

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/1348
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 6 DP 111254, 1142 Pittwater Road COLLAROY NSW 2097
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Yan Honda Architects

Application Lodged:	14/10/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	20/01/2025 to 03/02/2025
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 970,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to existing existing dwelling house, comprising of:

- Retention of the existing garage at the front of the building and the retention of existing external walls on the eastern and southern elevations, including partial retention of the existing northern external walls.
- Internal alterations to the existing ground floor, in addition to new external walls on portions of the northern elevation and eastern elevation.
- New first floor addition that provides five bedrooms, five bathrooms and a living room.
- New 1.8m high colourbond fence on the insides of the northern and southern side boundaries for portions of the side boundary extents.

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

Assessment - Concurrence - Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.118

Warringah Local Environmental Plan 2011 - 6.1 Acid sulfate soils

Warringah Local Environmental Plan 2011 - 6.2 Earthworks

Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land

Warringah Local Environmental Plan 2011 - 6.5 Coastline hazards

Warringah Development Control Plan - B1 Wall Heights

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

Warringah Development Control Plan - D7 Views

Warringah Development Control Plan - D9 Building Bulk

Warringah Development Control Plan - D15 Side and Rear Fences

SITE DESCRIPTION

Property Description:	Lot 6 DP 111254 , 1142 Pittwater Road COLLAROY NSW 2097
Detailed Site Description:	<p>The subject site consists of one allotment located on the eastern side of Pittwater Road within the Collaroy locality.</p> <p>The site is regular in shape with a width of 15.24 metres (m) and a depth of 37.795m. The site has a surveyed area of 551.1 square metres (sqm).</p>

The site is located within the R2 Low Density Residential zone pursuant to the Warringah Local Environmental Plan 2011 (WLEP) and currently accommodates a single storey dwelling house including an attached garage located in the front setback area.

The site is devoid of any significant planting and the rear third of the site contains a level lawn area.

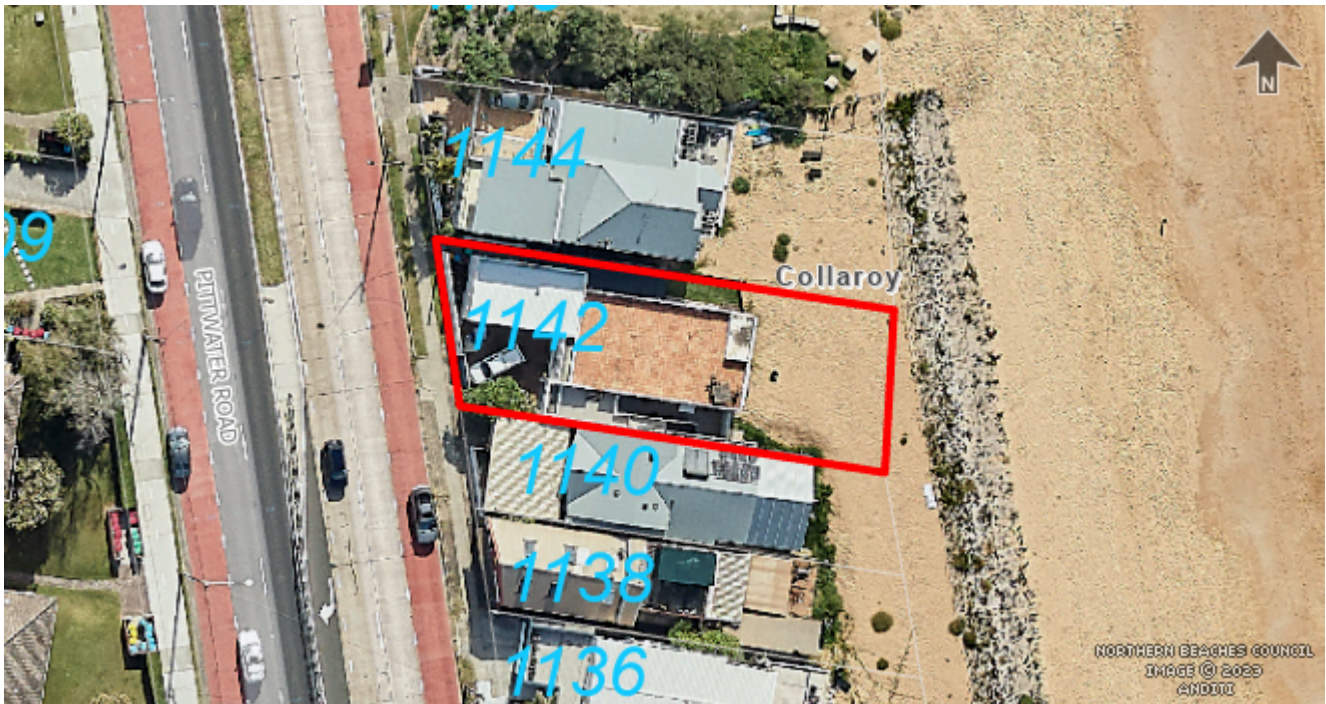
The site is located on the coastal foreshore and is environmentally constrained by coastal hazards. Coastal protection works adjoin the site directly to the rear boundary.

The title of the land is also constrained by the following easements and covenants:

- Easement for works 20m wide and variable width, which encroaches only partially into the rear of the site.
- Easement for support 5.8m wide and variable width at the rear of the site.
- Easement for access, construction support and maintenance 5.8m wide and variable width at the rear of the site.
- Easement to drain water 1.7m wide in the rear third of the site.
- Easement to drain sewage 1.7m wide in the rear third of the site.
- Restriction on the use of the land within the rear 5.8m of the site that prevents landowners from placing any permeant or not easily removal improvements, structures or objects in the rear 5.8m of the site that would prevent access for machinery and equipment to enter the rear of the site for maintenance.

The surrounding built environment on the eastern side of Pittwater Road along the foreshore area is generally characterised by one or two storey dwelling houses, although there are some examples of older multi-storey residential flat buildings that were constructed pursuant to repealed planning instruments.

Map:



SITE HISTORY

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

- **Development Application DA2017/0591** for coastal protection works approved by the Northern Beaches Local Planning Panel with several deferred commencement conditions on 5 September 2018. These deferred commencement conditions were satisfied on 20 July 2022.

CURRENT DEVELOPMENT APPLICATION HISTORY

The subject site and surrounding environment was inspected on 4 December 2024.

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

- The development resulted in a 40.82% variation to the WDCP side building envelope requirement on the northern elevation and a 38.78% variation to the WDCP side building envelope requirement on the southern elevation. The extent of non-compliance was indicative of excessive building bulk on the side elevations of the development.
- The development included only 28.07% (154.7sqm) of the site area as landscaped open space (LOS), which is a significant variation to the 40% control required by the WDCP.

- The building footprint encroached into the 10m building rear setback requirement under the Collaroy-Narrabeen Beach and Fishermans Beach Coastal Zone Management Plan (CZMP). The external patio is permitted within this area; however, the footprint of the building is not.

The applicant subsequently amended the development application pursuant to Section 37 of the Environmental Planning and Assessment Regulation 2021 by submitting amended architectural plans that included the following amendments:

- The first floor addition included reduced floor to ceiling heights and increased first floor setbacks from the lower floors to reduce the extent of the side building envelope non-compliance from a maximum of 40.82% to a maximum of 16.42% (i.e. less than 1m of the building protrudes outside of the side envelope requirement). These amendments appropriately minimises the bulk of the side elevations, noting that while there is still numerical non-compliance, the bulk of the building is minimised by providing appropriate building articulation and modulation (i.e. stepping and recessing of side walls) and the use of varied materials.
- The proportion of LOS was increased from 28.07% (154.7sqm) to 35.22% (194.07sqm).
- The ground floor building footprint was amended to be located outside of the 10m rear setback requirement under the CZMP. The patio and cantilevered planter boxes are permitted within these areas.
- Raised ceilings were employed in the middle of the building footprint to provide for increased sunlight internally within the building to offset the reduction in floor to ceiling heights at the side elevations of the building. Importantly, these increased ceilings remain wholly within the side building envelope requirement.

The amended application was re-notified to surrounding properties. No additional submissions were received following the second public exhibition period.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development instrument	Warringah Development Control Plan 2011 (WDGP) applies to this proposal.

Section 4.15 Matters for Consideration	Comments
control plan	
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>Part 4, <u>Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p>Clauses 36 and 94 of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to amended plans to address the extent of WDCP side building envelope non-compliance, the landscaped open space (LOS) non-compliance and the ground floor rear setback that is required under the Collaroy-Narrabeen Beach and Fishermans Beach Coastal Zone Management Plan. Amended architectural plans were subsequently received to resolve Council's concerns.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Environmental Planning Instruments and WDCP sections in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 20/01/2025 to 03/02/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

Name:	Address:
Mr Michael John Davy	22 / 26 Wattle Road BROOKVALE NSW 2100

One submission was received from a representative of the occupants of the southern adjoining property (1140 Pittwater Road). The submission raised concerns in relation to the height of the side boundary fence (being 1.8m in height) and requested that it be lowered to 1.5m to enable the retention of standing views over the shared side boundary.

This matter has been discussed in detail within the section of this report relating to Section D7 of the Warringah Development Control Plan 2011. In summary, the assessment has concluded that reasonable view sharing has been achieved. Hence, lowering the height of the fence cannot be justified in this instance.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulfate)	<p>General Comments</p> <p>The statement of environmental effects accompanying the proposal lists the site as class t5 acid sulphate soils whereas Council records lists the site as classes 4 and 5 acid sulphate soils.</p> <p>The proposed works as outlined in the statement of environmental effects and associated plan set do not appear to describe any works that would require investigation into the presence of potential or actual acid sulphate soils as per section 6.1 of the Warringah LEP 2011.</p> <p>Accordingly, the proposal is supported with a recommendation to place a consent condition requiring notification should new evidence present during works as the potential to disturb acid sulphate soils</p> <p>Recommendation</p>

Internal Referral Body	Comments
	APPROVAL - subject to conditions
Landscape Officer	<p>The proposal is supported with regard to landscape issues.</p> <p>The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to):</p> <ul style="list-style-type: none"> • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation <p>It is noted that the existing landscaped area is deficient and the proposal will further increase this deficiency. This matter shall be assessed and determined under merit consideration by the Assessing Planning Officer. It is also noted that the proposed turf cell area will function as a driveway and/or carparking and WDCP part D1 requirement 1.a) states "<i>Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation</i>".</p> <p>Should the development application be approved the landscape proposal is generally supported and all proposed planting shall be installed in accordance with the requirements outlined in the conditions of consent. At least one native tree shall be installed with the property boundaries and be a species that is not on Council's exempt tree species list. All on slab landscape planters shall meet Council's minimum soil depth requirements. <i>Rhaphiolepis</i> species are deemed an environmental threat and shall be substituted with a suitable alternative.</p>
NECC (Bushland and Biodiversity)	<p>Council's Biodiversity Referrals team have assessed the Development Application for compliance against the following applicable provisions:</p> <ul style="list-style-type: none"> • Warringah DCP cl. E2 Prescribed Vegetation • Warringah DCP cl. E4 Wildlife Corridors • Warringah DCP cl. E6 Retaining Unique Environmental Features • SEPP (Resilience and Hazards) 2021 cl. 2.10 Development within the coastal environment area <p>The subject lot does not contain any native vegetation nor unique environmental features and as such the proposed development is not likely to impact upon biodiversity.</p> <p>No objections, subject to recommended conditions.</p>
NECC (Coast and Catchments)	<p>General Comments</p> <p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports;

Internal Referral Body	Comments
	<ul style="list-style-type: none"> Coastal Management Act 2016; State Environmental Planning Policy (Resilience and Hazards) 2021 and Relevant LEP and DCP clauses <p>Supplied plans and reports</p> <p>The proposed works are located landward of recently constructed coastal protection works completed under DA2017/0591. At the time of completing this referral the Occupation Certificate for DA2017/0591 had been granted. This response has been prepared based on review of the following documents relevant to the site and application:</p> <ul style="list-style-type: none"> Coastal Engineering report prepared by Horton Coastal Engineering Pty Ltd, dated 2 October 2024, submitted with application DA2024/1348. <p>The matters relevant to the coastal assessment of this application are the impacts to the proposal from coastal process and location of the building in relation to minimum set backs for development outlined in the Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fisherman's Beach.</p> <p>This application proposes to encroach in the set backs established through the Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fisherman's Beach. This is justified from a coastal process and coast hazard perspective. Consideration of the impact of this encroachment on the views of adjoining properties will undertaken by Council's planner coordinating the assessment of this application.</p> <p>Based on this assessment the proposal is supported subject to condition. Specifically that the recommendations made in sections 5 and 7 of the Coastal Engineering report prepared by Horton Coastal Engineering Pty Ltd, dated 2 October 2024 be incorporated into the development.</p> <p>Coastal Management Act 2016</p> <p>The subject site has been identified as being within the coastal zone and therefore the Coastal Management Act 2016 is applicable to this DA. The proposed development is considered to be consistent with the objects, as set out under Part 1 Section 3 of the Coastal Management Act 2016.</p> <p>State Environmental Planning Policy (Resilience & Hazards) 2021.</p> <p>The subject land has been included on the 'Coastal Environment</p>

Internal Referral Body	Comments
	<p>Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP). Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA.</p> <p>On internal assessment the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.</p> <p>Warringah LEP 2011 and Warringah DCP 2011</p> <p>The proposal is considered to comply with clause 6.5 of Warringah LEP 2011 and E9 of Warringah DCP 2011.</p>
NECC (Development Engineering)	<p>The subject site benefits from a drainage easement. The submitted stormwater plans which indicate the collection of stormwater from the site with a connection to the existing stormwater pipe within the easement is acceptable.</p> <p>The existing driveway crossing needs to be reconstructed as part of the works as it is in a poor condition.</p> <p>Development Engineering support the proposal subject to conditions as recommended.</p>
NECC (Riparian Lands and Creeks)	No riparian issues on-site, and no objection.
Parks, reserves, beaches, foreshore	The property adjoins Collaroy beach to the east. No physical encroachments over the site boundaries are permitted, and structures and built elements are not permitted beyond the site boundaries. All development works must ensure that surface sediment runoff and/or erosion is controlled, managed and contained within the site boundaries.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

application hereunder.

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

SEPP (Sustainable Buildings) 2022

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

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

SEPP (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure

Section 2.48 - Determination of development applications - other development

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.

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.

Section 2.119 - Development with frontage to classified road

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment:

The development meets the above-mentioned criteria for the following reasons:

- The development would only generate approximately 4 vehicular movements per day (i.e. 2 in and 2 out) and would not adversely impact upon the safety, efficiency and ongoing operation of Pittwater Road, being the classified road. Transport for NSW have also reviewed the application and raised no concerns in relation to traffic generation.
- The existing vehicle crossing will be maintained as per the existing arrangement.
- The development relates to residential accommodation and will not result in substantial on-going air quality emissions with respect to smoke or dust, apart from minor engine emissions from vehicular movements which is minor and acceptable.

Section 2.120 - Impact of road noise or vibration on non-road development

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Comment:

Pittwater Road generates approximately 35,000 vehicles per year as per Transport for NSW's traffic volume viewer. Hence, the above-mentioned noise criteria is applicable.

The applicant has not provided a Noise Impact Assessment to demonstrate how the above-mentioned noise criteria could be achieved. Notwithstanding, the dwelling house is considered to be a less sensitive use when compared to a multi-dwelling residential development.

The assessment has therefore concluded that it is appropriate to recommend a condition of consent that requires an acoustic consultant to provide certification to the Certifier prior to the issue of the Construction Certificate to confirm that the internal rooms within the dwelling house will achieve the required noise criteria.

With this condition in place, the development will meet the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP).

Conclusion

The development will meet the relevant provisions under the TI SEPP, subject to recommended conditions.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in non-rural areas

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

Part 2.3 has been considered and the development does not propose the removal of any vegetation in order to facilitate the development. Therefore, no further consideration of Chapter Two is required.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is located within the Coastal Use Area and Coastal Environment Area within the meaning of State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP). Accordingly, the development is assessed against the relevant provisions within Chapter 2 of the RH SEPP 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.*
- 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 development is consistent with the above-mentioned provisions for the following reasons:

- The development does not result in the removal of any marine or native vegetation or significantly alter hydrological processes.
- Access to or along the foreshore will be maintained as per existing arrangements.
- The development is confined to private property and will not affect the use of the surf zone.
- The development will not disturb any Aboriginal sites.
- Sediment and erosion control measures will be in place during construction works to mitigate sedimentation of the foreshore.

In this regard, the assessment has concluded that the development is designed, sited and will be managed to avoid adverse impacts within the coastal zone.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - i) *existing, safe access to and along the foreshore, beach, headland or rock*
 - ii) *platform for members of the public, including persons with a disability,*
 - iii) *overshadowing, wind funnelling and the loss of views from public places to*
 - iv) *foreshores,*
 - v) *the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and*
 - b) *is satisfied that:*
 - i) *the development is designed, sited and will be managed to avoid an*
 - ii) *adverse impact referred to in paragraph (a), or*
 - iii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment:

The development is consistent with the above-mentioned provisions for the following reasons:

- Access to or along the foreshore will be maintained as per existing arrangements.
- The development is confined to private property and will not affect the use of the surf zone.
- The development will not disturb any Aboriginal sites.
- The development will not obstruct view corridors from public places to the coastal foreshore, nor will there be any wind funnelling or substantial overshadowing of the foreshore.
- The height, bulk, scale and size of the development is in keeping with surrounding development and therefore, the development will not significantly detract from the visual amenity of the locale.

In this regard, the assessment has concluded that the development is designed, sited and will be managed to avoid adverse impacts within the coastal zone.

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:

A Coastal Engineering Report (CER) (prepared by Horton Coastal Engineering, dated 2 October 2024) has been submitted with this application. The CER concludes that the development is acceptable from a coastal planning perspective, subject to the following measures that will reduce coastal inundation risk to acceptable levels:

- any new power points and other electrical items that could be damaged by inundation shall be raised at least 0.5m above the ground floor; and
- the glass doors on the seaward side of the dwelling shall have toughened and laminated glass such that the glass holds together when shattered, and shall also have conventional weatherproofing features along its base (such as door pan flashing).

Council's Coastal Engineering Officer has reviewed the application including the CER and concludes that the development is satisfactory from a coastal planning perspective, subject to the inclusion of the above-mentioned recommendations as conditions of consent.

With these conditions in place, the assessment has concluded that the development is not likely to cause increase risk of coastal hazards on the subject site and surrounding land.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

The assessment has considered the requirements of the CZMP. During the assessment the applicant has removed the 'piled' elements of the building from outside of the 10m rear setback requirement under the CZMP. As such, the development complies with the CZMP.

As such, it is considered that the application complies with the requirements of Chapter 2 of the RH SEPP.

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.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m max.	7.9m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
6.5 Coastline hazards	Yes

Detailed Assessment

6.1 Acid sulfate soils

The site is located within the Class 4 and 5 areas on the WLEP Acid Sulfate Soils Map. However, as there are no works that extend 2m or more below the existing ground level, an Acid Sulfate Soils Management Plan is not required pursuant to Clause 6.1 of the WLEP.

Council's Environmental Health Officer has recommended a condition that requires Council and the Certifier to be notified in the event that acid sulfate soils are exposed during construction works.

Overall, the development complies with the jurisdictional matters under Clause 6.1 of the WLEP.

6.2 Earthworks

The development involves minimal excavation and no substantial filling on the site. As such, the earthworks are not likely to adversely impact upon the matters referred to under Clause 6.2 of the WLEP. Conditions are recommended to mitigate the impacts of earthworks on adjoining properties.

6.4 Development on sloping land

The development is located within Area A on the WLEP Landslip Risk Map. For development within Area A, no geotechnical certification is required.

The assessment has concluded that the development satisfies the jurisdictional requirements under Clause 6.4 for the following reasons:

- The development involves minimal earthworks and is not likely to increase the risks of landslides within the locality.
- Stormwater will be conveyed into the Pittwater Road stormwater drainage system and therefore, the development will not result in adverse off-site stormwater impacts.

6.5 Coastline hazards

The development is located on the WLEP Coastline Hazard Map. Therefore, Clause 6.5 of the WLEP is applicable to this assessment.

As detailed within the section of this report relating to the RH SEPP, the development is considered to be satisfactory from a coastal planning perspective, subject to the inclusions of the following conditions of consent that have been recommended by the CER:

- any new power points and other electrical items that could be damaged by inundation shall be raised at least 0.5m above the ground floor; and
- the glass doors on the seaward side of the dwelling shall have toughened and laminated glass such that the glass holds together when shattered, and shall also have conventional weatherproofing features along its base (such as door pan flashing).

With these conditions in place, the development will satisfy the jurisdictional requirements under Clause 6.5 of the WLEP.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m max.	7.77m	7.91%	No
B3 Side Boundary Envelope	4m / 45 degrees (north)	Outside Envelope	16.42%	No

	4m / 45 degrees (south)	Outside Envelope	11.68%	No
B5 Side Boundary Setbacks	0.9m (north)	Ground Floor: 1.2m (new elements) First Floor: 1.42m - 3m	- -	Yes Yes
	0.9m (south)	Ground Floor: 2.8m (new elements) First Floor: 1.48m - 3m	- -	Yes Yes
B7 Front Boundary Setbacks	6.5m	Ground Floor: No change to existing First Floor: 5.5m - 7.9m	- 15.38%	Yes No
B9 Rear Boundary Setbacks	6m	8.1m (ground floor patio)	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (220.44sqm)	35.22% (194.07sqm)	11.96%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D15 Side and Rear Fences	No	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E9 Coastline Hazard	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

Section B1 of the Warringah Development Control Plan 2011 (WDCP) requires development to have a maximum wall height of 7.2m when measured from the underside of the ceiling on the upper floor to the existing ground level.

The external wall heights on the northern and southern elevations are 6m in height; however, the raised ceilings in the middle of the building footprint are 7.77m in height, which exceed the numerical requirement of 7.2m.

Merit consideration:

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

- To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The development is highly articulated and steps in from the side boundaries as the building height increases, which appropriately minimises the bulk and scale of the building as observed from the public domain and private properties. The non-compliant proportions of the wall height are also located centrally within the building footprint and will not have any adverse impacts on the adjacent residential properties. Overall, this objective is achieved.

- To ensure development is generally beneath the existing tree canopy level*

Comment:

The development remains below the established tree canopy within the locality.

- *To provide a reasonable sharing of views to and from public and private properties.*

Comment:

The non-compliant proportions of the wall height are centrally within the building footprint to enable sufficient view corridors through the side of the property. No surrounding properties have raised concerns in relation to view loss from the building footprint (noting that the submission received by Council has only raised concerns about the 1.8m high boundary fence and potential view loss from the fence - not the proposed building). The assessment has concluded that the development will allow for reasonable view sharing.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

The non-compliant proportions of the wall height are located centrally within the building footprint and will not have any adverse impacts on the adjacent residential properties.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

The development involves minimal excavation and does not significantly alter the natural landform.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The raised ceilings in the middle of the building footprint provide for increased solar access into the first floor habitable rooms. This is considered to be an innovative roof design.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the objectives of Section B1 of the WDCP.

Therefore, the application is supported on merit, consistent with Section 4.15(3A)(b) of the Environmental Planning and Assessment Act 1979, which requires the consent authority to be flexible in applying numerical / prescribed requirements within a Development Control Plan (DCP) if the objectives of the DCP provision are achieved.

B3 Side Boundary Envelope

Description of non-compliance

Section B3 of the WDCP requires buildings to remain within a side building envelope that is determined by projecting planes at 45 degrees from a height of 4m above the existing ground level at side boundaries.

The development includes partial encroachments outside of the side envelope requirement on the northern and southern elevations (refer to **Figures 1-2**).



Figure 1 - northern elevation envelope breaches highlighted in red

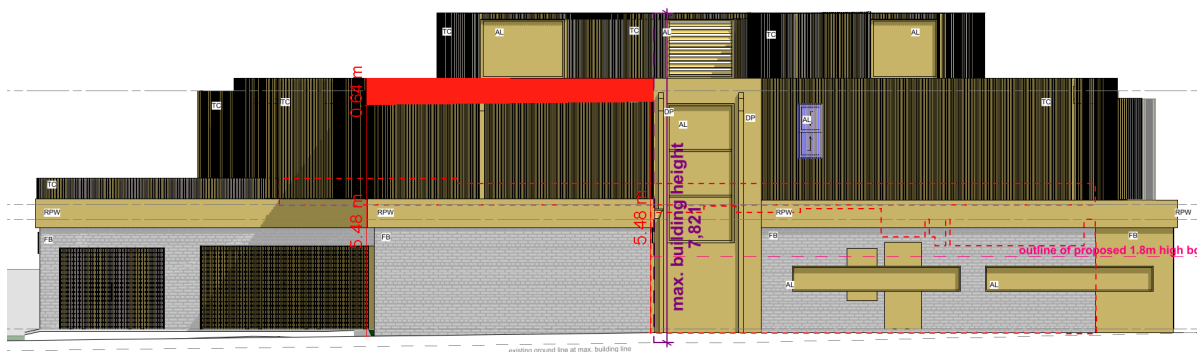


Figure 2 - southern elevation envelope breach highlighted in red

Merit consideration

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

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment:

The development is compliant with the WLEP height of buildings development standard and commensurate with the height of surrounding low density residential development on the eastern side of Pittwater Road. Additionally, the bulk of the northern and southern elevations has been appropriately reduced by providing appropriate building articulation and modulation (i.e. stepping and recessing of side walls) and the use of varied materials. For these reasons, the assessment has concluded that the development will not become visually dominant by virtue of its height and bulk.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment:

The northern and southern elevations of the first floor addition include timber screening to habitable rooms to mitigate adverse privacy impacts to adjoining properties. The larger window openings that do not include privacy attenuation measures adjoin the hallway, which is not a habitable room and any overlooking from this area will be infrequent and therefore, reasonable.

A review of the shadow diagrams has revealed that the private open space on adjoining properties will obtain the required 3 hours of sunlight on June 21, consistent with the WDCP solar access provision.

The first floor addition has also been appropriately stepped in from the lower floor to provide adequate separation between buildings.

Overall, the development achieves this objective.

- *To ensure that development responds to the topography of the site.*

Comment:

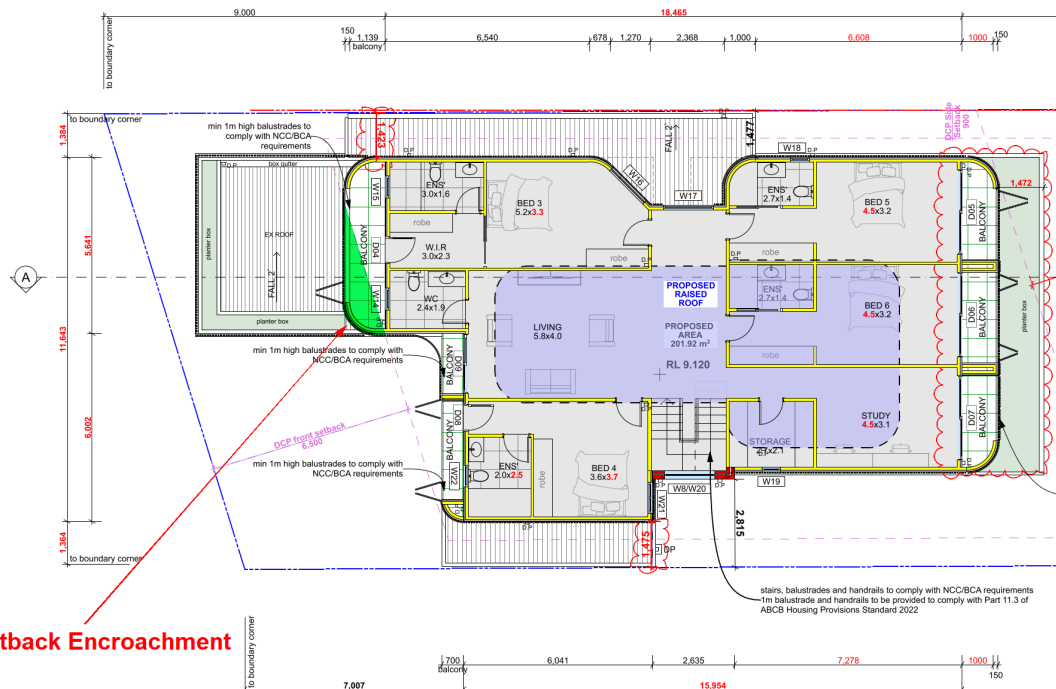
The site is generally flat and the development is considered to be an appropriate response to the site topography, insofar as the building steps in from the side elevations as the building height increases.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the objectives of Section B3 of the WDCP. Therefore, the application is supported on merit, consistent with Section 4.15(3A)(b) of the Environmental Planning and Assessment Act 1979.

B7 Front Boundary Setbacks

Description of non-compliance

Section B7 of the WDCP requires development to be setback at least 6.5m from front boundaries. The first floor addition includes a partial encroachment into the 6.5m front setback area, providing a minimum front setback of 5.5m (see **Figure 3**).



- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

The development is a high quality design that is well articulated and incorporates various external finishes. The development will enhance the visual quality of the streetscape.

- *To achieve reasonable view sharing.*

Comment:

The front setback non-compliance, which relates to the open balcony, will not result in adverse view loss.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the objectives of Section B7 of the WDCP. Therefore, the application is supported on merit, consistent with Section 4.15(3A)(b) of the Environmental Planning and Assessment Act 1979.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

Section D1 of the WDCP requires at least 40% of the site to comprise of landscaped open space (LOS). The development proposes 35.22% (194.07sqm) of the site area as LOS, which does not meet the minimum requirement.

Merit consideration

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

- *To enable planting to maintain and enhance the streetscape.*

Comment:

The development only reduces the existing LOS on the site by 4.02sqm (0.73% of the site area). However, the landscaped setting of the site will be improved, given new small tree planting and screen planting is proposed on the site. As such, the development will enhance the natural amenity of the streetscape.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

Indigenous vegetation will be enhanced on the site through the provision of new native planting on the site. No prescribed vegetation is also proposed for removal.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The proportions of LOS provided on the site are suitable to accommodate for the proposed vegetation planting that is depicted on the approved Landscape Plan. The planting will assist at mitigating the bulk and scale of the building, along with the various design treatments provided on the building.

- *To enhance privacy between buildings.*

Comment:

The development does not result in adverse privacy impacts.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The LOS in the rear yard is of a sufficient size to provide appropriate outdoor recreational opportunities for the occupants of the building.

- *To provide space for service functions, including clothes drying.*

Comment:

The LOS in the rear yard is of a sufficient size to service functions.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

Council's Development Engineer is satisfied that the development will adequately manage stormwater.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the objectives of Section D1 of the WDCP. Therefore, the application is supported on merit, consistent with Section 4.15(3A)(b) of the Environmental Planning and Assessment Act 1979.

D7 Views

Council received a submission from the occupants of the southern adjoining property (1140 Pittwater Road) concerning potential view impacts. The submission did not raise any concerns with the dwelling house itself; however, requested that the side boundary fencing be reduced from 1.8m in height to 1.5m in height to enable the retention of standing views to the north over the shared side boundary.

Accordingly, the assessment has considered view loss from the adjoining property. For the purpose of this view loss assessment, an inspection from the adjoining property was not deemed necessary, noting that the concerns only relate to the proposed boundary fencing. The site inspection at the subject site and the documentation submitted with the application is sufficient to conclude the extent of impacts from the adjoining property are acceptable.

Figure 4 depicts the subject site and southern adjoining property.

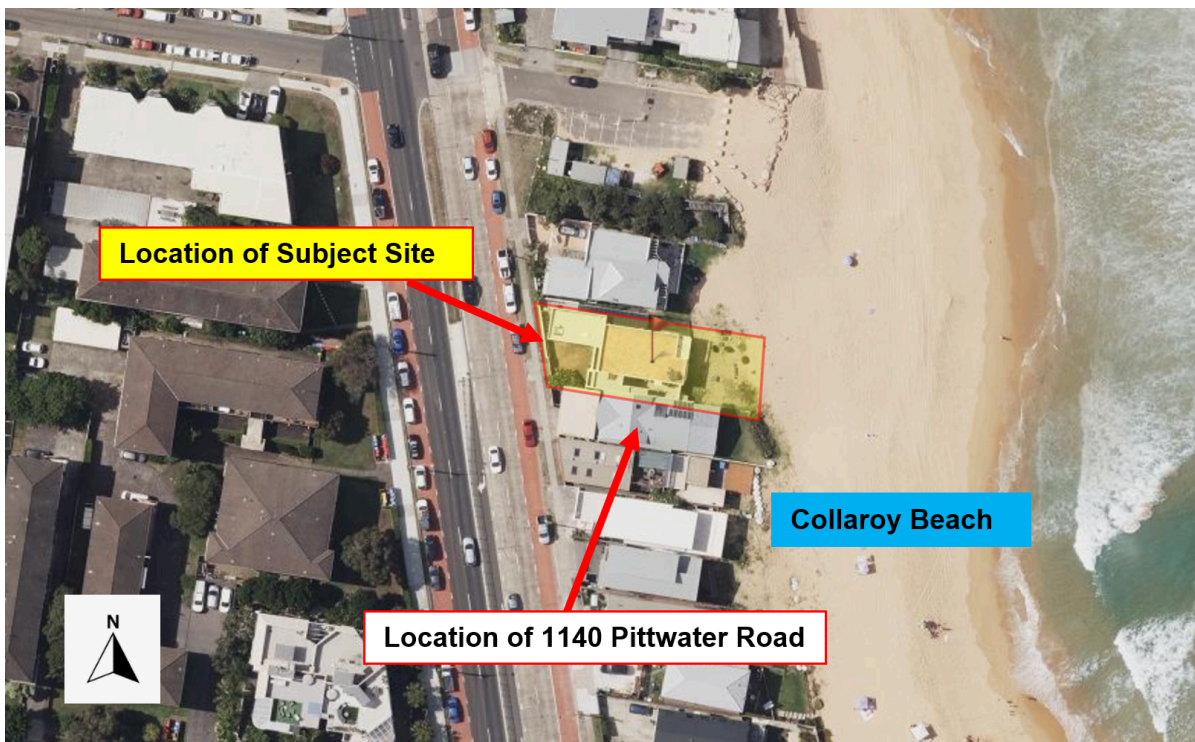


Figure 4 - aerial image to depict the Subject Site, 1140 Pittwater Road and Collaroy Beach

Merit consideration

The development is considered against the underlying objectives of the control as follows:

- *To allow for the reasonable sharing of views.*

Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140*, are applied to the proposal.

1. Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment to Principle 1:

The principal views from the affected property are uninterrupted water views of Collaroy Beach to the east, which is located directly over the rear (eastern) boundary of this property. This view corridor encompasses the ocean and the interface between the land and water. As this property is located directly on the foreshore and due to there being no obstructions of the primary views, the views are considered to be highly valued in accordance with this planning principle.

The view corridor of concern is not the primary view corridor from this property and is obtained over the northern boundary which is shared with the subject site. This view is also highly valued as it contains the North Narrabeen headline and associated coastline. Similar coastline views to the south towards Long Reef headland can also be enjoyed from this property.

2. What part of the affected property are the views obtained

“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic”.

Comment to Principle 2:

Views from this property can be obtained from the rear yard, rear covered decking area and living spaces at the rear of the building. The eastern views are obtained over the rear boundary of the property, whereas the northern and southern views are obtained over side boundaries. Views over the side boundaries would be enjoyed from standing positions, while views over the rear boundary would be enjoyed from standing and seated positions as there are no obstructions given the rear boundary adjoins Collaroy Beach.

3. Extent of impact

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.

Comment to Principle 3:

The proposed 1.8m side boundary fencing on the site would obstruct standing views from the internal living areas to the north. However, when standing or sitting at the end of the covered decking area (see **Figure 5**) or anywhere within the backyard, the northern views would be retained as the proposed side boundary fencing is setback approximately 9.5m from the rear boundary. All other views from the property would be retained.

In this regard, the qualitative extent of impact is deemed to be minor.

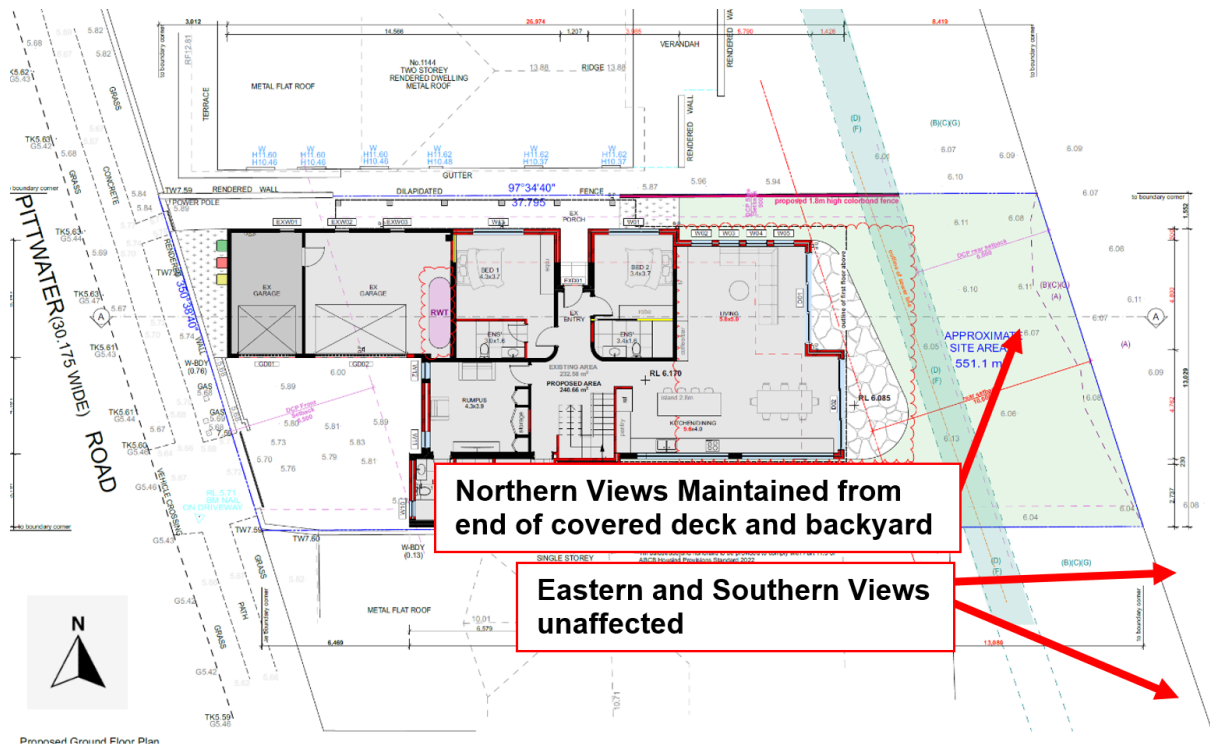


Figure 5 - retained view corridors

4. Reasonableness of the proposal that is causing the impact

"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."

Comment to Principle 4:

The proposed 1.8m high boundary fence is compliant with the WDCP in terms of its height and is the height of a typical side boundary fence, which is 1.8m in height to provide for suitable privacy between properties. It is considered that the applicant has employed a skilful design to the fence as it does not extend along the entire length of the side boundary towards the rear boundary, which enables northern views to be enjoyed from the covered rear decking and backyard of the southern adjoining property, while still providing the future occupants of the development with reasonable privacy.

In this regard, the assessment has concluded that reasonable view sharing has been achieved in accordance with this planning principle.

- To encourage innovative design solutions to improve the urban environment.

Comment:

The development is an innovative design solution that will enhance the urban environment.

- *To ensure existing canopy trees have priority over views.*

Comment:

The development does not remove any canopy trees.

Having regard to the above assessment, it is concluded that the proposed development is consistent with Section D7 of the WDCP and the planning principles outlined within the NSW Land and Environment Court case of *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140*.

D9 Building Bulk

Section D9 of the WDCP requires as follows:

- 1. Side and rear setbacks are to be progressively increased as wall height increases.*
- 2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.*
- 3. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:
The amount of fill is not to exceed one metre in depth.
Fill is not to spread beyond the footprint of the building.
Excavation of the landform is to be minimised.*
- 4. Building height and scale needs to relate to topography and site conditions.*
- 5. Orientate development to address the street.*
- 6. Use colour, materials and surface treatment to reduce building bulk.*
- 7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.*
- 8. Articulate walls to reduce building mass.*

The development provides an appropriate response to the requirements of the control for the following reasons:

- The dwelling house is highly articulated, which reduces the bulk of the building when observed from surrounding properties.
- The building progressively steps further away from the side boundaries the taller the building gets, which offsets the bulk and scale of the development.
- On-ground vegetation and on-slab planter boxes have been provided on the building to soften the building.
- Varied external materials are utilised to provide visual interest.

D15 Side and Rear Fences

Section D15 of the WDCP requires as follows:

- 1. Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary.*
- 2. For sloping sites, the height of fences may be averaged and fences and walls may be regularly*

stepped.

3. All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.

The development includes a 1.8m high colourbond fence along portions of the northern and southern side boundaries. While the height of the fence complies with the WDCP, the colourbond material is not consistent with the coastal setting and will not complement the locality, contrary to the requirements and objectives of Section D15.

Accordingly, a condition is recommended to require the fence to comprise of timber batten materials. With this condition in place, the fence will complement the coastal setting, consistent with the intent of Section D15.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

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

A monetary contribution of \$9,700 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$970,000.

ASSESSMENT OF EASEMENTS AND RESTRICTIONS THAT APPLY TO THE SITE

As detailed earlier within this report, the land is constrained by the following easements and covenants:

- Easement for works 20m wide and variable width, which encroaches only partially into the rear of the site.
- Easement for support 5.8m wide and variable width at the rear of the site.
- Easement for access, construction support and maintenance 5.8m wide and variable width at the rear of the site.
- Easement to drain water 1.7m wide in the rear third of the site.
- Easement to drain sewage 1.7m wide in the rear third of the site.
- Restriction on the use of the land within the rear 5.8m of the site that prevents landowners from placing any permeant or not easily removal improvements, structures or objects in the rear 5.8m of the site that would prevent access for machinery and equipment to enter the rear of the site for maintenance.

The assessment has identified that the proposed development will include vegetation planting within the easement for drainage and sewer. To prevent any impacts to the sewer and drainage infrastructure

within the easement as a result of root damage, a condition is recommended requiring all planting to be located outside of the easement.

With this condition in place, the development will meet the requirements of the Section 88B Instrument.

ASSESSMENT ON WHETHER THE DEVELOPMENT CONSTITUTES ALTERATIONS AND ADDITIONS OR A NEW DWELLING HOUSE

The assessment has considered the application against the planning principles outlined within the NSW Land and Environment Court Case of *Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187* and concluded that the proposed development is appropriately categorised as 'alterations and additions to a dwelling house', rather than a new dwelling house.

This assessment conclusion has been reached for the following reasons:

- Sufficient portions of the existing building footprint (i.e. over 50%) are being retained.
- Vehicular access and car parking on the site is being retained as per the existing arrangement (notwithstanding that the existing vehicle crossing is being upgraded).
- The new first floor addition does not protrude beyond the existing front and side facades of the existing building.
- The development does not alter the existing land use of the site.

Suitable conditions have been recommended to ensure the retention of the existing walls, so as to maintain consistency with the planning principles outlined within the NSW Land and Environment Court Case of *Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187*.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2024/1348 for Alterations and additions to a dwelling house on land at Lot 6 DP 111254, 1142 Pittwater Road, COLLAROY, subject to the conditions printed below:

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA02	B - WIP	Demolition Plan - Ground Floor Plan	Yan Honda Architects	N/A
DA03	B - WIP	Demolition Plan - First Floor Plan	Yan Honda Architects	N/A
DA04	B - WIP	Site/Roof Plan	Yan Honda Architects	N/A
DA05	B - WIP	Proposed Raised Roof Plan	Yan Honda Architects	N/A
DA06	B - WIP	Proposed Ground Floor Plan	Yan Honda Architects	N/A
DA07	B - WIP	Proposed First Floor Plan	Yan Honda Architects	N/A
DA08	B - WIP	Elevations	Yan Honda Architects	N/A
DA09	B - WIP	Sections	Yan Honda Architects	N/A
DA14	B - WIP	Finishes Schedule	Yan Honda Architects	N/A

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Landscape Plans Drawing No's 01 - 10 (Project No. PR_1142)	Revision D	Studio Botanica	1 August 2024
Waste Management Plan	N/A	N/A	N/A
Coastal Engineering Advice on 1142 Pittwater Road Collaroy	N/A	Horton Coastal Engineering Pty Ltd	2 October 2024
BASIX Certificate	1764484S	FRYS BUILDING CONSULTANCY PTY LTD	13 September 2024

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

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

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

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	N/A
Transport for NSW	Referral - Transport for NSW Ref. SYD24/01903/01	22 November 2024

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

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

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and

- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

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

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

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

5. **No Approval for Secondary Dwelling**

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

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

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$9,700.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$970,000.00.

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

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

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

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

7. **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 Certifier prior to the issue of the Construction Certificate.

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

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

8. Amended Landscape Plan

An amended Landscape Plan shall be issued to the Certifier prior to the issue of a Construction Certificate. The amended Landscape Plan must correlate with the amendments made to the extent of deep soil landscaping that are included on the approved Architectural Plans referenced in Condition 1 of this consent.

The amended Landscape Plan must also remove all vegetation planting (exempt for grass covers) from the 1.7 metre wide drainage and sewer easement that encroaches through the rear of the property.

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

Reason: Landscape amenity.

9. On Slab Landscape Works

a) details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections.

b) The following soil depths are required to support planting: 300mm for groundcovers and grasses; 600mm for shrubs.

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

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

10. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent in accordance with AS/NZS 3500 and Council's Water Management for

Development Policy, prepared by an appropriately qualified and practicing Civil Engineer who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG), indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the inter-allotment drainage line benefiting the site.

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

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

11. **Vehicle Crossings Application**

The Applicant is to submit an application with Council for driveway levels to reconstruct the existing vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Standard Drawing Normal in accordance with Section 138 of the Roads Act 1993.

Note, driveways are to be in plain concrete only.

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

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

12. **Amendments to the approved plans**

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

- The 1.8 metre high colourbond side boundary fencing must be replaced with a 1.8 metre high timber batten fence. The length of the fence must correlate with approved plans.

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

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

13. **Boundary Identification Survey**

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

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

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

Reason: To ensure all approved works are constructed within the subject site and in a manner

anticipated by the development consent.

14. Installation and Maintenance of Sediment Control

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

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

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

15. Certification of Foundation Requirements

Construction details and specifications in accordance with section 5 of the coastal engineering report prepared by Horton Coastal Engineering Pty Ltd, dated 2 October 2024, referenced in Condition 1 of this consent, shall be prepared and signed by a suitably qualified coastal engineer demonstrating that the footings of the proposed development extend below the zone of influence of the sewer and stormwater located in the services easement seaward of the proposed development.

This certification is to be submitted to the Principle Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure foundations are in accordance with submitted coastal engineering report.

16. Management of Coastal Inundation

Construction details and specifications in accordance with sections 7 of the coastal engineering report prepared by Horton Coastal Engineering Pty Ltd, dated 2 October 2024, referenced in Condition 1 of this consent, shall be prepared and signed by a suitably qualified coastal engineer demonstrating that the following measures are in place to reduce coastal inundation risk to an acceptable level:

- power points and other electrical items that could be damaged by inundation shall be raised at least 0.5m above the ground floor; and
- the glass doors on the seaward side of the dwelling have toughened and laminated glass such that the glass holds together when shattered, as well as have conventional weatherproofing features along base of the doors.

This certification is to be submitted to the Principle Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure appropriate mitigation of coastal inundation risk.

17. Compliance with Standards

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

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

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

18. External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

19. Sydney Water "Tap In"

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

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

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

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

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

20. Noise Amenity Criteria

An appropriately qualified acoustic consultant must provide written certification to demonstrate that the following LAeq levels are not exceeded within the approved dwelling house:

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am.
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Documented evidence must be submitted to the Certifier prior to the issue of a Construction Certificate.

Note: In the event that the acoustic consultant provides any recommendations that would require amendments to the approved development other than amendments to glazing type or

insulation requirements to achieve the required noise amenity criteria, then the applicant must obtain approval by Council via way of a modification application or separate development application.

Reason: Compliance with Division 17 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

21. Maintain the Existing Building Fabric

The parts of the existing building fabric which are shown to be retained on the approved plans are to be shown as retained on the Construction Certificate drawings prior to issuing a Construction Certificate to ensure consistency with approval as alterations and additions to a dwelling house. If this cannot be achieved, a new development application must be lodged with Northern Beaches Council.

Reason: To ensure that the development remains alterations and additions to a dwelling house in accordance with the planning principles established within the NSW Land and Environment Court Case of *Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187*.

DURING BUILDING WORK

22. Requirement to notify about new Acid Sulfate Soils evidence

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Principal Certifier and a report be obtained from a suitably qualified person. Any recommendations provided by the report are to be complied with during works.

Reason: To protect the environment.

23. Tree and Vegetation Protection

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

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

b) tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of

works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,

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

ix) the activities listed in section 4.2 of AS 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 AS 4373-2007 Pruning of amenity trees,

xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

24. **Wildlife Protection**

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

Reason: To protect native wildlife.

25. **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.

26. **No Access Through Land Owned or Managed by Council**

Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

27. **Storage of Materials on Land Owned or Managed by Council Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste or any other material in land owned or managed by Council is prohibited.

Reason: Public safety and environmental protection.

28. **Protection of Council's Public Assets**

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act

1993.

Existing trees shall be protected in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Reason: To protect and/or restore any damaged public asset.

29. 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.

30. Survey Certificate

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

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

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

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

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

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

31. Maintenance of Sediment and Erosion Controls

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

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

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

- at least each week

- immediately before site closure
- immediately following rainfall events that cause runoff.

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

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

32. Waste Management During Development

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

33. Maintain the Existing Building Fabric

The parts of the existing building fabric which are shown to be retained on the approved plans are to be retained during construction works to ensure consistency with approval as alterations and additions to a dwelling house. If this cannot be achieved, a new development application must be lodged with Northern Beaches Council.

Reason: To ensure that the development remains alterations and additions to a dwelling house in accordance with the planning principles established within the NSW Land and Environment Court Case of *Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187*.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

34. Landscape Completion

a) landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawings 01, 10 by Studio Botanica dated 01/08/24 revision D) including the amendments to the Landscape Plan that are required under Condition 8, and inclusive of the following conditions:

- i) landscape works are to be contained within the legal property boundaries,
- ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) one native tree shall be installed within the property boundaries, generally selected from Northern Beaches Council's Native Planting Guide, or Council's Tree Guide; to achieve at least 6 metres height at maturity; and shall be located at least 3.0 metres from buildings and other trees or more, and at least 1.5 metres from common boundaries,
- iv) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of AS2303 – Tree Stock for Landscape Use; planted into a prepared planting hole 1 metre x 1 metre x 600 millimetres depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and located either within garden bed or within a prepared bed within lawn,
- v) mass planting shall be installed at minimum 200 millimetres container size at planting for shrubs or as otherwise scheduled if greater in size, and at minimum 140 millimetres container size at planting for groundcovers 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 75 millimetres depth of mulch,

- vi) 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,
- vii) substitute all *Rhaphiolepis* species with a suitable alternative.

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

Reason: Environmental amenity.

35. No Weeds Imported On To The Site

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

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

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

36. Stormwater Disposal

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

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

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

37. Maintain the Existing Building Fabric

The parts of the existing building fabric which are shown to be retained on the approved plans are to be retained to ensure consistency with approval as alterations and additions to a dwelling house prior to the issuing of any Occupation Certificate. If this cannot be achieved, a new development application must be lodged with Northern Beaches Council.

Reason: To ensure that the development remains alterations and additions to a dwelling house in accordance with the planning principles established within the NSW Land and Environment Court Case of *Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187*.

38. Post Construction Coastal Certificate

Prior to issue of the Occupation Certificate, a suitably qualified coastal engineer is to provide written confirmation to the Principle Certifying Authority that the recommendations impacting foundation design and coastal inundation risk outlined in sections 5 and 7 of the coastal engineering report prepared by Horton Coastal Engineering Pty Ltd, dated 2 October 2024, referenced in Condition 1 of this consent have been incorporated into the construction of the building.

Reason: To ensure the development has been constructed to the engineers requirements.

39. Removal of All Temporary Structures/Material and Construction Rubbish

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

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

Reason: To ensure bushland management.

40. Waste Management Confirmation

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

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

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

41. Landscape Maintenance

a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) 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.

c) 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(s) and any conditions of consent.

d) a maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

e) the approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

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

Signed



Thomas Burns, Principal Planner

The application is determined on 10/02/2025, under the delegated authority of:



Steven Findlay, Manager Development Assessments