

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/1379
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 35 DP 6462, 64 Powderworks Road NORTH NARRABEEN NSW 2101
Proposed Development:	Demolition works and construction of a dwelling house
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Somers Isles Pty Ltd

Application Lodged:	23/10/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	31/10/2024 to 14/11/2024
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 560,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for demolition works and the construction of a two storey dwelling house including a new driveway. Specifically, the works include:

Demolition, Tree Removal and Landscaping

- Demolish the existing dwelling house.
- Remove the existing driveway.
- Remove two prescribed trees, being Tree 6 (cheese tree) within the subject site and Tree 10 (smooth-barked apple tree) as identified in the applicant's Arborist Report.
- New landscaping including shrub planting along the side boundaries, two new canopy trees and new shrub planting above the existing retaining wall within the road reserve.

Civil Works

- Construct a new vehicle crossing and driveway with a turning bay, which will facilitate vehicular access to and from the site via southern side of Powderworks Road.
- Convey stormwater towards the Powderworks Road kerb and gutter via on-site detention tanking and piping.

Construction Works

- Construct a two storey dwelling house with an integrated double garage, four bedrooms, three bathrooms, a kitchen, a laundry and various living areas.

Note: A condition has been recommended to remove the proposed landscaping works from the public road reserve.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living

Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection

Pittwater Local Environmental Plan 2014 - 7.7 Geotechnical hazards

Pittwater Local Environmental Plan 2014 - 7.10 Essential services

Pittwater 21 Development Control Plan - C1.5 Visual Privacy

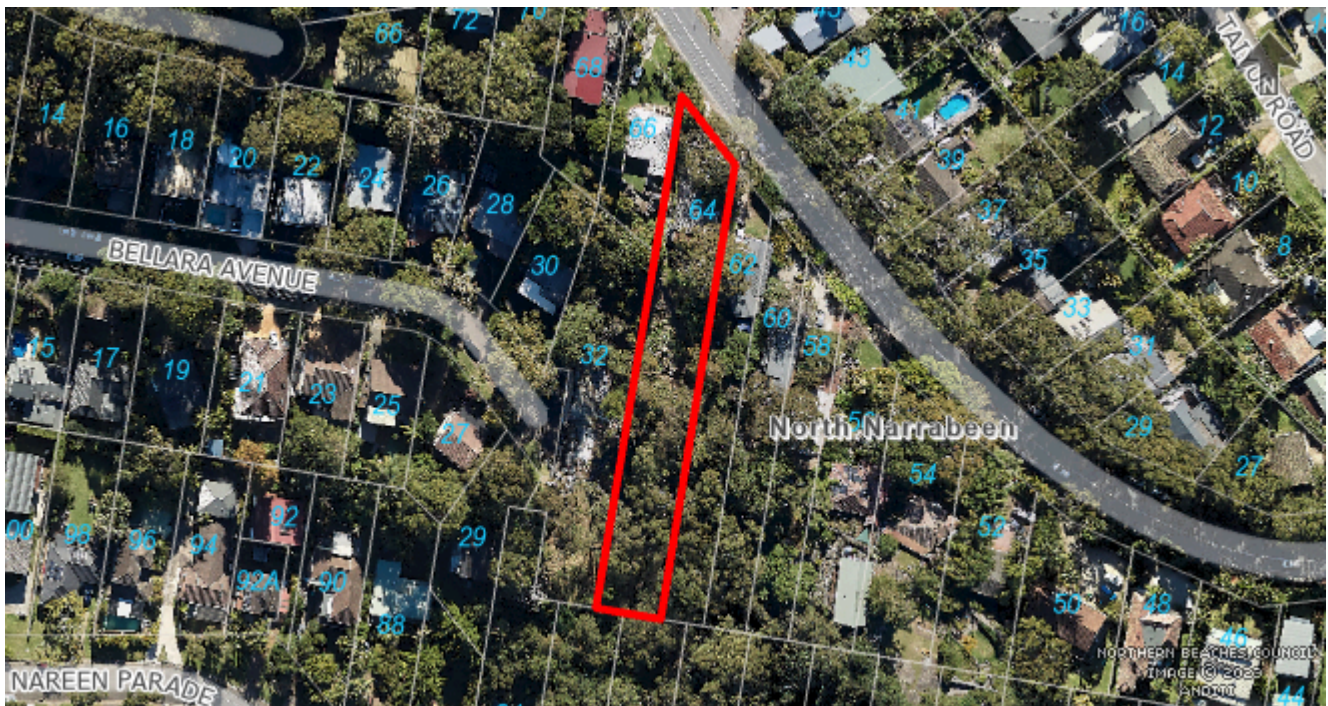
Pittwater 21 Development Control Plan - D11.3 Building colours and materials

Pittwater 21 Development Control Plan - D11.6 Front building line

SITE DESCRIPTION

Property Description:	Lot 35 DP 6462 , 64 Powderworks Road NORTH NARRABEEN NSW 2101
Detailed Site Description:	<p>The subject site consists of one allotment located on the southern side of Powderworks Road within the North Narrabeen locality.</p> <p>The site is irregular in shape with a frontage of 20.655 metres (m) and respective depths of 121.525m and 107.585m along the western and eastern side boundaries. The site has a surveyed area of 1745.5 square metres (sqm).</p> <p>The site is located within the C4 Environmental Living zone pursuant to the Pittwater Local Environmental Plan 2014 (PLEP) and accommodates a dilapidated single storey dwelling house that is currently vacant located at the front of the site. A detached carport/shed structure is located to the rear of the dwelling adjacent to the eastern side boundary.</p> <p>The topography under the existing dwelling house is relatively level, with the Powderworks Road roadway being located approximately 2.5m below this level portion of the site. The land from the rear of the dwelling house slopes down towards the rear boundary, representing an overall fall of approximately 18m.</p> <p>Several canopy trees are located on the site around the footprint of the existing dwelling house, while the rear two thirds of the site is extensively vegetated. The site is environmentally constrained with geotechnical hazards and biodiversity values.</p> <p>The surrounding build environment is characterised by detached low density residential development (i.e. dwelling houses) within landscaped settings.</p>

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed no recent or relevant applications.

APPLICATION HISTORY

A site inspection was carried out on 13 November 2024.

Following the preliminary assessment of the application, which included the aforementioned site inspection, Council wrote to the applicant raising the following concerns with the development:

- The development results in the removal of Tree 3 (as identified in the applicant's Arboricultural Impact Assessment (AIA)), which has a high retention value on the basis of its crown volume, ecological significance and long estimated life expectancy. Council's Landscape and Biodiversity Officers considered that Tree 3 could be retained with sensitive excavation and driveway design.
- Windows W19 and W20 on the western elevation of the first floor would enable the future occupants of the development to overlook into the private open space at 66 Powderworks Road (western adjoining property) within a distance of 9m, which does not comply with the Pittwater 21 Development Control Plan (P21DCP).

On 24 December 2024, the applicant amended the development application pursuant to section 37 of the Environmental Planning and Assessment Regulation 2021 accordingly:

- Amended architectural plans and a revised AIA were submitted to remove the turning circle on the driveway and replace it with a 4.5m turntable, which in turn enabled the retention of Tree 3.

The turntable is of a sufficient width to enable vehicles to be rotated to allow for forward entry and exit from the site. As the turntable complies with AS2890.1 'Parking Facilities', the application was not required to be referred back to Council's Development Engineer for comment.

- Written correspondence advising that they are amenable to a condition of consent that requires privacy attenuation measures to be provided on Windows W19 and W20 to alleviate privacy impacts.

The amended development application constitutes a reduced environmental impact when compared to the original development application. Therefore, the application was not required to be re-notified, in accordance with the Northern Beaches Community Participation Plan.

On 16 January 2025, the applicant submitted amended architectural plans that included a demolition plan depicting the buildings and trees that were to be demolished and removed, as requested by Council. As the buildings and trees proposed for removal correlated with the Statement of Environmental Effects and AIA, no additional environmental impacts were proposed. Therefore, the application was not required to be re-notified, in accordance with the Northern Beaches Community Participation Plan.

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>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to amended architectural plans and an amended arboricultural impact assessment. This information was subsequently</p>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 31/10/2024 to 14/11/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment

Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Ms Beverley Anne Smythe	62 Powderworks Road NORTH NARRABEEN NSW 2101

One submission by way of objection was received during the public exhibition period. The submission requested that Tree 1 be removed as the branches overhang the roof of the adjoining building at 62 Powderworks Road (eastern adjoining property).

In response, it is noted that Tree 1 is proposed for retention. Council's Landscape Officer has assessed that this tree is a significant tree in terms of its height, health and canopy spread and has recommended suitable conditions to ensure that this tree is protected during construction works.

The issue raised within the submission does not constitute grounds for refusal of the application or any additional amendments.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan (PLEP) clause C4 zone Environmental Living, and the following Pittwater 21 Development Control Plan (PDGP) 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 C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment with ecological, scientific or aesthetic values, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone. It is noted that the lower slopes of the property is located within the Department of Planning, Industry and Environment's (DPIE) Biodiversity Values Map (BVM) under the Biodiversity Conservation Act.</p> <p>An Arboricultural Impact Assessment (AIA) and a Landscape Plan are submitted for consideration by Landscape Referral.</p> <p>Referral comments 6 January 2025: Amended Site Plans and an amended Arboricultural Impact Assessment (AIA) is submitted to address the concerns raised previously. It is noted that the internal driveway alignment has been realigned to assist with the preservation of tree 3 and the AIA additionally provides tree protection measures and construction advice near tree 3 that is able to be imposed into the conditions.</p> <p>An updated Landscape Plan has not been submitted as requested and conditions shall be imposed for an Amended Landscape Plan to be co-ordinated for approved at construction certificate stage, to</p>

Internal Referral Body	Comments
	<p>include the retention of both tree 1 and tree 3.</p> <p>Should the application be approved, Landscape Referral provide conditions of consent.</p> <p><i>Referral comments 6 November 2024:</i> <i>The Landscape Plans are noted and it is advised that the plans require co-ordination with the AIA report as the Landscape Plans indicate removal of tree 3 (Angophora costata - Smooth Barked Apple) which is assessed for retention in the AIA report. Additionally it is noted that the proposed landscape works within the road reserve verge are subject to a minor encroachment application for approval or otherwise, and/or approval or otherwise under a Roads Act section 138/139 application.</i></p> <p><i>It is noted that the AIA report recommends the removal of a visually prominent tree of landscape significance and of a high retention value identified as tree 3 (Angophora costata - Smooth Barked Apple). The AIA report determines tree 3 with: " a high retention value on the basis of its crown volume, ecological significance and a long estimated life expectancy". Certainly the tree exhibits a prominent landscape element with high dominant canopy and with an apparent typical condition, and Landscape Referral consider that tree 3 should be a constraint to development and the proposed driveway should be located and designed to preserve this tree. It is noted that the encroachment as advised in the AIA is calculated at 24% which is considered to be manageable with tree sensitive excavation and driveway design. Other AIA recommendations for removal raise no concerns.</i></p> <p><i>Landscape Referral require realignment of the proposed driveway to preserve tree 3, unless evidence is submitted that tree 3 presents a risk to persons and property or presents with arboricultural issues (structure, defects, etc).</i></p>
NECC (Bushland and Biodiversity)	<p>Original Comments (20 November 2024) Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions:</p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 • NSW Biodiversity Conservation Regulation 2017 • Pittwater LEP 2014 cl. 7.6 Biodiversity Protection • Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 Wildlife Corridor <p>Portions of the site are identified on the NSW Governments Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report</p>

Internal Referral Body	Comments
	<p>(BDAR). As the proposed development is not located within the BV Mapped area, nor will it remove native vegetation from within the area, the BOS is not triggered and a BDAR is not required to be submitted with the application.</p> <p>An Arboricultural Impact Assessment (Joanne Willis, December 2023) has been submitted with the application which outlines the trees that require removal to facilitate the development. The Arborist assessed 11 trees within proximity to the development, 4 of which are located outside the property boundary. It is noted that the heavily vegetated area within the rear of the site was not assessed by the Arborist due to their location outside of the development area. The Arborist has recommended the removal of Tree 3 (<i>Angophora costata</i>), Tree 6 (<i>Glochidion ferdinandi</i>) and Tree 10 (<i>Angophora costata</i>), all three of which are native prescribed trees. No objection to the proposed removal of Tree 6 from a biodiversity perspective, however defer to the appropriate referrals team to comment on the removal of Tree 10 which is located within Council's road reserve.</p> <p>Council's Landscape Referrals team have noted in their referral comments that they require realignment of the proposed driveway to preserve Tree 3 as it is considered that the 34% encroachment is considered to be manageable with tree sensitive excavation and driveway design. As such, Council's Biodiversity Referrals team support this and propose that the applicant seek an alternative design approach to the driveway in order to retain Tree 3 due to its significant canopy coverage and ecological value.</p> <p>Additional Comments (6 January 2025) An Amended Arboricultural Impact Assessment (Joanne Willis, December 2024) has been submitted which confirms the retention of Tree 3, noting that the driveway has been modified to be located outside the SRZ of Tree 3 and that the turning area has been deleted and replaced with a turning plate within the driveway area. As such, Council's Biodiversity Referrals team raise no objections in relation to biodiversity, subject to recommended conditions.</p>
NECC (Development Engineering)	<p>The proposed stormwater drainage system including OSD is acceptable. The proposed new driveway crossing and internal grades are also acceptable. The submitted 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 (Transport and Infrastructure) 2021, s2.48	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.

External Referral Body	Comments
Aboriginal Heritage Office	<p>Reference is made to the proposed development at the above area and Aboriginal heritage.</p> <p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Sustainable Buildings) 2022

A valid BASIX Certificate was lodged with this application. The BASIX Certificate indicates that the development meets the relevant water, thermal and energy requirements. A condition is recommended to ensure compliance with the submitted BASIX Certificate.

In this regard, the development meets the requirements of State Environmental Planning Policy (Sustainable Buildings) 2022.

SEPP (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure

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 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.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in non-rural areas

Chapter Two of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) applies to the development pursuant to clause 2.3 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

The development results in the removal of Tree 6 and 10 to make way for the development. Tree 6 is located within the front of the subject site, while Tree 10 is located within the public road reserve. The trees are proposed for removal as they conflict with the location of the proposed driveway.

Council's Landscape Officer has reviewed the application including the submitted AIA and considers that the tree removal is appropriately justified, subject to conditions of consent that require replacement trees to be planted to offset the tree removal, thereby appropriately protecting the biodiversity and amenity values of the locality.

Overall, it is concluded that the development meets the requirements of the BC SEPP.

SEPP (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 maximum	7.2m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	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

Detailed Assessment

Zone C4 Environmental Living

The development involves the construction of a dwelling house. Dwelling houses are permissible land uses within the C4 Environmental Living zone.

The development is also consistent with the objectives of the C4 zone as demonstrated below:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.***

Comment:

The proposed dwelling house is located on a portion of the site that has been previously disturbed by historical development and the development minimises vegetation removal appropriately. As such, the development constitutes low-impact residential development.

- To ensure that residential development does not have an adverse effect on those values.***

Comment:

Given the low-impact nature of the development, it is considered that the development will not have an adverse impact on the ecological, scientific or aesthetic values of the locality.

- ***To provide for residential development of a low density and scale integrated with the landform and landscape.***

Comment:

The development is located on a portion of the site that has been previously disturbed by historical development and the development appropriately minimises vegetation removal. Minor earthworks are also proposed to facilitate the development and the bulk and scale of the development is commensurate with surrounding residential development within the catchment of the site. In this regard, the development is considered to be of a low density and scale that appropriately integrates with the landform and landscape.

- ***To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.***

Comment:

The development does not adversely impact upon riparian, foreshore or wildlife corridors.

7.1 Acid sulfate soils

The site is mapped within the Class 5 area on the PLEP Acid Sulfate Soils Map. It is noted that the development involves minimal excavation and that the development is elevated approximately 40m above the nearby Class 3 land located on Nareen Parade to the south. As such, the development will not lower the water table or expose acid sulfate soils and cause environmental harm.

Therefore, the development meets the relevant considerations under clause 7.1 of the PLEP.

7.2 Earthworks

The development involves minimal excavation and no substantial filling on the site. As such, the earthworks are not likely to result in adverse environmental impacts. Suitable conditions are recommended to mitigate the impacts from earthworks during the construction phase as it pertains to dust management and sediment control.

With these conditions in place, the development will meet the relevant considerations under clause 7.2 of the PLEP.

7.6 Biodiversity protection

The site is identified on the PLEP Biodiversity Map. Council's Biodiversity Officer has reviewed the application and raised no objections. Conditions are recommended to mitigate impacts upon local biodiversity. Therefore, the development is considered to satisfy the relevant considerations under clause 7.6 of the PLEP.

7.7 Geotechnical hazards

The site is mapped within the Geotechnical Hazard H1 area on the PLEP Geotechnical Hazards Map.

The application has been accompanied by a Geotechnical Investigation (GI) (prepared by White Geotechnical Group, dated 2 October 2024), which concludes that the development is acceptable from a geotechnical perspective and that the development will have an acceptable risk in relation to landslides. The GI has provided recommendations to mitigate geotechnical risk. These recommendations are included as recommended conditions of consent.

Overall, the development satisfies the relevant considerations under clause 7.7 of the PLEP.

7.10 Essential services

The development will have the following essential services:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage,
- stormwater drainage infrastructure, and
- suitable vehicular access.

Hence, the development satisfies clause 7.10 of the PLEP.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	6.08m - 13.5m	6.46%	No
Rear building line	6.5m	88.28m	-	Yes
Side building line	2.5m (east)	3.5m	-	Yes
	1m (west)	1.6m	-	Yes
Building envelope	3.5m / 45 degrees (east)	Within Envelope	-	Yes
	3.5m / 45 degrees (west)	Within Envelope	-	Yes
Landscaped area	60% (1047.3sqm)	87.08% (1520sqm)	-	Yes

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
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
B5.15 Stormwater	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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	No	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D11.1 Character as viewed from a public place	Yes	Yes
D11.2 Scenic protection - General	Yes	Yes
D11.3 Building colours and materials	No	Yes
D11.6 Front building line	No	Yes
D11.7 Side and rear building line	Yes	Yes
D11.9 Building envelope	Yes	Yes
D11.11 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D11.14 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

C1.5 Visual Privacy

Description of non-compliance

Section C1.5 of the P21DCP requires that development be designed to prevent direct overlooking into private open space on adjoining properties that are within 9m of the development.

Windows W19 and W20 on the western elevation of the first floor would enable the future occupants of the development to overlook into the private open space at 66 Powderworks Road (western adjoining property) within a distance of 9m, which does not comply with the P21DCP.

Merit Assessment

Having regard to the above technical non-compliance, a merit assessment has been undertaken against the outcomes of the control as follows:

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

Comment:

The outdoor private open space at 66 Powderworks Road will not maintain appropriate visual privacy as a result of Windows W19 and W20, noting that these windows adjoin habitable rooms (bedrooms) and contain low window sill heights of 0.8m above the finished floor level of the bedrooms. As such, the future occupants of the development would be able to obtain direct standing views towards the adjacent private open space, resulting in an inequitable outcome for the amenity of the adjoining property. Habitable rooms within a dwelling house are used more frequently than non-habitable rooms (i.e. laundry or bathroom) and therefore, the overlooking is not acceptable.

During the assessment process Council wrote to the applicant raising this privacy impact as an issue. The applicant provided a written response advising Council that they would be amenable to conditions of consent that require privacy attenuation measures to be provided to Windows W19 and W20, which would mitigate the overlooking.

Accordingly, a condition has been imposed requiring privacy attenuation measures to be incorporated to Windows W19 and W20, which require the windows to be amended to incorporate either 1.5m high window sills or obscure glazing to a height of 1.5m above the finished floor level. This would prevent the occupants of the development from overlooking into the adjoining private open space when standing back from the edge of the bedroom windows, while not precluding an outlook from the windows or preventing suitable sunlight into the bedrooms. This privacy treatment is considered appropriate in the context of a bedroom window, which is used less frequently than other habitable rooms such as living spaces. In the context of a living room, more stringent privacy treatments would be required (i.e. 1.7m high window sills).

Overall, the development will optimise visual privacy through good design, subject to recommended conditions.

A sense of territory and safety is provided for residents.

Comment:

A sense of territory and safety for residents will be provided, subject to recommended conditions.

Having regard to the above assessment, it is concluded that the development will meet the outcomes of this control, subject to recommended conditions.

D11.3 Building colours and materials

Section D11.3 of the Pittwater 21 Development Control Plan (P21DCP) requires development to have dark and earthy external finishes that accord with the colour pallet below.



Figure 1 - P21DCP Colour Pallet

The applicant has submitted a schedule of colours and materials which indicate that the external walls of the dwelling house will have white tones, which does not meet the requirements of the P21DCP.

Due to the bushland character of the locale, it is considered that the use of dark and earthy tones is essential to ensure that the development harmonises with the natural environment and to mitigate adverse visual impacts from private and public vantage points. Accordingly, a condition is recommended to ensure that the external finishes to the development entail dark and earthy tones that meet the P21DCP colour pallet stipulated in **Figure 1**.

With this condition in place, the visual impacts of the development will be appropriately mitigated and the development will comply with the requirements and outcomes of section D11.3 of the P21DCP.

D11.6 Front building line

Description of non-compliance

Section D11.6 of the P21DCP requires buildings to be setback at least 6.5m from the front boundary where there is no established front building line. The majority of the dwelling house complies with this requirement; however, a small portion in the north-eastern front corner of the dwelling encroaches into the 6.5m front setback area, representing a minimum front setback of 6.08m. It is noted that the setback varies between 6.08m and 13.5m due to the splayed front boundary.

Merit Assessment

Having regard to the above technical non-compliance, a merit assessment has been undertaken against the outcomes of the control as follows:

Achieve the desired future character of the Locality.

Comment:

The development meets the North Narrabeen desired future character statement as it comprises of a two storey dwelling house that is appropriately articulated and integrated into the landform and landscape.

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

Comment:

The development does not obstruct any significant view corridors from private or public places.

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

Comment:

The front setback non-compliance is minor in numerical terms and only occurs in the north-eastern corner of the building due to the splayed front boundary. The proposed dwelling house, including the habitable rooms within it, are appropriately setback from the front boundary and Powderworks Road to maintain appropriate internal amenity.

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

Comment:

While the development does result in the removal of two prescribed trees and other exempt trees (exempt trees do not require approval for removal) located forward of the dwelling house, the development will maintain Tree T3 in the front setback area, which is a significant tree in terms of its height and canopy spread. The retention of this tree, coupled with the replacement planting and new landscaping treatment proposed in the front setback area, will ensure that adequate vegetation is provided in the front setback area to visually reduce the built form and maintain the environmental amenity of the locality.

Vehicle manoeuvring in a forward direction is facilitated.

Comment:

The proposed driveway, which includes a turn table plate, will enable vehicles to enter and exit the site in a forward manner.

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

Comment:

The bulk, scale and density of the proposed dwelling house is commensurate with the surrounding built environment.

To encourage attractive street frontages and improve pedestrian amenity.

Comment:

The front façade of the dwelling house includes a defined entry point and is appropriately articulated, which will provide an attractive street frontage.

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

Comment:

The development is appropriately sized, sited and scaled, such that it will maintain an appropriate visual relationship with surrounding development.

For these reasons, it is considered that the development will meet the outcomes of this control, notwithstanding the technical non-compliance. Therefore, flexibility to this control has been afforded, consistent with section 4.15(3A)(b) of the EP&A Act.

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 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$5,600 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$560,000.

BIODIVERSITY CONSERVATION ACT 2016

The Biodiversity Conservation Act 2016 (BC Act) applies to the land pursuant to section 1.7 of the EP&A Act and aims to maintain a healthy, productive and resilient environment for the greatest wellbeing of the community, now and into the future, consistent with the principles of ecological sustainable development.

As depicted in **Figure 2** below, approximately the rear half of the site is mapped on the NSW Government's Biodiversity Values Map (BVM) as being land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017.

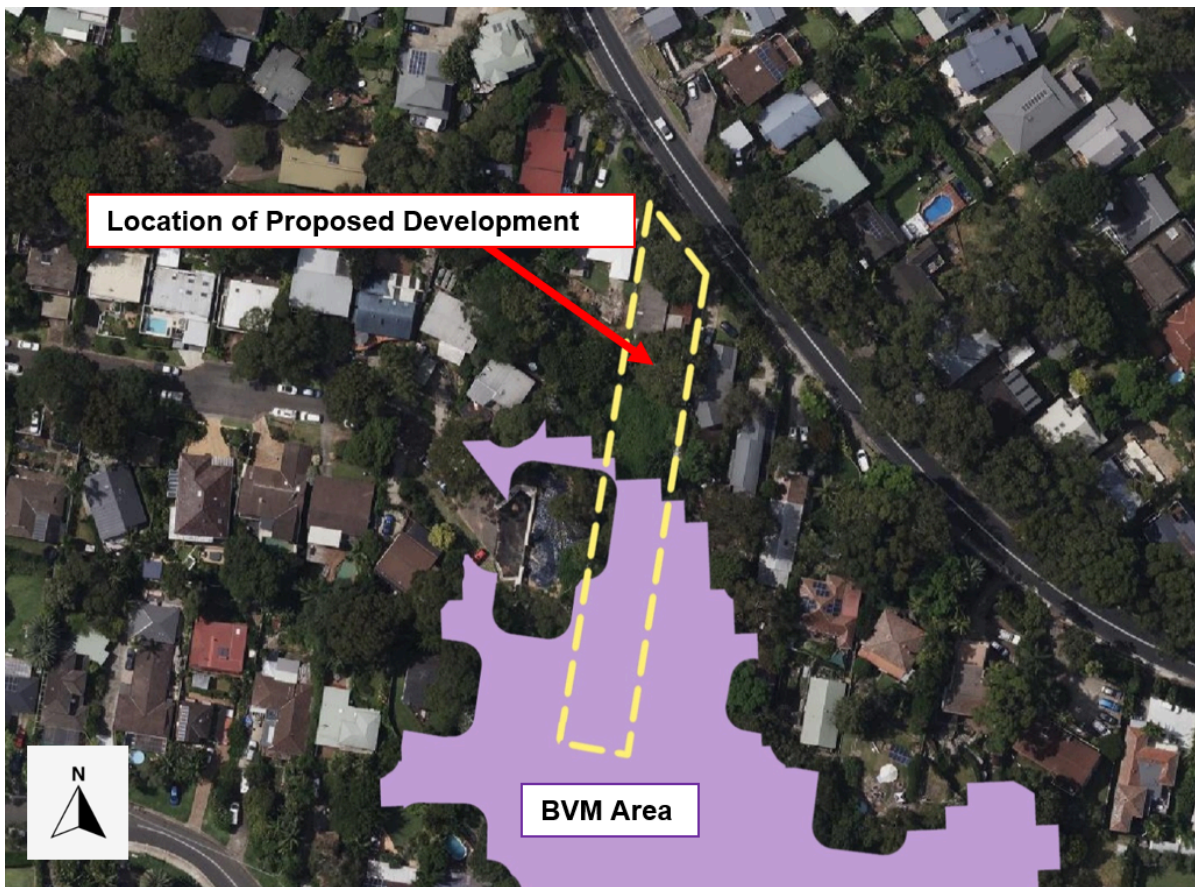


Figure 2 - BVM Area

Notwithstanding, the development does not include any works that encroach into this area. As the works do not encroach into the BVM area and the development does not exceed the native clearing thresholds of 0.25 hectares or more, as identified in the BC Act, the application does not require the submission of a Biodiversity Development Assessment Report or require entry into the Biodiversity Offset Scheme.

Council's Biodiversity Officer has reviewed the application and raised no concerns in relation to biodiversity impacts.

Overall, the development is not likely to have adverse impacts on threatened ecological communities, species, or their habitats and is consistent with the provisions of the BC Act.

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 2021;
- 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 DA2024/1379 for Demolition works and construction of a dwelling house on land at Lot 35 DP 6462, 64 Powderworks Road, NORTH NARRABEEN, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A2	1	Demolition Plan	Inlet Design Studio	15 January 2025
A3	1	Site Plan with New House & Site Calcs	Inlet Design Studio	15 January 2025
A4	1	Site Setout Plan	Inlet Design Studio	15 January 2025
A5	1	Proposed Ground Floor Plan	Inlet Design Studio	15 January 2025

A6	1	Proposed First Floor Plan	Inlet Design Studio	15 January 2025
A7	1	North and South Elevations	Inlet Design Studio	15 January 2025
A8	1	East and West Elevations	Inlet Design Studio	15 January 2025
A9	1	Proposed Section A-A	Inlet Design Studio	15 January 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Geotechnical Report titled 'Geotechnical Investigation: New House at 64 Powderworks Road, North Narrabeen'	J5607B	White Geotechnical Group	2 October 2024
BASIX Certificate	1406630S_02	Paul & David Consulting Pty Ltd	9 July 2024
Aboricultural Impact Assessment Report titled 'Aboricultural Impact Assessment Report relating to construction of a new dwelling (House D) and driveway at 64 POWDERWORKS ROAD NORTH NARRABEEN NSW 2101'	Revision B	Joanne Willis	20 December 2024
Stormwater Management Plan titled '64 POWDERWORKS ROAD, NORTH NARRABEEN (UPPER SECTION) - HOUSE D'	Drawing N. STORM-4/B	Taylor Consulting	12 July 2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

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	Referral - Ausgrid	N/A

(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. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house. The Pittwater Local Environmental Plan 2014 defines this land use as follows:

- ***dwelling house means a building containing only one dwelling.***

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. **Prescribed conditions (Demolition):**

(a) 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 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
- (ii) 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.

(b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier 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 Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(c) 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.

Reason: Legislative Requirement.

5. 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 Certifier 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 Certifier 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 Certifier 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.

6. General requirements (Demolition):

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) The applicant shall bear the cost of all works that occur on Council's property.

(f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

(i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

7. 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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) 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.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
- i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.

- iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) 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.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) 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.
- (m) 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.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) 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.

8. **No Approval for Secondary Dwelling**

No approval is granted or implied under this Development Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area.

Reason: To ensure compliance with the terms of this consent.

FEES / CHARGES / CONTRIBUTIONS

9. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$5,600.00 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 (as amended).

The monetary contribution is based on a development cost of \$560,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

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

10. **Security Bond**

A bond (determined from cost of works) of \$5,000 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 Certifier 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

11. **Amended Landscape Plan**

An Amended Landscape Plan shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details:

- i) co-ordinated plan layout with approved plans and reports under the development consent, including the approved Site Plans and Arboricultural Impact Assessment,
- ii) clear graphic documentation and notation of existing trees identified as tree 1 and tree 3 as retained on the Amended Landscape Plan,
- iii) removal of landscape works with the public road reserve,
- iv) proposed tree planting shall be noted as pre-ordered stock at 75 litre container size.

Certification shall be provided to the Certifier that these amendments have been documented.

Reason: Landscape amenity.

12. **Footing Design Near Trees to be Retained**

a) Pier footing locations shall be developed in co-ordination with an Arborist with AQF minimum Level 5 qualifications in arboriculture, and a qualified Structural Engineer, following a tree root investigation by the Arborist near existing tree 1 (Smooth Barked Apple) and in accordance with section 5.4 of the approved Arboricultural Impact Assessment, to locate critical tree roots and recommend footing design and locations for the construction works.

b) the Arborist shall review, comment, recommend design revision as required and approve the footing layout, to ensure the locations of footings will be manageable in terms of tree protection measures.

c) the Arborist shall submit certification to the Certifier, that the locations of the footings are accepted.

d) the agreed footing structural layout plans shall be submitted to the Certifier for approval prior

to the issue of a Construction Certificate.

Reason: Tree protection.

13. No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

14. On-Site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Taylor Consulting, drawing number Storm-4B dated 12 July 2024. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

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

15. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to TfNSW standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

16. 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, Ref: J5607B dated 2 October 2024 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 Certifier prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

17. Amendments to the approved plans

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

- Windows W19 and W20 on the western elevation of the first floor must be amended to include a 1.5 metres high window sill when measured from the finished floor level of the first floor. Alternatively, the windows may include obscure glazing to a height of 1.5 metres above the finished floor level of the first floor.
- The external walls (excluding windows, eaves and downpipes) and roof of the dwelling house must have dark and earthy tones that accord with the colour pallet prescribed by Section D11.3 of the Pittwater 21 Development Control Plan.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

18. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

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 ensure no substance other than rainwater enters the stormwater system and waterways.

19. Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of the driveway crossing, retaining walls and landscaping in the road reserve which are to be generally in accordance with the approved Development Consent Plans and Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer and Landscape Designer. The design must include the following information:

1. The driveway crossing is to be 3 metres wide and the grades generally in accordance with the civil plan by Taylor Consulting, drawing Civil-4/B dated 12 July 2024.

2. Structural details of the retaining walls required for the driveway crossing.
3. Services plan and concurrence from the relevant service authority if any services need to be relocated to suit the required levels.
4. Stormwater outlet for the site into the kerb.
5. Landscape plan for reinstatement of existing driveway in road reserve.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

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

20. Compliance with standards (Demolition):

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 Council prior to the commencement of demolition works.

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

21. 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 Certifier prior to the issue of the Construction Certificate.

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

22. 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 Certifier 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.

23. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to Council via an application for a Permit to Implement Traffic Control. The application form can be accessed via

<https://www.northernbeaches.nsw.gov.au/council/forms>. Approval of the permit application by the Northern Beaches Council Traffic Team is required prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
 - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
 - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
 - A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
 - A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,

- Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

24. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise works as nominated in the Arboricultural Impact Assessment, and in particular:

- a) tree protection requirements for tree 1 as listed under section 5.4,
- b) tree protection requirements for tree 3 as listed under section 5.5,
- c) preparation of a Tree Protection Plan under section 5.6.

All tree protection measures specified must: be in place before work commences on the site; be maintained in good condition during the construction period; and remain in place for the duration of the construction works. The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) 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: 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.

25. Tree Removal Within the Property

This consent approves the removal of existing prescribed trees on the subject site as identified in the approved Arboricultural Impact Assessment, approved Plans, or as listed below:

- a) tree 6,
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

26. Tree Removal Within the Road Reserve

This consent approves the removal of existing trees within the road reserve as identified in the approved Arboricultural Impact Assessment, or as listed below:

- a) tree 10, subject to tree replacement within the road reserve,
- b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Removal of the approved tree/s in the road reserve shall only be undertaken by a Council

approved tree contractor, as engaged by the applicant. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services business unit prior to removal.

Reason: Public liability.

DURING BUILDING WORK

27. Tree and Vegetation Protection

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

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

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project 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/Project 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/Project Arborist to the Principal Certifier,
- 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 AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 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 AS4373-2007 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 Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken as complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment and/or Project Arborist as applicable.

Reason: Tree and vegetation protection.

28. Wildlife Protection

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

29. 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.

30. 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.

31. 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.

32. 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 Certifier, 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.

33. Survey Certificate

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

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

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

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

Details demonstrating compliance are to be submitted to the Principal Certifier.

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

34. Maintenance of Sediment and Erosion Controls

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

35. 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 Certifier.

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

36. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with TfNSW Traffic Control At Work Sites Manual and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety.

37. Aboriginal Heritage

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

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

Reason: Aboriginal Heritage Protection.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

38. Street Tree Planting

Street tree planting shall be installed in accordance with the following: one (1) Angophora costata (Sydney Red Gum).

All street trees shall be a minimum pre-ordered planting size of 45-75 litres, and shall meet the requirements of Australian Standard AS2303 - Tree Stock for Landscape Use. All street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree guard, and watered until established, and shall be generally located at least 2.0 metres from driveways, and shall generally be centralised within the road verge.

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

Reason: To maintain environmental and streetscape amenity.

39. Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plan (as amended by conditions of consent), and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plan, unless otherwise imposed by conditions,
- c) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of Australian Standard AS2303 - Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,

- d) mass planting shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- e) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- f) the landscape treatment around existing tree 1 shall consist of soft landscape treatment such as garden or lawn.

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

Reason: Environmental amenity.

40. Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the approved Arboricultural Impact Assessment, including the following information:

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

Reason: Tree and vegetation protection.

41. Protection of Habitat Features

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

Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

42. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

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

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

43. Certification of Civil Works in accordance with Road Act Approval

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this

consent and the approved Section 138 and/or Construction Certificate plans.

Details demonstrating compliance shall be submitted to Council and Council's acceptance submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure compliance of works with Council's specification for engineering works.

44. **Waste Management Confirmation**

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier 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.

45. **Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures**

The Applicant shall lodge the Legal Documents Authorisation Application with Council. The application shall include the original 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), and Civil Engineers' certification.

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 disposal structures within this development consent. The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgment 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 is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

46. **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 Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

47. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Proper identification of buildings.

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

48. **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.

The approved landscape area shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

49. **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.

50. **Noise**

All plant equipment must be installed and operated at times so as not to cause 'offensive noise'. It must be demonstrated that the noise level will not exceed 5dBA above background noise when measured from the nearest property boundary, as defined by the Protection of the Environments Operation Act 1997.

Reason: To ensure compliance with legislation and to protect the acoustic amenity of neighbouring properties.

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

Signed



Thomas Burns, Principal Planner

The application is determined on 16/01/2025, under the delegated authority of:



Steven Findlay, Manager Development Assessments