

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/2639
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<b>Responsible Officer:</b>	Olivia Ramage
<b>Land to be developed (Address):</b>	Lot 52 DP 7593, 25 Alleyne Avenue NORTH NARRABEEN NSW 2101
<b>Proposed Development:</b>	Demolition works and construction of a dwelling house including a secondary dwelling and swimming pool
<b>Zoning:</b>	C4 Environmental Living
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Troy Carter
<b>Applicant:</b>	Daniel John Raymond

<b>Application Lodged:</b>	14/01/2022
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - New second occupancy
<b>Notified:</b>	27/01/2022 to 10/02/2022
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 992,200.00
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### PROPOSED DEVELOPMENT IN DETAIL

The proposed development comprises of the demolition of an existing dwelling and the construction of a new dwelling with an attached secondary dwelling and a new double carport and a swimming pool. The proposed development will include the following works:

#### Lower Ground Floor Level

- Proposed lower ground floor level to with an attached secondary dwelling consisting of two bedrooms, bathroom, laundry and open plan kitchen and living area
- Proposed home theatre/games room, bathroom and bedroom/home office
- Internal access stairs and lift shaft

## Ground Floor Level

- Proposed ground floor level consisting of open plan living, dining and kitchen with pantry, rear balcony, bathroom, WC, sub-floor storage and two bedrooms
- Internal access stairs and lift shaft

## First Floor Level

- Proposed first floor level with entry foyer, master bedroom with ensuite and walk-in-robe, second bedroom with ensuite, attached carport and balcony
- Internal access stairs and lift shaft

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

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

Pittwater 21 Development Control Plan - D11.7 Side and rear building line

Pittwater 21 Development Control Plan - D11.9 Building envelope

Pittwater 21 Development Control Plan - D11.11 Landscaped Area - Environmentally Sensitive Land

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 52 DP 7593 , 25 Alleyne Avenue NORTH NARRABEEN NSW 2101
<b>Detailed Site Description:</b>	The subject site consists of one (1) allotment located on the northern, lower side of Alleyne Ave. The site is rectangular in shape with a width of 15.3m and a depth of 36.8m. The

site has an area of 557.8sqm. The site slopes towards the northern rear boundary.

The site is currently occupied by a single storey weatherboard dwelling. No vehicular access is currently available to the site. A gravel parking area is located south of the site, accessed from Alleyne Ave.

The site is located within an Acid Sulfate Soils Class 5 area. The site is in a Flora and Fauna Habitat Enhancement Category 2 Area and a Wildlife Corridor. The application is supported by an Arborist Report. The site is in a Geotechnical Hazard H1 Area and a Geotechnical Report has been submitted with the application.

The surrounding environment consists of low density residential development typically one to three storey dwellings of a variety of styles and scales of development.

Map:



## SITE HISTORY

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

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

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments

Section 4.15 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)(iia) – 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&amp;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&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to development engineering and road assets.</p> <p><u>Clause 61</u> of the EP&amp;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>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;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&amp;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) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>

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

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 27/01/2022 to 10/02/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no concerns with the application submitted to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><i>Note: The proposed development may not comply with some requirements of the BCA the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</i></p>
Landscape Officer	<p>The development application is for the demolition of existing structures and the construction of a new dwelling with an attached secondary dwelling, attached carport, driveway and swimming pool.</p> <p>Council's Landscape Referral is assessed against the Pittwater Local Environment Plan</p>



Internal Referral Body	Comments
	<p>clause C4 zone Environmental Living, and the following Pittwater 21 DCP controls (but not limited to):</p> <ul style="list-style-type: none"> <li>• B4.22 Preservation of Trees and Bushland Vegetation</li> <li>• C1.1 Landscaping</li> <li>• D11 North Narrabeen Locality</li> </ul> <p>The site is located in the C4 Environmental Living zone, requiring development to achieve scale integrated with the landform and landscape, and to minimise impact on the natural environment, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.</p> <p>A Landscape Concept Plan and a Arboricultural Impact Assessment is submitted with the application. The Statement of Environmental Effects, Plans and reports note that no significant trees are removed.</p> <p>A Landscape Concept Plan includes planting along boundaries including screening shrub side boundaries, as well as two proposed trees to the front setback. Two existing trees are shown for retention including a Frangipani to the front setback and a large Pinus to the rear setback along the side boundary. The Landscape Referral assessment is based on the plan provided and the retention of the two existing trees assists with compliance to the C4 landscape zone objectives, and conditions shall be imposed, along with conditions for the completion of landscape works as proposed including specific requirements for tree planting.</p> <p>The Arboricultural Impact Assessment titled Construction Impact &amp; Management Statement provides assessment for existing trees within 5 metres of development works as listed under Council's DA Lodgement Requirements, and as such does not refer to the large Pinus in the rear yard, however Landscape Referral assess the landscape outcome of the whole of the property for any development proposal. Whilst the Pinus is listed as an Exempt Species, Landscape Referral consider the proposal to retain this tree is responding to the objectives of the C4 land use, and the DCP landscape controls.</p> <p>The recommendations of the Arboricultural Impact Assessment to protection tree protection measures for the protection of existing trees as discussed in the report is supported, and conditions shall be imposed for the protection of the locally native street tree and the tree within the property, as well as all other trees and vegetation within the property and within adjoining property.</p>
NECC (Bushland and Biodiversity)	<p>The application seeks approval for the demolition of existing dwelling, and construction of proposed new dwelling including swimming pool and secondary dwelling.</p> <p>Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p><b>Biodiversity Conservation Act 2016 (BC Act)</b>  <b>State Environmental Planning Policy (Coastal Management) 2018</b></p> <ul style="list-style-type: none"> <li>• Coastal Environment Area</li> </ul> <p><b>Pittwater Local Environmental Plan (PLEP)</b></p>

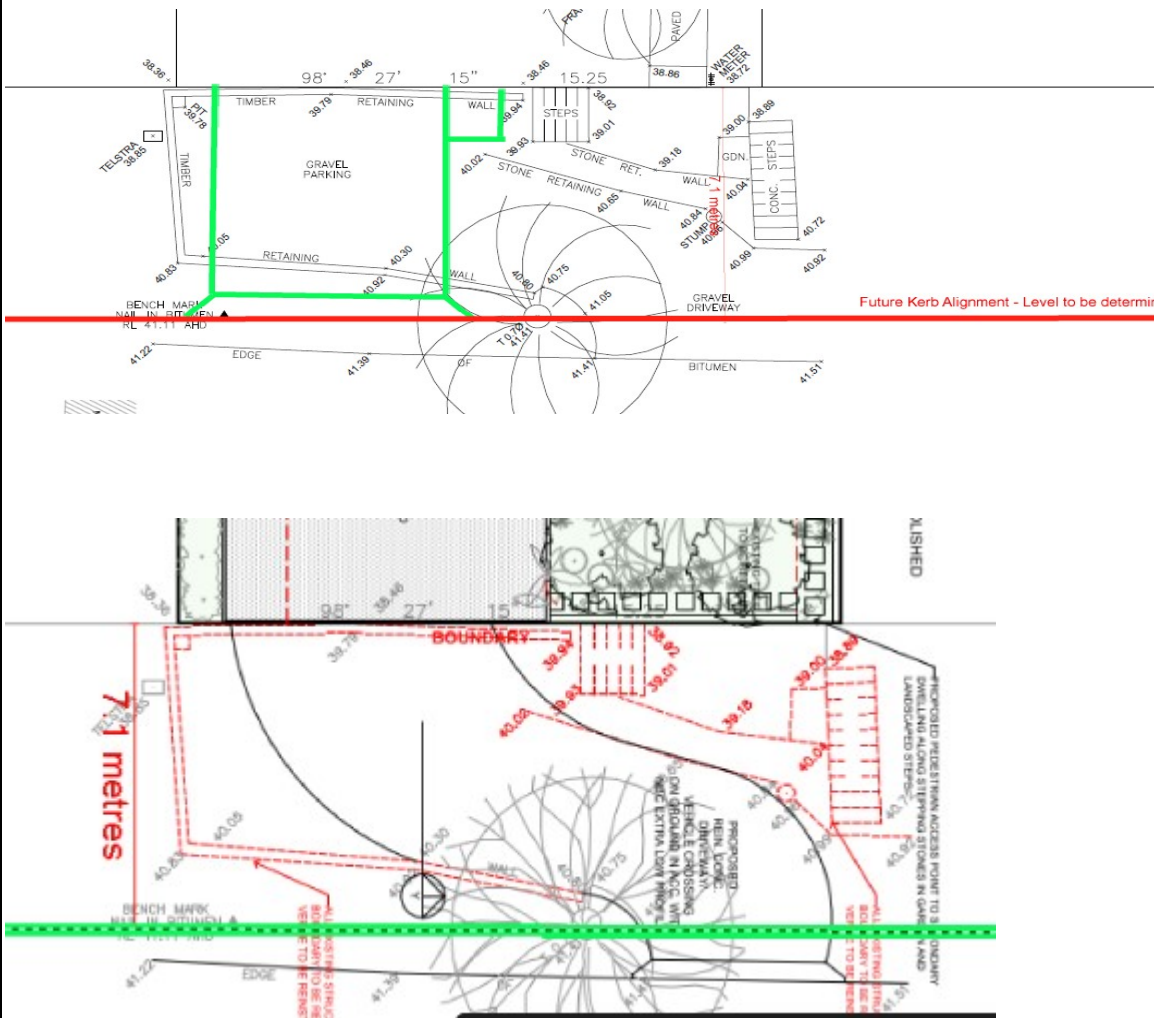
Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>7.6 Biodiversity Protection</li> </ul> <p><b>Pittwater Development Control Plan (PDCP)</b></p> <ul style="list-style-type: none"> <li>B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor</li> </ul> <p>The submitted <i>Construction Impact and Management Statement</i> (Growing My Way 2021) states that the proposal can be carried out without impact to native trees within the property therefore no objection is raised by Council's Biodiversity referral team. Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.</p>
NECC (Coast and Catchments)	<p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> <li>Supplied plans and reports;</li> <li>Coastal Management Act 2016;</li> <li>State Environmental Planning Policy (Coastal Management) 2018 (clauses 13, 14 &amp; 15 and</li> <li>Relevant LEP and DCP clauses.</li> </ul> <p>The application meets the requirements of the relevant Environmental Planning Instruments and policies.</p> <p>The application is supported without conditions</p>
NECC (Development Engineering)	<p><b>07/04/2022:</b></p> <p>The development application is for the demolition of existing structures and the construction of a new dwelling with an attached secondary dwelling (Lower Ground Floor), attached carport (First Floor), driveway and swimming pool.</p> <p><b>Access</b> Before Development Engineer provide feedback, comments from Council's Road Assets Team are requested.</p> <p><b>Stormwater</b> This property is on the low side of the road. Stormwater Management Plans prepared by Stellen Consulting , Drawing number DR-004, Project No 211105, Rev. 0 and Dated 20/12/2021, are provided. But before Council consider these plans applicant is advised as below:</p> <p>a) The Stormwater drainage for the site shall demonstrate compliance with Council's Water Management for Development Policy, particularly Stormwater Drainage from Low Level Properties Technical Specification Section 5.5. As the subject site falls to the rear, an easement to drain water is to be created in favor of the site over the downstream property. Evidence of owners consent by the property owners (16 Powderworks Road NORTH NARRABEEN ) shall be submitted with the Development Application. The Application shall be supported by a long section of the inter-allotment drainage to the connection with Council's road drainage system.</p> <p>b) Should this method of stormwater disposal not be possible, evidence shall be submitted with the Application.</p>

Internal Referral Body	Comments
	<p>For sample letter refer Appendix 2, Easement Letter of Council's Water Management for Development Policy.</p> <p><b>Geotechnical</b> The site is identified as Geotechnical Hazard H1 on Council's Geotechnical Hazard Map. An excavation to a maximum depth of ~4.3m is proposed to construct the proposed house. Geotech report by White Geotechnical Group , Ref J3881, Dated 15th Dec 2021 is provided. An acceptable risk can be achieved for the proposed development as per the geotechnical report.</p> <p><b>Amended Plans Provided on 12/5/2022</b> <b>Access</b> The amended plans propose the removal of all existing retaining walls and stairs within the road reserve as per comments provided by Council's Road Asset team. However no details have been provided as to how the proposed driveway and the road embankment will be supported once the retaining walls are removed. Additionally there exists a significant level difference in the road reserve between the site and the adjacent property and it is unclear how this will be addressed. The proposed driveway profile does not comply with the current standards. Additional information required for further assessment is as follows:</p> <ul style="list-style-type: none"> <li>• The Applicant shall provide engineering long-sections at both edges and centerline of the proposed access driveway to the proposed garage and demonstrate compliance with AS2890. The sections are to include dimension as well as existing and proposed levels.</li> <li>• Details of the supporting structures for the proposed driveway and the road reserve.</li> <li>• Protection measures for the existing street tree.</li> <li>• Engineering cross sections for the footpath and the road reserve to show the changes proposed on the road reserve between the subject site and adjacent properties.</li> </ul> <p><b>Stormwater</b> The stormwater management plan proposes to discharge via a level spreader at the rear. The level spreader design must be in accordance with Appendix 4 of Council's Water Management for Development Policy. The post developed flows through the level spreader must not exceed the pre developed 20% AEP state of nature storm event for all storms including 1% AEP.</p> <p><b>Additional Information provided on 14/6/2022</b> <b>Stormwater</b> The previous comments have not been addressed. The post developed flows through the level spreader must not exceed the pre developed 20% AEP state of nature storm event for all storms including 1% AEP in accordance with Appendix 4 of Council's Water Management for Development Policy.</p> <p><b>Access</b> The amended architectural plans propose a vehicular cross at 90degrees off the boundary.</p>



Internal Referral Body	Comments
	<p>as requested by Road Asset team. However the previous comments regarding details on road reserve have not been addressed. Additional information is required as to how the difference in the road reserve between the site and the adjacent property will be addressed once the retaining walls are removed. Additional information required for further assessment is as follows:</p> <ul style="list-style-type: none"> <li>• Engineering cross sections for the footpath and the road reserve to show the changes proposed changes on the road reserve between the subject site and adjacent properties.</li> <li>• Details of the supporting structures for the proposed driveway and the road reserve</li> <li>• Engineering long-sections at both edges and centerline of the proposed access driveway to the proposed garage to demonstrate compliance with AS2890. The sections are to include dimension as well as existing and proposed levels.</li> <li>• Impacts on the road embankment are due to the removal of the retaining walls and be considered in the design.</li> </ul> <p><b>Additional Information Provided 4/7/2022</b></p> <p>The submitted driveway sections are satisfactory subject to conditions. The proposed OSD volume in the submitted stormwater plan is not adequate. The design for the level spread and the required OSD shall be in accordance with Appendix 4 as conditioned.</p>
Road Reserve	<p>The proposal to obtain access to the proposed 2 car garage via existing unsealed gravel driveway across the public road reserve is noted.</p> <p>A review of Council records, historical documents and site inspection has identified significant unauthorised works, including retaining walls, driveway, and stairs (works for which no approval could be located) which privatise the public road reserve for a private parking facility on public road reserve. The works include significant retaining walls some which are showing signs of distress, are unfenced and present a significant risk to person on public land (fall from height).</p> <p>It is noted that the proposed development includes the removal of the existing failing 1.5m high timber retaining wall below the parking facility. However the plans do not sufficiently detail the intentions with the other elements of the unauthorised works namely, the timber retaining walls across the verge, above the proposed driveway, and timber stairs. Given no details or approval of these works can be located they must be removed from the public road reserve.</p> <p>No details are provided regarding access over the verge from the road to the secondary dwelling.</p> <p>Consideration may need to be given to direct access to the car port at 90 degrees to the main carriageway rather than the current unauthorised vehicle access. Should a standard driveway crossing be constructed, a parking facility on the verge will not be permitted and the area is to be reinstated.</p> <p>All support structures for the dwelling excavation to be located within the property boundaries (especially for the storage area under the car port).</p>

Internal Referral Body	Comments
	<p>An Application for Civil Works to be required by Development Engineering to adequately determine all works on the public road reserve with conditions of approval as required.</p> <p>If the proposed development is not approved, it is recommended that enforcement action taken to remove the unauthorised works and reinstate the public road reserve.</p> <p><b><u>Amended Comments 23/05/2022</u></b></p> <p>Amended plans received (12/05/2022) which proposes to remove all unauthorised retaining walls and other structures on the public road reserve however plans do not address future ongoing stability once these structures are removed. Additional detail is required and given the reliance of works on the public road reserve this issue must be addressed conceptually as part of the DA.</p> <p>Development Engineering Team to confirm driveway levels and entry alignment to ensure consistency with future road geometry - insufficient information is provided in this regard.</p> <p>The design plan dated 22/5/2022 also does not comply with low level skew profile levels the use of such a profile on the current alignment of the unauthorised parking area is not supported. A driveway crossing perpendicular to the carriageway is required in compliance with Council's standards.</p> <p>The existing road surface levels may be lower than that required in the future. If road levels are raised, to be consistent with the existing longitudinal grade of the road, the driveway (which are at maximum grades) and car port levels will be impacted.</p> <p>The construction of kerb and gutter across the frontage to connect to the existing k&amp;g would be supported and would aid stormwater drainage.</p> <p>Driveway access from the carriageway should be at 90 degrees to the carriageway to improve safe access, although noting this may result in lifting the car port floor level.</p> <p>Once an agreed concept is provided and supported, Council's Development Engineering Team to require Application for Civil Works (Road Act 1993) for detailed engineering design plans to address driveway construction (including alignment and level of proposed driveway layback to ensure consistency with the existing kerb and gutter alignment and levels) associated structures (walls or earthworks) structural support of the driveway and public road reserve. The alignment of the driveway layback for future provision of k&amp;g construction is likely to impact driveway levels.</p> <p>Provision for storage of domestic waste bins to be made within the property boundary. Bins are <u>not</u> to be stored on public road reserve for either the primary or secondary dwelling.</p> <p><b><u>Amended Comments 24/06/2022</u></b></p> <p>Amended plans dated 14/6/2022 DA-503 Rev B appear satisfactory on conceptual basis. Road Act Application will be needed for civil works on road reserve. Condition to be added by Development Engineering Team to resolve geometric and structural details and scope works on road reserve including any retaining walls, widening of driveway crossing to improve access etc once DA plans meet Development Engineering Teams requirements</p>

Internal Referral Body	Comments
	

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### **SEPP (Building Sustainability Index: BASIX) 2004**

A BASIX certificate has been submitted with the application (see Certificate No. 1251540S dated 22 December 2021 for the dwelling house, and 1266544S dated 22 December 2021 for the secondary dwelling).

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

### **SEPP (Transport and Infrastructure) 2021**

#### Ausgrid

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

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

#### Comment:

The proposal was referred to Ausgrid who raised no objections.

### **SEPP (Resilience and Hazards) 2021**

## **Chapter 2 – Coastal Management**

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

### **Division 3 Coastal environment area**

#### **2.10 Development on land within the coastal environment area**

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
  - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

- b) coastal environmental values and natural coastal processes,
- c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- f) Aboriginal cultural heritage, practices and places,
- g) the use of the surf zone.

Comment:

The proposed development maintains the low density residential character of the area and is not likely to impact on the above matters.

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

Comment:

The proposed development has been sited to avoid adverse impacts to the coastal environment.

## **Division 5 General**

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

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

Comment:

The proposal is for a new dwelling and is not likely to cause increased risk of coastal hazards.

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

## **Chapter 4 – Remediation of Land**

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



## Pittwater Local Environmental Plan 2014

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

### Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	8.4m	Yes

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	Proposed Carport - nil Proposed Dwelling - 6.5m	100% N/A	No Yes
Rear building line	6.5m	14.6m	N/A	Yes
Side building line	East - 1m	Proposed Carport - 6.7 Proposed Dwelling - 1m	N/A N/A	Yes Yes
	West - 2.5m	Proposed Carport - 1.0m Proposed Dwelling - 2.5m	60% N/A	No Yes
Building envelope	East - 3.5m	Outside envelope (2 encroachments of nil-0.9m and nil-1.58m for a length of 3.5m and 4.8m respectively)	0-25.7% 0-45.1%	No
	West - 3.5m	Outside envelope (Encroachment of nil-1.39m for a length of 6.9m)	0-39.7%	No

Landscaped area	60%	56.6% (316sqm)	5.7%	No
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#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.11 North Narrabeen Locality	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Yes	Yes
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
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D11.1 Character as viewed from a public place	Yes	Yes
D11.3 Building colours and materials	Yes	Yes
D11.6 Front building line	No	Yes
D11.7 Side and rear building line	No	Yes
D11.9 Building envelope	No	Yes
D11.11 Landscaped Area - Environmentally Sensitive Land	No	Yes
D11.13 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D11.15 Scenic Protection Category One Areas	Yes	Yes

## Detailed Assessment

### **D11.6 Front building line**

#### Description of non-compliance

The control requires that the front building line of all development be setback at least 6.5m from the front boundary.

The proposed development includes a carport that presents a nil setback to the front boundary, representing a variation of 100%. The proposed dwelling is setback 6.5m to the front boundary.

#### Merit consideration

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

- *Achieve the desired future character of the Locality.*

#### Comment:

The proposed development is consistent with the overall intention of the desired future character of the North Narrabeen locality. Carports are common within the front setback along Alleyne Avenue due to the significant slope and limited availability of safe on-street parking along the street. In fact surrounding properties at No. 46, 44, 33, 32, 28, 21, 15 and 13 have carports and garages within the front setback. It is noted that No. 46 has a garage with a nil setback and No. 33 has a carport with a nil setback which were both approved under the current PLEP and PDCP. As such, the proposed carport does not compromise the character of the Locality.

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

#### Comment:

The proposed development is not expected to result in any unreasonable view loss to, from or between public or private places.

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

#### Comment:

Not applicable, as the subject site does not adjoin a main road.

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

#### Comment:

The proposed development does not require the removal of any significant vegetation and new plantings are to be provided throughout the site to soften the built form of the development.

- *Vehicle manoeuvring in a forward direction is facilitated.*

#### Comment:

The proposed development will not facilitate vehicle manoeuvring in a forward direction. Alleyne Avenue is considered a quiet residential street where there are very few examples of sites being able to facilitate vehicle manoeuvring in a forward direction. The sloping topography of

the site provides limited alternatives for on-site parking. Additionally, off-street parking is considered reasonable as safe street parking in Alleyne Avenue is limited.

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

Comment:

The proposed development enhances the existing streetscape by providing a dwelling with appropriate height and bulk that promotes a scale and density that is in keeping with the height of the natural environment by remaining below the height of the surrounding canopy trees.

- *To encourage attractive street frontages and improve pedestrian amenity.*

Comment:

The proposed development encourages active street frontages by providing an appropriately sited dwelling and improves pedestrian amenity by providing off-street parking that reduces the number of cars parked along Alleyne Avenue.

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

Comment:

The proposed development demonstrates a similar character of other sites along Alleyne Avenue which have similar car parking arrangements. The proposed carport is modest in bulk and scale and is well integrated into the dwelling design. The subject site is particularly steep with difficult gradients along the road reserve. The carport has been sited in the most suitable location in response to the slope of the site and effectively provides the safest means of access and parking. Inherently, the proposal relates well to the spatial characteristics of the existing urban environment.

The carport does not contribute to any unreasonable amenity impacts to the adjoining dwellings and is consistent with similar development in the area. Additionally, due to the site constraints the location of the carport is considered acceptable on merit.

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

### **D11.7 Side and rear building line**

Description of non-compliance

Clause D11.7 of the Pittwater 21 DCP requires development be setback at least 2.5m from the western side boundary and 1m from the eastern side boundary.

The development proposes the following:

Western side setback - Proposed carport: 1.0m, Proposed dwelling: 2.5m (carport presents a variation

of 60% to the control)  
Eastern side setback - 1.0m (Complies)

The proposal complies with the 6.5m rear setback control.

### Merit Consideration

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

- *To achieve the desired future character of the Locality.*

#### Comment:

The proposal aligns with the desired future character of the North Narrabeen Locality.

- *To bulk and scale of the built form is minimised.*

#### Comment:

The proposal meets the controls for the eastern side setbacks and the dwelling complies with the western side setbacks, however the carport does not comply with the western side setback. The proposal complies with the controls for height and is consistent with the bulk and scale of the existing dwelling and surrounding development.

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

#### Comment:

The proposal is considered to equitably preserve the available views and vistas to and/or from public and private places.

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

#### Comment:

The proposal is not considered to result in any unreasonable loss of views and maintains the existing view sharing.

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

#### Comment:

The proposed development is modest in bulk and scale and responds to the sloping topography of the site so as not to become visually dominant. The dwelling house complies with the side setback controls which ensures adequate spatial separation between buildings. The proposed carport is a small non-habitable structure and will not impact on the privacy of adjoining properties. It is demonstrated that the proposal ensures a reasonable level of privacy, amenity and solar access within the development site and maintained to residential properties.

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

#### Comment:

The proposed development does not require the removal of any significant vegetation and new plantings are to be provided throughout the site to soften the built form. The proposal maintains



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

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

Comment:

Flexibility should be given to the siting of the carport as it sits within the front building line and the western side setback. Safe street parking along Alleyne Avenue is challenging, therefore providing off-street parking as part of the development is supported.

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

Comment:

The development does not require the removal of significant vegetation. The proposed landscaping is considered sufficient and helps to reduce the built form. Council's Landscape Officer and Biodiversity Officer have reviewed the proposal and raised no objection subject to conditions.

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

Comment:

The proposed development does not adjoin a commercial zone.

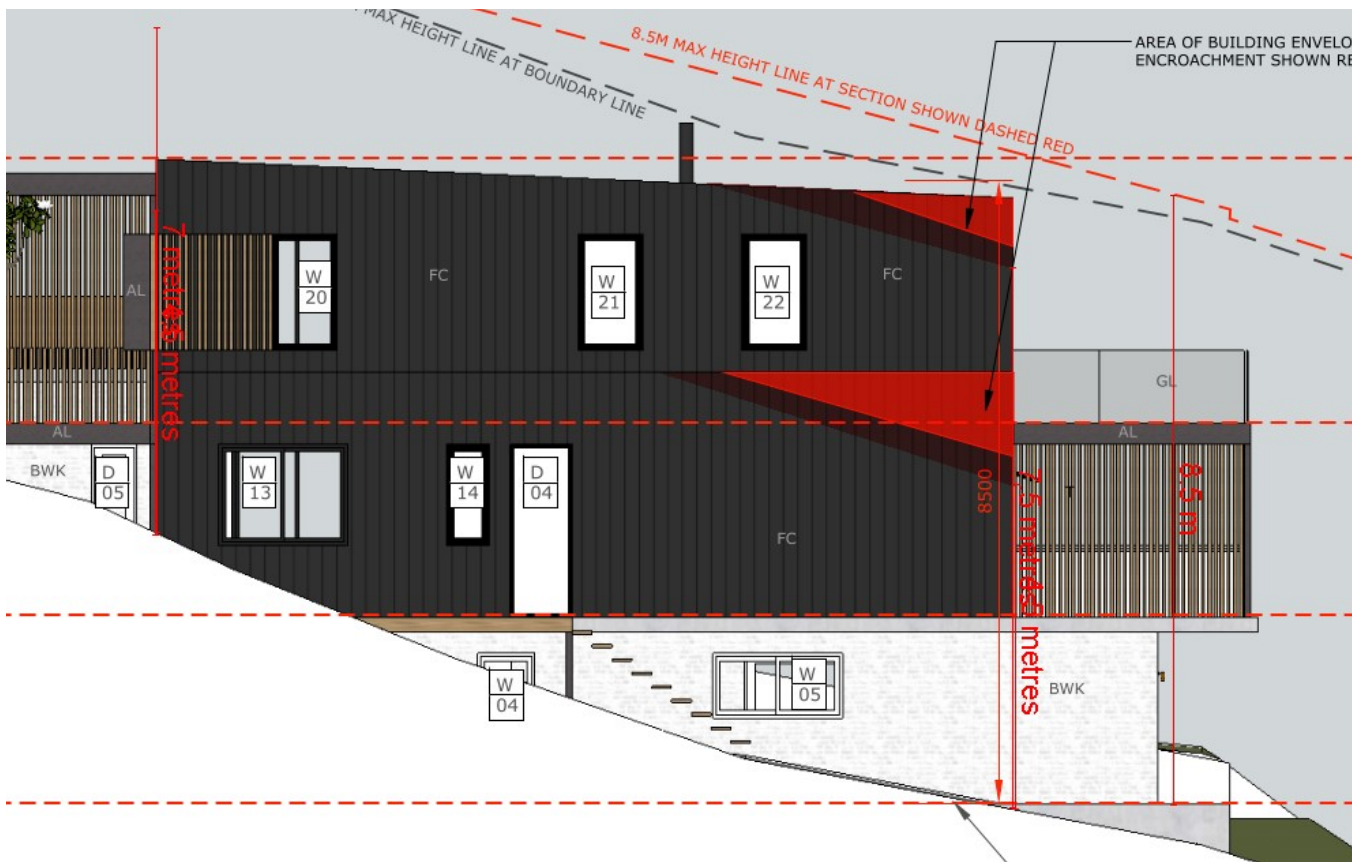
Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PDCP 2014 and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported,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

## **D11.9 Building envelope**

### Description of Non-Compliance

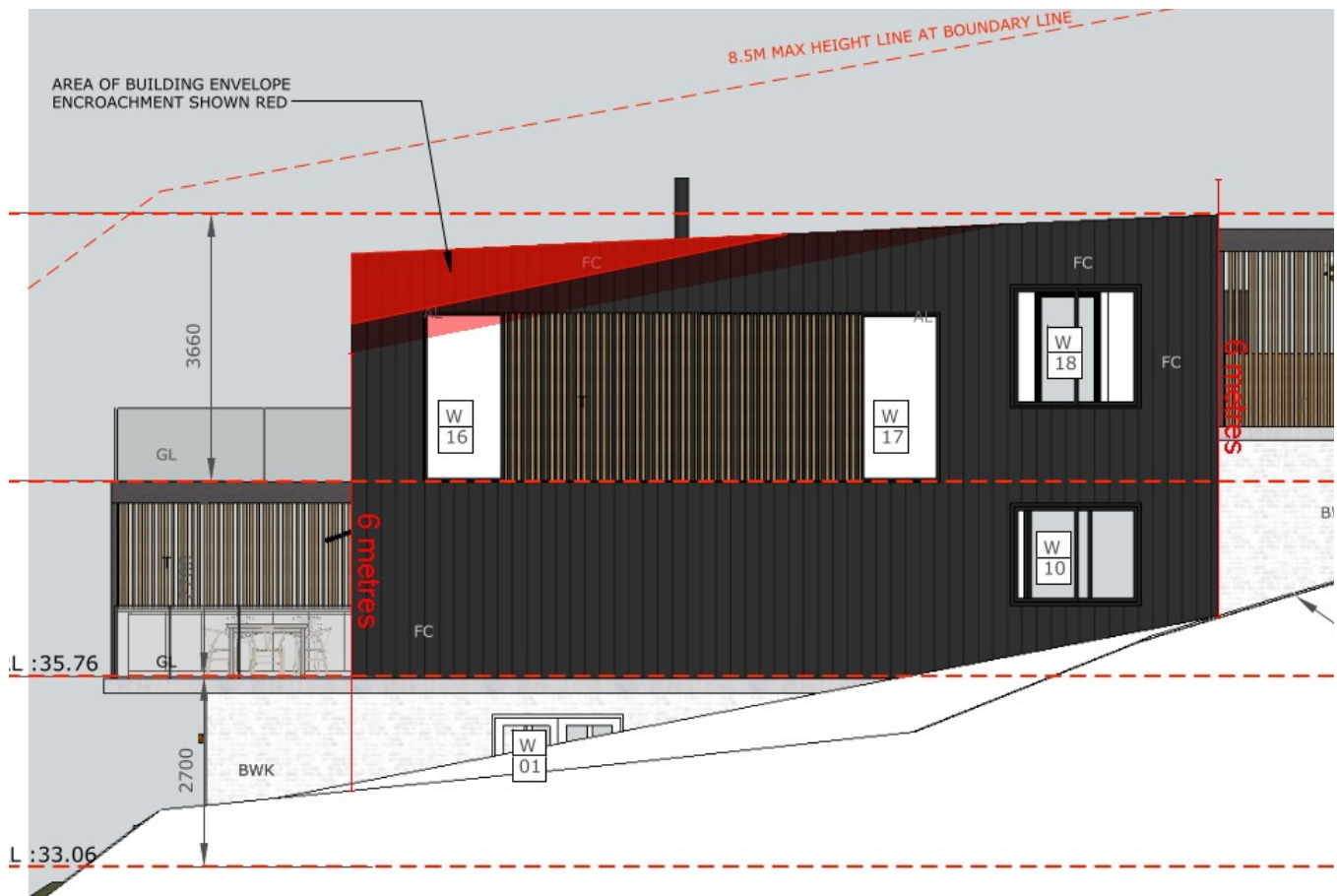
Clause D11.9 Building envelope of the P 21 DCP prescribes a 3.5m side building envelope.

On the eastern elevation there are two encroachments of nil-0.9m and nil-1.58m for a length of 3.5m and 4.8m respectively.



**Figure 1 - Eastern Envelope Breach**

On the western elevation there is an an encroachment of nil-1.39m for a length of 6.9m.



**Figure 2 - Western Envelope Breach**

Merit Consideration:

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

- *To achieve the desired future character of the Locality.*

Comment:

The proposed development is consistent with the overall intention of the desired future character of the North Narrabeen Locality.

- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

Comment:

The proposed development enhances the existing streetscape by providing a dwelling with appropriate height and bulk that promotes a scale and density that is in keeping with the height of the natural environment by remaining below the height of the surrounding canopy trees.

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

Comment:

The proposed development responds to the sloping topography of the site by the stepping in of levels. Inherently, the development reinforces and relates to the spatial characteristics of the

existing natural environment.

- *The bulk and scale of the built form is minimised.*

Comment:

The bulk and scale of the built form has been minimised through the design of the flat roof which helps to minimise the visual impacts of the development. Additionally, the first floor has been stepped in from both the eastern and western boundaries to reduce the bulk and scale of the built form. The dwelling complies with the front, side and rear setback controls which ensures bulk and scale does not become excessive.

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

Comment:

The development is not found to result in any view loss.

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

Comment:

The proposed development is modest in bulk and scale and ensures a reasonable level of privacy, amenity and solar access for neighbouring properties.

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

Comment:

The proposed development does not require the removal of any significant vegetation and new plantings are to be provided throughout the site to soften the built form of the development.

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

### **D11.11 Landscaped Area - Environmentally Sensitive Land**

#### Description of Non-Compliance

Clause D11.11 Landscaped Area of the P21 DCP requires the site to have a landscaped area of 60% of the total site area.

The proposal falls short at 56.6% (316sqm), thus varying the control requirement by 5.7%.

Provided the outcomes of this control are achieved, impervious areas less than 1.0m in width and impervious areas used for outdoor recreational purposes (only up to 6% of site area) can be included in the landscaped area calculation. The inclusion of this variation to the landscaped area increases the calculation to 62.6% (349.5sqm).

#### Merit consideration

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

- *Achieve the desired future character of the Locality.*

Comment:

The proposed development achieves the desired future character of the Locality.

- *The bulk and scale of the built form is minimised.*

Comment:

The bulk and scale of the built form has been minimised through the design of the flat roof which helps to minimise the visual impacts of the development. Additionally, the first floor has been stepped in from both the eastern and western boundaries to reduce the bulk and scale of the built form. The dwelling complies with the front, side and rear setback controls which ensures bulk and scale does not become excessive.

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

Comment:

The proposal provides reasonable amenity for the occupants of the dwelling and those of adjoining properties as a result of adequate separation. The dwelling house complies with the side setback controls which provides privacy and amenity. The proposed carport is a small non-habitable structure and will not impact on the privacy of adjoining properties. It is demonstrated that the proposal ensures a reasonable level of amenity and solar access within the development site and maintained to residential properties.

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

Comment:

The development does not require the removal of significant vegetation. The proposed landscaping is considered sufficient and helps to reduce the built form. Council's Landscape Officer and Biodiversity Officer have reviewed the proposal and raised no objection subject to conditions.

- *Conservation of natural vegetation and biodiversity.*

Comment:

The proposal does not involve the removal of any significant vegetation. As such, the natural vegetation and biodiversity of the site will be conserved.

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

Comment:

Council's Development Engineers have reviewed the application and raised no objection to approval in regards to stormwater runoff, subject to conditions.

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



Comment:

Notwithstanding the shortfall in landscaped area, it is considered that the site would preserve its bushland character and that the development can provide opportunities to enhance it through new landscaping.

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

Comment:

Sufficient pervious surface areas are provided on-site which will continue to provide for the infiltration of water to the water table, minimise run-off and assist with stormwater management.

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

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2022**

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

A monetary contribution of \$9,922 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$992,200.

## **CONCLUSION**

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

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

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

conditions contained within the recommendation.

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/2639 for Demolition works and construction of a dwelling house including a secondary dwelling and swimming pool on land at Lot 52 DP 7593, 25 Alleyne Avenue, NORTH NARRABEEN, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

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

#### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-001 RevA - Site Plan	14 June 2022	Daniel Raymond Architect
DA-100 - Lower Ground Floor Plan	14 October 2021	Daniel Raymond Architect
DA-101 - Ground Floor Plan	14 October 2021	Daniel Raymond Architect
DA-102 RevA - First Floor Plan	14 June 2022	Daniel Raymond Architect
DA-503 RevC - Vehicle Crossing and Driveway Gradient Plan	1 July 2022	Daniel Raymond Architect
DA-300 - East Elevation	6 June 2022	Daniel Raymond Architect
DA-301 - West Elevation	6 June 2022	Daniel Raymond Architect
DA-302 - North Elevation	6 June 2022	Daniel Raymond Architect
DA-303 - South Elevation	6 June 2022	Daniel Raymond

		Architect
DA-400 - Section Sheet 01	6 June 2022	Daniel Raymond Architect
DA-401 - Section Sheet 02	6 June 2022	Daniel Raymond Architect

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate No. 1251540S	22 December 2021	Rama Architects
BASIX Certificate No. 1266544S	22 December 2021	Rama Architects
NatHERS Certificate No. 0006960540	22 December 2021	Efficiency Assessments
Getechnical Report	15 December 2021	White Geotechnical Group
Arborist Report	November 2021	Growing My Way Tree Consultancy

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

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

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	6 December 2021	Daniel Raymond

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

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

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

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

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Response Ausgrid Referral	Undated

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

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

### 3. Prescribed Conditions

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

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

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

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

Reason: Legislative requirement.

#### 4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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



during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(k) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

(m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

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

## FEES / CHARGES / CONTRIBUTIONS

### 5. Policy Controls

#### Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$9,922.00 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 2021. The monetary contribution is based on a development cost of \$992,200.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

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

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

### 6. Security Bond

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

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

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

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

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

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

**7. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White Geotechnical Group dated 15/12/2021 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

**8. 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 Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native vegetation.

**9. 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 RMS 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.

**10. Condition prior to construction certificate being issued.**

**Building Code of Australia Report (Class 2-9)**

The proposed works will create a three storey Class 2 building required to be of Type A Construction.

A 'Building Code of Australia (BCA) Assessment Report' / 'Fire Audit Report' from an appropriately qualified Registered Certifier\* will need to be submitted with the Construction Certificate application addressing the following:

The report is to detail the extent to which the existing building (relevant affected parts) does or

does not comply with the deemed-to satisfy provisions of Sections C, D, E and F of the Building Code of Australia. The report is to also provide recommendations with respect to the existing building / works required to ensure that the specified measures and facilities contained in the existing building, including any modifications to be made by the proposed development are appropriate for its intended use to:

- i) restrict the spread of fire from the building to other buildings nearby, and
- ii) protect persons using the building, and to facilitate their egress from the building in the event of fire, and
- iii) where appropriate, provide access for persons with a disability, and
- iv) provide facilities and services appropriate for the development

*\*To be regarded as an "appropriately qualified registered certifier" the certifier must hold the relevant level of accreditation that would enable the certifier to issue a construction certificate for the subject building.*

The 'Building Code of Australia (BCA) Assessment Report' / 'Fire Audit Report' is to be submitted to the Certifying Authority with the Construction Certificate application.

**Reason:** To ensure adequate provision is made for Health, Amenity, access and Fire safety for the building occupant's health and safety.

#### 11. **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 Stellen Consulting, drawing number DR-000, DR-001, DR-002, DR-003, dated 21/12/2021. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. Level Spreader design shall be accordance with Appendix 4 of Council's Water Management for Development Policy.
- ii. Stormwater flows from the whole site are to be restricted for all storm events up to and including the 1% AEP storm event.
- iii. Total discharge including bypass flows and controlled flows through the level spreader must not exceed the 20% AEP state of nature storm event.
- iv. The level spreader should not be located within three meters of the side or rear boundary.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority 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.

**12. 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 four (4) copies of Civil Engineering plans for the design of civil works in the road reserve which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

1. A vehicular crossing 5 meters wide should be constructed in accordance with Council's standard drawing A4/3330/3 NL.
2. The proposed retaining wall along the western edge of the driveway shall have a minimum 600mm setback from the boundary with the adjacent property.
3. The road reserve on the eastern side of the elevated driveway shall be battered to match the existing levels of the adjacent property.
4. The alignment and level of proposed driveway layback is to ensure consistency with the existing kerb and gutter alignment and levels.
5. The Applicant shall provide engineering long-sections at both edges and centerline of the proposed access driveway to the proposed garage and demonstrate compliance with AS2890. The sections are to include dimension as well as existing and proposed levels.
6. Engineering cross sections for the footpath and the road reserve to show the changes proposed changes on the road reserve between the subject site and adjacent properties.
7. Structural and certificate details of the driveway retaining wall, piers and slab designed by a Structural Engineer
8. Safety barriers and sight distances are to be in accordance with AS/NZS 2890.1:2004.
9. The application is to include a geotechnical report that is prepared by an appropriately qualified Geotechnical Engineer to assess the impact of the proposed elevated driveway and associated works on the road embankment.
10. A services plan indicating all services in the road reserve. Where any services are to be adjusted as a result of the works, approval from the relevant service authority is to be provided.
11. Concurrence from Telstra shall be provided regarding the proposed works adjacent to the existing Telstra pit in the road reserve.
12. Details of the tree protection measures for the existing street tree in accordance with the arborist recommendations.

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 Certifying Authority prior to the issue of the Construction Certificate

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

**13. Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the

protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer.

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

Reason: To provide public and private safety.

**14. Compliance with Standards**

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

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

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

**15. Sydney Water "Tap In"**

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

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

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

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

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

**16. Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages and the street tree fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment under section 5 Discussion for T1 Eucalyptus paniculata (Grey Gum), and the works under "Site Specific Tree Plan of Management".

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Street tree protection.

**17. Tree and Vegetation Protection**

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

i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation, unless the exempt species is



documented for retention,

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

b) Tree protection shall be undertaken as follows:

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

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment, as listed in the following sections:

- i) section 5 Discussion, and the works under “Site Specific Tree Plan of Management”.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

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

(s) is prohibited.

Reason: Tree and vegetation protection.

**18. 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.

**19. 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.

**20. Geotechnical Requirements**

All recommendations identified in the Geotechnical Report referenced in Condition 1 of this consent, that are required to occur during works must be done.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

**21. Demolition Works - Asbestos**

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

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

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

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

Reason: To ensure the long term health of workers on site and occupants of the building is not

put at risk unnecessarily.

**22. Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

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

Reason: To demonstrate the proposal complies with the approved plans.

**23. Installation and Maintenance of Sediment Control**

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

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

**24. Waste Management During Development**

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

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

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

**25. Civil Works Supervision**

The Applicant shall ensure all civil works approved in the Section 138 approval are supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

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

**26. 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 RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) 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.

**27. Landscape Completion**

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

- i) all trees as scheduled (*Banksia integrifolia*) 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, and watered until established, and shall be located at least 3.0 metres from buildings, 2.0 metres from structures, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,
- ii) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- iii) 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.

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

Reason: Environmental amenity.

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

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

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

**29. Waste Management Confirmation**

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

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

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

The Applicant shall lodge a Legal Documents Authorisation Application with Council. The application is to 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 by a Registered Surveyor) and Hydraulic Engineers' certification for the completed on-site stormwater detention system works. A guide to the process can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/guide-submitting-ldaa-nov19.pdf>

The form for the application can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/4023-legal-documents-authorisation-oct19.pdf>

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

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

Reason: To ensure the on-site stormwater detention system is maintained to an appropriate operational standard and not altered.

31. **Certification Elevated Parking Facility Work**

The Applicant shall submit a Structural Engineers' certificate certifying that the elevated parking facility was constructed in accordance within this development consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation.

Reason: Compliance with this consent.

32. **Retaining wall**

The retaining wall works shall be certified as compliant with all relevant Australian Standards and Codes by a Structural Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: Public and Private Safety

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

34. **Swimming Pool Requirements**

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

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

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

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

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

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

(e) Signage showing resuscitation methods and emergency contact

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

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

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

Reason: To protect human life.

35. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.



Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

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

36. **Landscape Maintenance**

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

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

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

Reason: To maintain local environmental amenity.

37. **Protection of Habitat Features**

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

Reason: To protect wildlife habitat.

38. **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.

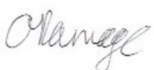
39. **Swimming Pool/Spa Motor Noise**

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

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

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

**Signed**



**Olivia Ramage, Planner**

The application is determined on 18/07/2022, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**