compliance

The P21 DCP prescribes a building envelope that applies to the flank elevations of a dwelling house. Part D11.9 allows Council to consider a variation for the addition of a second storey where the existing dwelling is retained, such as is proposed in this application. Both the northwestern and southeastern elevations of the proposed dwelling encroach the envelope for the dimensions stated in the Built Form Control table, and as shown in the below diagrams:





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

- To achieve the desired future character of the Locality.*
Comment: The development as a whole represents an appropriate upgrade to the existing dwelling which utilises the existing structure. Given the topography of the land and the positioning of the existing house, achieving compliance with the prescribed envelope would result in a long and narrow first floor plate. The development is not incongruous with the pattern of newer development along Rickard Road and thus, the variation sought does not alter the proposal's ability to achieve the desired future character.
- To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
Comment: The building is beneath the height of existing trees. The scale and proportions of the building is not dissimilar to other buildings on the streetscape and is of an appropriate density.
- To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
Comment: Achieved.
- The bulk and scale of the built form is minimised.*
Comment: The proposal includes sufficient articulation and visual interest through the use of materials to ensure that the bulk and scale of the building is appropriate, notwithstanding the variations sought.
- Equitable preservation of views and vistas to and/or from public/private places.*
Comment: The proposal is not found to result in any unreasonable view loss.
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*
Comment: The proposal is not found to result in any unreasonable amenity impacts.
- Vegetation is retained and enhanced to visually reduce the built form.*
Comment: The proposal retains the majority of vegetation on the site and maintains sufficient deep soil areas to allow for the establishment of trees which would enhance the appearance of the site and reduce any visual bulk of the built form.

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

D11.11 Landscaped Area - Environmentally Sensitive Land

Description of Non-Compliance

Part D11.11 Landscaped Area of the P 21 DCP requires that at least 60% (333.84m²) of the site area be maintained as landscaped open space.

The site achieves a landscaped area of 310m² and relies on an exception provision which permits an additional 6% of the site area, accommodated by decks, terraces and the like, to be included in that ratio, subject to meeting the control outcomes. With this exception provision, the site achieves a landscaped ratio of 61.7%.

The request for a variation to utilise the exception provision is assessed against the following control Outcomes:

- *Achieve the desired future character of the Locality.*
Comment: The proposal results in a contemporary addition to and renovation of the existing dwelling house in an architecture that blends in with the locale. The material palette and addition of landscaping at terracing levels throughout the building contributes to the enhancement of the building, and allows for the proposal to meet the desired future character.
- *The bulk and scale of the built form is minimised.*
Comment: The shortfall in landscaped open space is not caused by any built form element that is considered to be excessively scaled or bulky. The proposal is well articulated and appropriately proportioned for the site.
- *A reasonable level of amenity and solar access is provided and maintained.*
Comment: The assessment of this application has found that the proposal results in no unreasonable impacts upon the amenity of surrounding properties, or to future occupiers of the development site.
- *Vegetation is retained and enhanced to visually reduce the built form.*
Comment: The proposal necessitates the removal of two trees as discussed in the Landscape Officer comments earlier in this report. Those trees are located to the rear of the site. To the street frontage no vegetation is sought for removal, and new plantings at the first floor balcony level is proposed which will reduce the built form and contribute to enhancing the architecture of the proposal. The development overall is deemed to satisfy this objective.
- *Conservation of natural vegetation and biodiversity.*
Comment: As above, two trees are required to be removed to accommodate this development, however the loss of those two trees is offset by additional plantings and requirements as detailed in the Landscape Officer comments, and conditions recommended within this report.
- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*
Comment: Conditions pertaining to stormwater runoff have been included in the recommendations of this report.
- *To preserve and enhance the rural and bushland character of the area.*

Comment: The proposal leaves approximately half of the site as 'untouched' with a mix of mature vegetation and rock outcrops - the retention of this area is supported. The additional plantings throughout the site, combined with the darker tones of the proposed building finish will enhance 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.*

Comment: Conditions pertaining to stormwater runoff have been included in the recommendations of this report. Sufficient soft surface is provided to allow for the infiltration of stormwater.

On balance the non-compliances sought succeed against the control Outcomes and thus, the variation may be supported.

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 2019

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

A monetary contribution of \$2,650 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$265,000.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/0237 for Alterations and additions to a dwelling house including swimming pool on land at Lot 68 DP 16212, 123 Rickard Road, NORTH NARRABEEN, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
SP-RF 01 Rev. A	26 February 2021	TW
SP-GF 01 Rev. A	16 January 2021	TW
SP-FF 01 Rev. A	16 January 2021	TW
SE 01 Rev. A	26 February 2021	TW
MS 01 Rev. A	26 February 2021	TW

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Statement	27 February 2021	Treehaven Environscapes
BASIX Certificate No. A389165	27 February 2021	Tom Wright
Preliminary Geotechnical Assessment (AG 20226)	09 September 2020	Ascent Geotechnical Consulting

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
LP 01 Rev. A	26 February 2021	TW

Waste Management Plan		
Report Title	Dated	Prepared By
Waste Management Plan	01 March 2021	Tom Wright

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	Undated

(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 7.12 Contributions Plan 2019

A monetary contribution of \$2,650.00 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 \$265,000.00.

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 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. Tree Protection Plan

a) A Tree Protection Plan shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures to protect the following trees:

- i) all existing trees within the site nominated for retention (identified on the Survey Plan as T03, T05, T08, and T14, with T08 identified as T01 in the Arboricultural Impact Assessment) within 5 metres of any construction activity,
- ii) all existing trees (identified on the Survey Plan as T01 and T02) within the road verge,
- iii) existing trees on adjoining properties within 5 metres of any construction activity including T11 as identified on the Survey Plan.

b) The Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:

- i) layout of the development, including existing and proposed underground services,
- ii) location of all trees identified for retention, including extent of canopy,

- iii) access routes throughout the site for construction activity,
- iv) location of tree protection fencing / barriers,
- v) root protection in the form of mulching or boards proposed within the tree protection zone,
- vi) trunk and branch protection within the tree protection zone,
- vii) location of stockpile areas and materials storage,
- viii) inspection hold points,
- ix) other general tree protection measures.

c) Tree protection methods are to be in accordance with AS4970-2009 Protection of Trees on Development Sites.

Reason: Tree protection.

8. **On Slab Landscape Works**

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.

The following soil depths are required to support landscaping:

- i) 300mm for groundcovers and lawn
- ii) 600mm for shrubs

Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: to ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

9. **Stormwater Drainage Disposal**

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

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

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

Compliance with this condition must not result in variations to the approved development or

additional tree removal.

Reason: To ensure satisfactory management of stormwater.

10. 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.

11. Sydney Water "Tap In"

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

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

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection, as listed in the Tree Protection Plan.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) within the Tree Protection Plan have been carried out satisfactorily to ensure no impact to the health of the tree(s).

Photographic documentation of the condition of all trees to be retained shall be recorded,

including at commencement, during the works and at completion.

Note:

- i) 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.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

13. Tree Removal within the Property

This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment):

- i) Hoop Pine identified as T01 in the Arboricultural Impact Assessment, and shown on the Survey Plan as T13.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal, including the proposed removal of T09 Frangipani as identified on the Survey Plan and shown on the Landscape Plan.

Reason: To enable authorised building works.

14. 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 protect native wildlife.

15. Implementation of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plan and these conditions of consent.

The new landscaping is to be certified by a qualified landscape architect as being in accordance with the approved Landscape Plans and these conditions of consent

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. Protection of Rock and Sites of Significance

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

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

Reason: Preservation of significant environmental features.

17. Tree and Vegetation Protection

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

- i) all trees and vegetation within the site not approved for removal,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

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

The Certifying Authority must ensure that:

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

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

Reason: Tree and vegetation protection.

18. 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.

19. 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.

20. 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**

21. Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan, inclusive of the following conditions:

- a) one (1) locally native canopy tree such as Grey Myrtle - *Backhousia myrtifolia*, Scribbly Gum - *Eucalyptus haemastoma*, Prickly-leaved Paperbark - *Melaleuca stypheloides*, or Common Lilly Pilly - *Syzygium smithii* shall be planted within the site in accordance with the following:
 - i) tree planting at a minimum 75 litre container size shall be located within a 9m² deep soil area wholly within the site and be located a minimum of 5 metres from existing and proposed buildings and other trees,
 - ii) tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight or where the proposed tree location may impact upon significant views,
 - iii) tree planting shall be maintained until establishment including fertilising and watering, and thereafter for their safe useful life expectancy, and replaced should the trees fail due to lack of maintenance.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

22. **Condition of Retained Vegetation - Project Arborist**

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

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

Reason: Tree protection.

23. **Replacement of Canopy Trees**

At least 1 locally native canopy tree is to be planted on site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Tree's section of Council's Native Plant Species Guide - Narrabeen Ward, which is available at <https://www.northernbeaches.nsw.gov.au/node/34931>.

Tree plantings 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.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

24. **No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified on the NSW WeedWise website) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

25. **Stormwater Drainage Disposal Certification**

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

If any on site stormwater detention system is installed the Applicant shall lodge the Legal

Documents Authorisation Application with Council.

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

The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure satisfactory management of stormwater.

26. **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.

27. **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.

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

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

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

Reason: To ensure bushland management.

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

29. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

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

Reason: To maintain local environmental amenity.


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

The swimming pool / spa motor noise 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



Adam Mitchell, Principal Planner

The application is determined on 14/05/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments