

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/1032
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<b>Responsible Officer:</b>	Executive Manager Development Assessment
<b>Land to be developed (Address):</b>	Lot 20 DP 13291, 8 Delecta Avenue CLAREVILLE NSW 2107
<b>Proposed Development:</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	C4 Environmental Living
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Ewa Investments Pty Limited
<b>Applicant:</b>	Rama Architects Pty Ltd

<b>Application Lodged:</b>	16/07/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	27/07/2021 to 10/08/2021
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	13
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 653,900.00
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### EXECUTIVE SUMMARY

Development Application (DA2021/1032) proposes demolition works with alterations and additions to the existing dwelling including a new module to the front of the site.

The application is referred to the Northern Beaches Local Planning (NBLPP) as 13 submissions have been received.

Amended plans were submitted on 11 October 2021 which included a number of changes to reduce building bulk and increase the landscaped area. These plans did not require re-notification as per the Community Participation Plan.

The 13 submissions received in response to the public exhibition of the application raise issues with

regard to loss of natural character, amenity impact, visual impact and construction impacts.

Amended plans have sufficiently addressed some of these issues by reducing building bulk (particularly at the south-western elevation), and by increasing landscaped area. Conditions have also been imposed to address concerns such as construction impacts, impact on natural vegetation, stormwater impact and increase the landscaped area of the site.

Accordingly, the application is referred to the NBLPP with a recommendation for approval subject to conditions.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposal is for demolition and, alterations and additions to the existing dwelling with a new module extended to the front of the site. In detail, the proposal involves:

### **Ground Floor**

- New entry.
- Lounge room.
- Bathroom.
- Storage.
- Powder room.
- Courtyard.
- Access stairs.
- Garage.

### **First Floor**

- Three bedrooms.
- Ensuite.
- Outdoor Terrace.

### **External**

- Landscaping.
- A green roof.

## **Amended Plans**

Amended plans were provided on 11 October 2021. As the amended plans involved an overall reduction/lessening of impact, they were not required to be re-notified in accordance with Council's adopted Community Participation Plan. However, the amended plans were forwarded to the most affected neighbour at No. 6 Delecta Avenue as the increased setbacks at the south-western side of the development addressed, in part, issues raised in their submission.

In detail, the amended plans involved the following changes:

- Increased setback from south-western boundary (with the change marked in red on the amended plans).
- Change of material to façade of south-western elevation (timber sheet paneling).
- Reduction to south-western wall height by 300mm.
- Modification of footprint in attempt to retain Broad Leaf Paperbark.

- Increase of front setback to be 6.9m.
- Change of ground floor wall material (sandstone cladding).
- Removal of hard paved central courtyard.
- Removal of front balcony planter and replacement with balustrade.

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - D1.9 Side and rear building line

Pittwater 21 Development Control Plan - D1.14 Landscaped Area - Environmentally Sensitive Land

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 20 DP 13291, 8 Delecta Avenue CLAREVILLE NSW 2107
<b>Detailed Site Description:</b>	<p>The subject site consists of an allotment located on the northern side of Delecta Avenue.</p> <p>The site is irregular in shape with a frontage of 15.24m along Delecta Avenue and a depth of 43.28m-50.04m. The site has a surveyed area of 632.3m<sup>2</sup>.</p> <p>The site is located within the E4 Environmental Living zone and accommodates a dwelling house on the site.</p> <p>The site contains an existing dwelling toward the rear of the site, and a relatively large landscaped area and garage toward the front of the site.</p>

### Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by residential development of varying age, scale and design.

### Site Inspection

The site was inspected on 10 September 2021.

Map:



### SITE HISTORY

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

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

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

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the

Section 4.15 Matters for Consideration	Comments
	residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p><b>(i) Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater Development Control Plan section in this report.</p> <p><b>(ii) Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</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.

<b>Section 4.15 Matters for Consideration</b>	<b>Comments</b>
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## **EXISTING USE RIGHTS**

Existing Use Rights are not applicable to this application.

## **BUSHFIRE PRONE LAND**

The site is not classified as bush fire prone land.

## **NOTIFICATION & SUBMISSIONS RECEIVED**

The subject development application has been publicly exhibited from 27/07/2021 to 10/08/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 13 submission/s from:

<b>Name:</b>	<b>Address:</b>
Ms Wendy Joan Johnston	4 Delecta Avenue CLAREVILLE NSW 2107
Ms Robyn Leonie Park	120 Hudson Parade CLAREVILLE NSW 2107
Mr Gregory Ian Coops Mr Sheonagh Jane Coops	1 Delecta Avenue CLAREVILLE NSW 2107
Caroline Chung	7 Delecta Avenue CLAREVILLE NSW 2107
Mr Richard Scott Barker	C/- Gartner Trovato Architects Po Box 1122 MONA VALE NSW 1660
Mr Geoffrey George Hicks	14 Delecta Avenue CLAREVILLE NSW 2107
Mr Bruce Peter Mackay Mrs Judith Ada Mackay	PO Box 289 AVALON BEACH NSW 2107
Mr Roger Vincent Gyles	28 The Serpentine BILGOLA BEACH NSW 2107
Mrs Margaret Joan Harris	126 Hudson Parade CLAREVILLE NSW 2107
Mr Mark James Wells	55 Hudson Parade CLAREVILLE NSW 2107
Mrs Eileen Janette Browne	12 Delecta Avenue CLAREVILLE NSW 2107
Mr David Castle	2 Delecta Avenue CLAREVILLE NSW 2107
Avalon Preservation Trust Incorporated as Avalon Preservation Association	24 Catalina Crescent AVALON BEACH NSW 2107

The matters raised within the submissions are addressed as follows:

- Impact of natural environment and provision of landscaped area**

Concerns were raised with regard to removal of trees and habitat and loss of garden. A specific concern was also raised regarding removal of Melaleuca tree adjacent to No. 6 Delecta Avenue.

Concern was also raised with the numerically non-compliant landscaped area and it was suggested calculations of landscaped area by the applicant were inaccurate. It was also suggested that the roof garden and driveway landscaped strips should not compensate for loss of landscaped area.

Comment:

Council's Landscape officer has reviewed the application and is supportive of the removal of the Melaleuca tree. However, the applicant has provided amended plans which provide greater opportunity for retention of the tree and has also stated an intention to retain the tree. As such, a condition is imposed to require root mapping and investigation to assist with protection of the tree.

The application is supported with a detailed landscaped plan which is supported by Council's Landscape officer.

The numerical non-compliance with landscaped area is considered to be reasonable as the outcomes of the clause are achieved (as further discussed in this report). It is noted that the roof garden is not included in calculations, and that the opportunity for planting in side and front setbacks contributes to the sufficiency of the landscaping outcome. It is further noted that a condition has been recommended (condition 19) that requires the deletion of floor space from the plans, being the ground floor powder room, laundry and watercraft storage room. The deletion of the floor area will result in additional landscaped area.

The landscaped area has been measured and calculated by the assessment officer. This area is provided in the "built form controls" table.

- **Construction traffic, congestion and noise.**

Concern is raised with respect to impacts from construction traffic regarding congestion and noise. Concern was also raised with regard to the impediment of access to the neighbouring driveway.

Comment:

The proposal does not involve any change to the number of dwellings or car parking spaces on site. As such, there will be no unreasonable intensification the use of the site. A condition is also imposed with regard to construction and traffic management.

A condition is imposed to require a Construction and Traffic management Plan. This includes a requirement for the imposition of measures which reduce potential for access to be restricted.

- **Bulk and scale**

Concern was raised with regard to the size and dominance of built form and the appearance akin to two dwellings. It is suggested this is inappropriate design for desired character of Clareville and is an overdevelopment.

Comment:

The proposal involves two separate modules of the proposed dwelling which are adjoined by a narrow internal accessway. As such, the buildings are connected so as to no provide unreasonable opportunity for the site to act as two separate dwellings. A condition is also imposed to require that the site be used under this consent as a single dwelling only.

The proposed front extension is surrounded by landscaped area, complies with building height, complies with setbacks, and complies with building envelope. As a result of amended plans, the

extensions have also been further stepped in from the side boundary to ensure a reasonable

presentation of the overall building bulk on the site.

The two storey built form and good articulation of the additions will meet the desired future character, and will not constitute an overdevelopment of the site.

- **Unclear documents and plans submitted**

Concerns included missing elevations of the existing dwelling.

Comment:

The submitted information was sufficient to enable assessment of the application in accordance with the *Environmental Planning and Assessment Act 1979*. There is no proposed changes to existing elevations and these were not required to assess the application.

- **Overlooking on to front terrace**

Concerns were raised with regard to overlooking between the terrace and a property on the opposite side of Delecta Avenue. This concern was also raised from an adjoining property.

Comment:

The proposed front terrace is compliant with all numerical planning controls (setbacks, building envelope, and height), and is well separated from neighbouring living spaces. As such, the terrace does not cause any unreasonable privacy impact.

- **View loss**

Concerns were raised with regard to impacts on views.

Comment:

A view analysis (refer to Clause C1.3 of the PDCP) has been conducted in accordance with the planning principle established in the NSW Land and Environment Court case *Tenacity Consulting v Warringah Council* (see separate assessment later in this report).

In summary, the assessment found that the development would maintain a reasonable level of view sharing to Pittwater and that this issue does not warrant the refusal of the application.

- **Driveway access and materials**

Concern was raised with the suitability of a single driveway access, and also with the suitability of the materials used for the driveway.

Comment:

Council's Engineer has reviewed the application (which does not involve any change to the existing crossover) and is satisfied with the proposed driveway subject to conditions.

- **Bulk and amenity impact at south western boundary**

Concern was raised with the Large wall on south-western boundary. In particular, concern was raised with the length of wall; unnecessary height of wall adjacent to green roof, and impact

cause by this wall on south-western neighbour (including impact on solar access).

Comment:

The proposed new wall along the south western boundary complies with controls for setback, building height, and building envelope. Further to this, the wall is articulated and the upper level is setback from the lower level.

This provides a situation in which the presentation of building bulk is sufficiently minimised. Adding to this, the proposal complies with requirements for Solar Access under the Pittwater DCP.

- **Request for compliance with all "2021 rules for building".**

A general request was made for compliance with planning and building rules.

Comment:

An assessment has been conducted with regard to the applicable Planning Instruments and Policies as required under the matters for consideration contained in the Environmental Planning and Assessment Act 1979, these include Pittwater LEP 2014 and Pittwater 21 DCP.

- **Impacts of overflow water.**

A general concern was made with regard to overflow water.

Comment:

The application has been reviewed by Council's Stormwater and Flood Engineers who are satisfied that there will not be an unreasonable impact on water systems (subject to conditions).

- **Bulk and scale of green roof.**

Concern was raised with the bulk and scale of the green roof area.

Comment:

The proposed green roof complies with building height as well as setback and envelope controls. Along with being confined to the centre of the site, this ensures the roof will not have an unreasonable visual impact.

- **Reflection of metal roof.**

Concern was raised with the potential for reflection to neighboring properties from the metal roof.

Comment:

A condition is imposed to require a medium to dark coloured roof in order to minimise impact caused by reflection.

- **Existing building**

It was suggested retention of existing building does not result in an acceptable outcome. Concern was also raised with regard to extension of building which has an existing non-

compliance with Foreshore building line.

Comment:

This application proposes extensions to the existing dwelling. There is no reasonable scope for council to request removal of the existing dwelling in order to redevelop the site. As such, an assessment of the overall impact of the exiting building and proposed extensions is made. This assessment has found that the overall bulk, and visual impact of the dwelling is sufficiently controlled through extensions which are well setback, articulated, modulated, and surrounded by landscaped area.

- **Use of Building**

Concern was raised at a site inspection regarding the use of the building as a multiple occupancy.

Comment

The building is designed to accommodate a single occupancy only (i.e. a dwelling house as defined in the PLEP Dictionary). Notwithstanding, a condition has been included to ensure that the dwelling is used for the purposes of a 'dwelling house' only.

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>This application is for the alterations and additions to an existing residential dwelling. Alterations include the minor demolition of existing structures including both the garage and carport, as well as modification to the existing dwelling in order facilitate additions. Additions are inclusive of a new entry way, garage, lounge room, three bedrooms, as well as additional storage.</p> <p>Councils Landscape Referral section has considered the application against the Pittwater Local Environmental Plan, and the following Pittwater 21 DCP controls:</p> <ul style="list-style-type: none"><li>- B4.22 Preservation of Trees and Bushland Vegetation.</li><li>- C1.1 Landscaping.</li><li>- D1.14 Landscaped Area - Environmentally Sensitive Land.</li></ul> <p>The Statement of Environmental Effects provided with the application notes that the proposal will not require the removal of any significant vegetation. This statement is not supported by the Architectural Plans as it is clear one canopy tree is proposed for removal. For this reason, an Arboricultural Impact Assessment has been provided with the application.</p> <p>The Arboricultural Impact Assessment has identified a total of fourteen trees, eight of which are located within the site, with the remaining six trees located in adjoining properties. These trees</p>

Internal Referral Body	Comments
	<p>located in the adjoining properties, identified as Trees No. 9, 10, 11, 12, 13 and 14, are protected under the Pittwater 21 DCP, and are required to be protected and retained as no negative impacts to both the short-term and long-term health of these trees would be supported.</p> <p>All trees located within the site that have been identified in the Arboricultural Impact Assessment are located adjacent to the western boundary at the front of the site. Of these eight trees, two trees, Tree No. 5 and 8, are proposed to be removed. Tree No. 5 is a significant native tree that is located within close proximity to proposed works. The Arboricultural Impact Assessment has noted that Tree No. 5 may possibly be retained, however due to the proximity to proposed works, and likelihood of structural roots being impacted, it should be removed and replaced elsewhere on site. Upon review of the Landscape Plan provided, it is clear compensatory tree planting has been proposed, with a number of new, native tree plantings evident. For this reason, the removal of Tree No. 5 is supported. Tree No. 8 has been identified as an exempt species, and therefore may be removed without Councils approval.</p> <p>The retention of all trees not approved for removal, including those in neighbouring properties, is essential to satisfy control B4.22 and D1.14, as key objectives of these controls include "to protect, enhance bushland that provides habitat for locally native plant and animal species, threatened populations and endangered ecological communities", "to protect and enhance the scenic value and character that trees and/or bushland vegetation provide", as well as the "conservation of native vegetation and biodiversity".</p> <p>The completion of landscape works as proposed on the Landscape Plan is also necessary to satisfy control C1.1, as key outcomes of this control seek to ensure "landscaping enhances habitat and amenity value", "landscaping reflects the scale and form of development", as well as a built form that is softened and complemented by landscaping.</p> <p>The landscape component of the proposal is therefore supported subject to the protection of existing trees and vegetation, as well as completion of landscape works as proposed on the Landscape Plan.</p> <p><u>Planning Comment</u></p> <p>Subsequent to the receipt of amended plans, Council's Landscape Officer reviewed the previous recommendation regarding the removal of Tree No. 5 and reassessed the matter as possible retention due to the increased side setback. The retention of Tree No. 5 is contingent upon root mapping which has been imposed as a condition prior to the issue of a Construction Certificate. The previously imposed condition "Tree Removal with the Property" (which related to Tree No. 5) was subsequently removed by Council's Landscape Officer.</p>
NECC (Bushland and	Council's Biodiversity referrals team have assessed the Development

Internal Referral Body	Comments
Biodiversity)	<p>Application for compliance against the following applicable biodiversity related controls:</p> <ul style="list-style-type: none"> <li>- Pittwater LEP cl. 7.6 Biodiversity Protection</li> <li>- Pittwater 21 DCP cl. 4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community</li> <li>- Coastal Management SEPP 2018 cl. 13 Development on land within the coastal environment area</li> </ul> <p>The Development Application seeks consent for alterations and additions to an existing dwelling including demolition of the existing garage and carport, as well as modification to the existing dwelling in order facilitate additions.</p> <p>An Arboricultural Assessment is provided with the application and recommends the removal of one (1) prescribed tree; a <i>Melaleuca quinquenervia</i> (Broad Leaf Paperbark). To compensate for the removal of this tree, two (2) new canopy trees must be planted elsewhere within the property to meet the objectives of B4.7 of the PDCP. The Landscape Plan submitted with the application provides a sufficient planting list that is comprised largely of native species. Within the planting list <i>Eucalyptus camaldulensis</i> is listed, however no individuals are assigned to the quantity proposed. As such, two (2) <i>Eucalyptus camaldulensis</i> (or similar) are to be planted within the site as replacement plantings.</p> <p>Subject to 2:1 tree replacement, Council's Biodiversity referral team find the application to be consistent against relevant environmental controls.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against the requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p><b>Coastal Management Act 2016</b></p> <p>The subject site has been identified as being within the coastal zone and therefore the Coastal Management Act 2016 is applicable to the proposed development. The proposed development is consistent with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018</b></p> <p>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.</p> <p>On internal assessment and as assessed in the Statement of</p>

Internal Referral Body	Comments
	<p>Environmental Effects, the DA satisfies requirements under clauses 13, 14 and 15 of the CM SEPP and it is therefore considered that the application does comply with the requirements of State Environmental Planning Policy (Coastal Management) 2018.</p> <p><b>Pittwater LEP 2014 and Pittwater 21 DCP</b></p> <p><u>Estuarine Risk Management</u>  The subject property has also been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.</p> <p>An Estuarine Planning Level (EPL) of RL 2.1m AHD has been independently derived for the site by Pittwater Data Services Pty Ltd, in a report supporting the DA dated 25/06/2021. The derived EPL is consistent with the EPL adopted by Council for the site.</p> <p>As the minimum floor level (RL 2.60m AHD) for the proposed alterations and additions as well as the existing dwelling is above the applicable EPL for the site, the proposed development is able to satisfy the relevant estuarine risk management requirements of P21 DCP. Please note however that the Flood Planning Level (FPL) is higher than the EPL and the applicable flood controls will therefore prevail for this development proposal.</p> <p><u>Development on Foreshore Area</u>  The subject property is affected by the foreshore building line and Part 7, Clause 7.8 – Limited Development on Foreshore Area of Pittwater LEP 2014 applies for any development within the foreshore area.</p> <p>A portion of the existing dwelling is within the foreshore area. The DA however, does not propose any new works within the foreshore area and as assessed in the Statement of Environmental Effects prepared by Vaughn Milligan Development Consulting Pty Ltd (June 2021), the development proposal is considered to satisfy the objectives and requirements of Part 7, Clause 7.8 of Pittwater LEP 2014.</p>
NECC (Development Engineering)	<p>The proposal is for alterations and addition to an existing dwelling.</p> <p><u>Stormwater</u>  The site is falling to the rear and the stormwater from the site is currently dispersed within the rear of the site. The proposal is for a level spreader at rear of site.</p> <p><u>Excavation</u>  The site do not fall under any Geotech Hazard area.</p> <p><u>Access</u>  Driveway access is available from Delecta Avenue via a shared</p>

Internal Referral Body	Comments
	concrete driveway.  Proposal is for a new double garage, the existing driveway will be retained and provides access to the proposed garage.
NECC (Riparian Lands and Creeks)	This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater.  This site is close to Clareville Beach Reserve and drains into the greater Pittwater waterway. The development must not significantly impact on the biophysical, hydrological or ecological integrity of these waters, or on the quantity and quality of surface and ground water flows to the creek or lagoon. Sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover reestablished.  This application, subject to conditions, is recommended for approval as it is unlikely to have an adverse effect on the integrity and resilience of the biophysical, ecological and hydrological environment of Clareville Beach and Pittwater if conditions are adhered to.  The proposal is therefore supported.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed development generally complies with the flood requirements of the DCP and LEP.

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

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### SEPP 55 - Remediation of Land

Clause 7(1)(a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses.

In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7(1)(b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

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

A BASIX certificate has been submitted with the application (see Certificate No. A414415 dated 22 June 2021).

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

### **SEPP (Infrastructure) 2007**

#### **Ausgrid**

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

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

#### Comment

The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

### **SEPP (Coastal Management) 2018**

An assessment is made in relation to SEPP (Coastal Management) 2018 as follows:

#### ***11 Development on land in proximity to coastal wetlands or littoral rainforest***

*(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*

*(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral*

rainforest, or

(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Comment:

The alterations involve extensions toward the front of the site, away from the waterfront. This would not have an unreasonable impact on coastal wetlands or rainforest.

## **12 Development on land within the coastal vulnerability area**

*Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:*

(a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and

(b) the proposed development:

(i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and

(ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and

(iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and

(c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.

Comment:

The proposal will not have a detrimental impact on the above and is not likely to alter coastal processes. This is a result of the reasonable bulk proposed and the physical separation of the site from the coastal area.

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

*(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*

(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

(b) coastal environmental values and natural coastal processes,

(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(f) Aboriginal cultural heritage, practices and places,

(g) the use of the surf zone.

Comment:

The proposal will not have an adverse impact on the above as the proposed works do not involve excavation, substantial addition of bulk, or any other change to the natural environment which could

cause an unreasonable impact on the coastal environment area.

*(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 sub-clause (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 proposal retains the siting of the existing dwelling and provides additions in front of the dwelling away from the waterfront. This physical separation from the coastline along with the proposed works being maintained within the existing siting, provides a circumstance in which potential impact is sufficiently minimised.

As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

#### **Pittwater Local Environmental Plan 2014**

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

#### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
4.3 - Height of Buildings	8.5m	7.5m	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

#### **Pittwater 21 Development Control Plan**

## Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	Garage & Terrace: 6.5m to 10.4m Addition (Dwelling): 9.3m to 13.5m	N/A	Yes
Rear building line	6.5m	3.0m to 4.5m	N/A	<b>No</b> (existing non-compliance)
Side building line	North - 2.5m	Addition (Ground): 2.5m to 8.8m Addition (Upper): 2.5m Existing Building: 0.9m	N/A	Yes Yes <b>No</b> (existing non-compliance)
	South - 1.0m	Addition: 1.8m to 3.7m Addition (Upper): 2.8m to 3.4m Existing building: 0.9m to 1.5m	N/A	Yes Yes <b>No</b> (existing non-compliance)
Building envelope	3.5m	Within envelope	N/A	Yes
	3.5m	Within envelope	N/A	Yes
Landscaped area	60% (379.4sqm)	54.6% (345.5sqm)  With 6% impervious area variation as allowed for in DCP control: 56.1% (354.9sqm)  With condition imposed to delete floor space: 58% (366.9sqm)	8.9% (33.9m <sup>2</sup> )  (24.5m <sup>2</sup> )  3.2% (12.5m <sup>2</sup> )	<b>No</b> (see comments)

## Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.1 Avalon Beach Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.7 Estuarine Hazard - Low density residential	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.16 Seagrass Conservation	Yes	Yes
B4.19 Estuarine Habitat	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes

B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.6 On-Street Parking Facilities	Yes	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.19 Incline Passenger Lifts and Stairways	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D1.1 Character as viewed from a public place	Yes	Yes
D1.5 Building colours and materials	Yes	Yes
D1.8 Front building line	Yes	Yes
D1.9 Side and rear building line	Yes	Yes
D1.11 Building envelope	Yes	Yes
D1.14 Landscaped Area - Environmentally Sensitive Land	No	Yes
D1.15 Fences - General	Yes	Yes
D1.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D1.20 Scenic Protection Category One Areas	Yes	Yes

### Detailed Assessment

#### **C1.3 View Sharing**

##### Merit consideration

The development is considered against the underlying Outcomes of the Control as follows:

- ***A reasonable sharing of views amongst dwellings.***

Comment:

## **122 Hudson Parade (also referred to as 1 Delecta Avenue)**

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 proposal involves alterations and additions to the front of the building. Views will be maintained over the existing site including the existing building which is to be retained in its current form. These include water views which are partly obscured by nearby vegetation.



*Photo 1: Photo from 122 Hudson Parade of the subject site (centre of the photo)*

**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

The views are obtained over a front boundary from a balcony area and adjacent kitchen and living area. Water views will be maintained from standing position but may be slightly affected from sitting position.

### **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

Given the potentially slight impact on water view from a sitting position, the impact on views overall is considered to be negligible.

### **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 compliant building height and negligible extent of impact on views leads to a situation in which the view sharing outcome is reasonable.

## **2 Delecta Avenue**

### **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 proposal involves alterations and additions to the front of the building. Water views will be maintained to the side of the subject site.

### **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 of the water to the side of the subject site are best obtained from the side and rear balconies at No. 2 Delecta Avenue.

### **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

Due to the water views being available to the side of the subject site, the impact on views is considered negligible.

### **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 compliant building height and negligible extent of impact on views leads to a situation in which the view sharing outcome is reasonable.



*Photo 2: Photo from 2 Delecta Avenue (the subject site to the left of the grey roofed building)*

- **Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced.**

Comment

The compliant building height and compliant side building line ensures a reasonable protection of views and vistas.

- ***Canopy trees take priority over views.***

Comment:

The compliant building height ensures that the building is generally below surrounding tree canopy.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

### **D1.9 Side and rear building line**

The original proposal involved additions which complied with the numerical control for side buildingline. However, the amended plans now provide an even further increased side setbacks to the addition in order to provide a reasonable distribution of building bulk across the site (given the existing non-compliant setbacks of the existing building).

This outcome has provided significant landscaped strips along each side elevation, adjacent to the extensions.

As such, the proposal is consistent with the outcomes of the clause.

### **D1.14 Landscaped Area - Environmentally Sensitive Land**

Description of non-compliance

Clause D.1.14 requires that development provides 60% (i.e. 379.4m<sup>2</sup>) of the site as landscaped area. The development provides a landscaped area of 56% (345.5sqm) which equates to a variation of 8.9% (i.e. 33.9m<sup>2</sup>).

There is ability to further increase the area of the site that is landscaped. To give effect to this, condition 19 has been recommended which would require the proposed ground floor powder room, water-craft storage area, and laundry to be deleted and that the area be provided as landscaped area. These changes would result in a landscaped area of 58% (366.9sqm) being provided. It is considered that there is adequate space available for these rooms to be accommodated in the other approved floor area.

It is noted that the proposal involves a roof top garden which is not included in the numerical calculation of landscaped area.

Merit Consideration

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

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

Comment:

The proposal involves demolition of an existing garage at the front of the site, and the addition of an extension including a garage to the front of the existing dwelling. This extension to the front of the site involves setbacks in excess of the numerical control for side building line. This provides an opportunity for larger landscaped strips to the side of the site, adjacent to the proposed extension.

Along with the landscaped area in the compliant front setback, this area provides opportunity for substantial planting and natural features to surround the dwelling. As such, the two storey extensions are able to be sufficiently integrated with natural features to maintain an appropriate landscaped setting and built form for desired future character.

As such, the proposal will meet the desired character of the locality.

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

Comment:

The proposed development is sufficiently articulated and the two storey form is well setback from the street which, together with the afore-mentioned landscape treatments, reduces the bulk and scale of the proposal.

The proposal also involves a courtyard area toward the middle of the site and stepping in of the building to correspond with the narrowing of the allotment along the western boundary. These features provide articulation and modulation in the built form so as to minimise the presentation of built form on the site.

This provides a situation in which the bulk and scale of the built form is minimised.

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

Comment:

The proposed extensions are sufficiently separated from neighbouring living spaces and living areas. Furthermore, the compliant front and side setback ensures that a sufficient open corridor is provided for sunlight access. The proposal also complies with all requirements under the clause for Solar Access under the Pittwater DCP.

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

Comment:

The proposal maintains vegetation to surround the dwelling and visually reduce the presentation of the built form. In particular, areas of vegetation are maintained along the side boundaries and toward the front of the site.

- ***Conservation of natural vegetation and biodiversity.***

Comment:

The landscaping which surrounds the site provides sufficient opportunity for the provision of natural vegetation. Conditions are imposed to ensure protection of trees, and for completion of landscaping in accordance with the submitted Landscape Plan.

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

Comment:

The proposed planting and permeable surfaces on the site is suitable for the site will sufficiently prevent soil erosion and minimise stormwater runoff.

Council's Development Engineer has also reviewed the application and provided conditions to ensure an appropriate outcome for Stormwater runoff.

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

Comment:

Council's Landscape Officer has confirmed that the proposed development retains suitable numbers of native trees on site to ensure the densely vegetated character of the area is retained.

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

Comment:

The proposed alterations and additions are surrounded by soft surface to maximise opportunity for water infiltration and to minimise stormwater runoff. Further, Council's Engineer has imposed conditions to maximise opportunity to minimise stormwater impact.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2021**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$6,539 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$653,900.

## **CONCLUSION**

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

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

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

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

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

## **Conclusion**

The application (DA2021/1032) has proposed alterations and additions to the existing dwelling.

The site has been inspected and the application assessed having regard to the provisions of Section 4.15 of the EP&A Act, 1979, the provisions of relevant EPIs, the relevant codes and policies of Council, the relevant provisions of the Manly DCP.

The proposal has minor numerical non-compliances with planning controls. However, these do not give rise to any unreasonable environmental impact, subject to conditions.

The public exhibition of the application resulted in 13 submissions which are addressed in this report.

It is recommended that the Northern Beaches Local Planning Panel approve the application subject to conditions.

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

## RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2021/1032 for Alterations and additions to a dwelling house on land at Lot 20 DP 13291, 8 Delecta Avenue, CLAREVILLE, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA-001 - Site Plan	5.10.2021	Rama
DA-100 - Ground Floor - General Arrangement Plan	5.10.2021	Rama
DA-101 - First Floor - General Arrangement Plan	5.10.2021	Rama
DA-300 - Elevation Sheet 01	5.10.2021	Rama
DA-301 - Elevation Sheet 02	5.10.2021	Rama
DA-400 - Section Sheet 01	5.10.2021	Rama
DA-500 - Landscape Plan	4.06..2021	Rama
External Finishes Schedule	5.10.2021	Rama

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA-800 - Driveway & Vehicle Crossing Sheet	04.06.2021	Rama
DA-801 - Driveway Comparison	04.06.2021	Rama

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Construction Impact and Management Statement	May 2021	Growing my Way Tree Consultancy
Flood and Estuarine Risk Management Report	25.06.2021	Pittwater Data Services Pty Ltd

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

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

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	16.06.2021	Rama

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

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

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

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

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Ausgrid Referral Response	22/07/2021

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

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

3. **Approved Land Use**

Nothing in this consent shall authorise the use of site/on-site structures as detailed on the approved plans for any land use of the site beyond the definition of a **dwelling house**.

A **dwelling house** is defined under the Pittwater Local Environmental Plan 2014 as:

*"a building containing only one dwelling".*

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

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

4. **Prescribed Conditions**

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

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

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

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

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

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

Reason: Legislative requirement.

## 5. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a

safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;  
  
Relevant legislative requirements and relevant Australian Standards (including but not limited) to:
    - (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2018
    - (iv) Australian Standard AS1926 Swimming Pool Safety
    - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
    - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
  - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## FEES / CHARGES / CONTRIBUTIONS

### 6. Policy Controls

#### Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$6,539.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$653,900.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate

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

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

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

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

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

## **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 Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

### **8. On Slab Landscape Works**

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

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

The following soil depths are required to support landscaping as proposed:

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

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

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

**9. Stormwater Disposal from Low Level Property**

The applicant is to demonstrate how stormwater from the new development within this consent shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy in particular the Stormwater Drainage from Low Level Properties Technical Specification. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the Northern Beaches Council's Water Management for Development Policy are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

**10. Flooding**

In order to protect property and occupants from flood risk the following is required:

Building Components and Structural Soundness – B1

All new development below the Flood Planning Level of 3.1m AHD shall be designed and constructed with flood compatible materials.

Building Components and Structural Soundness – B2

All new development must be designed to ensure structural integrity up to the Flood Planning Level of 3.1m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

Building Components and Structural Soundness – B3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 3.1m AHD. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed to cut electricity supply during flood events.

Floor Levels – C1

New internal floor levels within the development shall be set at or above the levels shown on Drawing DA-100 (4.06.2021)

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

11. **No Clearing of Vegetation**

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

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

Reason: To protect native vegetation.

12. **Boundary Identification Survey**

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

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

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

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

13. **Vehicle Driveway Gradients**

The Applicant is to ensure driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent.

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

Reason: To ensure suitable vehicular access to private property.

14. **Tree Root Investigation and Tree root map**

Prior to the issue of a Construction Certificate, a tree root mapping investigation for Tree No. 5 along the south-west boundary, shall be undertaken, and a Tree Root Map shall be documented that will be the basis for determining construction methodology near existing Tree No. 5.

An Arborist with minimum AQF Level 5 in arboriculture shall supervise the works to verify tree root locations. A non-destructive root investigation shall be conducted complying with clause 3.3.4 of AS 4970-2009 Protection of Trees on Development Sites.

The root investigation shall map existing roots of significance that must not be impacted by construction works. The tree root investigation shall be conducted to confirm the following data to be used for the location/alignment of any new proposed works:

i) confirmation of the location of any tree roots at or >25mm (Ø) diameter to areas that require excavation for proposed works. Alternative alignment of proposed works shall be provided as necessary to avoid major roots, and

ii) mapping of the suitable location/alignment of proposed works.

The Tree Root Map shall be issued to a qualified Structural Engineer as a basis for structural design, and for determining the final location/alignment and construction methodology of proposed works within the tree protection zone (TPZ).

Prior to the issue of a Construction Certificate, the Arborist shall provide certification to the Certifying Authority that the tree root investigation and clear distance recommendations have been adequately addressed in the Construction Certificate plans.

Reason: to ensure protection of vegetation proposed for retention or adjacent to the site.

**15. Estuarine Hazard Design Requirements**

The following applies to all development:

All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes.

Reason: To minimise potential hazards associated with development in an estuarine habitat.

**16. External Finishes to Roof**

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority 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. (DACPLC03)

**17. Sydney Water "Tap In"**

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

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

- i "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- i 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.

**18. Construction and traffic site management plan**

Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- i location and materials for protective fencing and hoardings to the perimeter on the site

- i provisions for public safety
- i pedestrian and vehicular site access points and construction activity ones
- i details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- i protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- i details of any bulk earthworks to be carried out
- i location of site storage areas and sheds
- i equipment used to carry out all works
- i dust, noise and vibration control measures
- i location of temporary toilets.
- i measures to minimise obstruction of neighbouring access

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

**19. Deletion of Powder room, boat store and laundry**

The powder room, water craft storage and laundry are to be deleted from the plans and replaced with landscaped area.

These areas may be incorporated in to the remaining floor space of the proposed dwelling.

Details are to be provided prior to the issue of a Construction Certificate.

Reason: To increase Landscaped area.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

**20. Project Arborist**

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

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

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

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

- i) all demolition, excavation and construction works within the TPZ's and SRZ's of trees to be retained.

All tree protection measures specified must:

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

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

21. **Dead or Injured Wildlife**

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

Reason: To protect native wildlife.

22. **Installation and Maintenance of Sediment and Erosion Control**

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

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

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

23. **Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture.

All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

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

Reason: Tree protection.

24. **Tree and Vegetation Protection**

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

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

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

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

- i) Section 4 - Observations (specifically 4.4 The Tree - Summary Table),
- ii) Section 5 - Discussion,
- iii) Appendix C - Tree Protection & Management.

The Certifying Authority must ensure that:

d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.

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

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

Reason: Tree and vegetation protection.

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. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by RAMA Architects Pty Ltd, prior to commencement of any other works on site.

Erosion and sediment controls 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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

27. **Survey Certificate**

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

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

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

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

28. **Landscape Completion**

Landscaping is to be implemented in accordance with the approved Landscape Plan.

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

Reason: Environmental amenity.

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

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

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

Reason: Tree protection.

30. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

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

31. **Certification of Landscape Plan**

Landscaping is to be implemented in accordance with the approved Landscape Plans (Rama Architects, June 2021) and these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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

32. **Replacement of Canopy Trees**

At least 2 locally native canopy trees are to be planted on site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with Council's Native Plant Species Guide - Pittwater Ward (<https://www.northernbeaches.nsw.gov.au/node/34932>).

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

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

Reason: To establish appropriate native landscaping.

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

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2021 – 2026) are to be imported on to the site prior to or during construction works.

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

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

34. **Certification of the Structural Stability of the Building (B2)**

A suitably qualified structural engineer is to certify the structural stability of the new development considering lateral flood flow, buoyancy, suction effects, wave action and debris load impact of the Flood Planning Level of 3.1m AHD.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

35. **Certification of Services (B3)**

A suitably qualified electrical engineer or contractor is to certify that all new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections are located above the Flood Planning Level of 3.1m AHD and any existing electrical devices, wiring and the like located below the FPL are protected from water egress or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

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

36. **Landscape Maintenance**

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

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

For all new on-slab landscape works, 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.

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

Reason: To maintain local environmental amenity.

37. **Replacement of Canopy Trees**

Tree replacement plantings required under this consent are to be retained for the life of the development and/or for their safe natural life.

Trees that die or are removed must be replaced with another locally native canopy tree.

Reason: To replace locally native trees.